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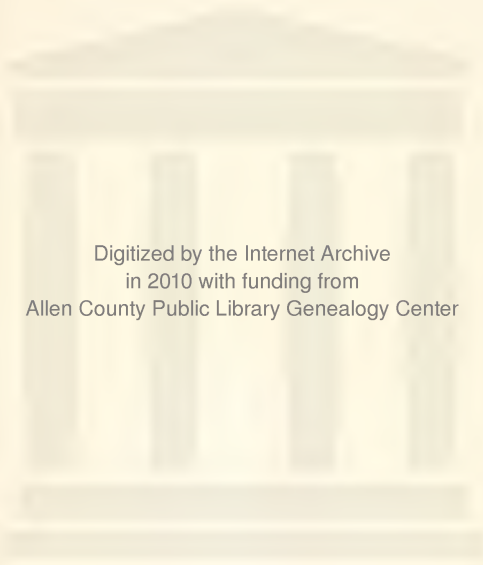
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Connecticut (Colony)

THE

PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT,

v. III

MAY, 1678—JUNE, 1689;

WITH NOTES AND AN APPENDIX

COMPRISING SUCH DOCUMENTS FROM THE STATE ARCHIVES, AND OTHER
SOURCES, AS ILLUSTRATE THE HISTORY OF THE COLONY DURING

THE ADMINISTRATION OF SIR EDMUND ANDROS:

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



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C76p
v. III.
1678-1689

BY J. HAMMOND TRUMBULL.

HARTFORD:

PRESS OF CASE, LOCKWOOD & CO.

1859.

At a General Assembly of the State of Connecticut, holden at Hartford, in said State, on the first Wednesday of May, A. D. 1853:

Resolved by this Assembly, That the Secretary of State be authorized to purchase for the use of the State, two hundred and fifty copies of the proposed publication of the Public Records of the Colony of Connecticut, from 1677 to 1689, transcribed and edited (in continuation of the volumes heretofore published) by J. Hammond Trumbull, Esq., including a selection from such documents, in the state archives, as illustrate the history of the colony during the usurpation of Sir Edmund Andros. *Provided,* that such publication shall be made with the approval and under the supervision of the Secretary of State, and authenticated by his official certificate, as a true copy of the original record; *and provided also,* that the expense of the same shall not exceed two dollars and fifty cents per copy.

Resolved, That the copies so purchased be distributed by the secretary, as follows: one copy to the town clerk of each town in this state, to be preserved in his office for the use of the town; one copy to the governor and each of the state officers of this state; one copy to the governor of each of the several states and territories of the United States; one copy to the library of Congress; one copy to the Smithsonian Institute; one copy to each of the colleges of this state; twenty-five copies to M. Alexandre Vattemare, for international exchange; and the remainder of said two hundred and fifty copies to be deposited in the office of the secretary of state, subject to the disposal of the General Assembly.

INTRODUCTORY NOTE.

1160577

THIS volume contains the proceedings of the General Court from the election in May, 1678, to the close of the special session called in June, 1689, to proclaim the accession of William and Mary to the throne of England. By the resolve which authorized this publication the editor was instructed to include "a selection from such documents, in the State archives, as illustrate the history of the colony during the usurpation of Sir Edmund Andros." The space thus occupied may, at first sight, seem disproportionately large; but it must be considered, that it was in no other way possible to fill the break in the records, occasioned by the suspension of charter government from October, 1687, to May, 1689. For two or three years immediately preceding that period, the proceedings of the General Court afford little insight into the course of events in the colony. Circumstances had imposed the necessity of the utmost caution. Those subjects which most nearly concerned the welfare of the colony and which may be supposed to have almost exclusively engrossed the attention of the court, are rarely mentioned in the records. The omission ceases to be remarkable, when it is remembered that every page was written in the expectation that it might soon be subjected to the scrutiny of an arbitrary governor, or be made the basis of new 'articles of misdemeanor' by Randolph or his co-workers. It was more prudent to leave even the reasons for the annual fast or thanksgiving 'upon the file,' than to record them in full, for possible occasions of offence to Governor Dongan, a papist, or Sir Edmund Andros, a high tory and high churchman.

With what degree of success the deficiencies of the records have been supplied will be best determined by an examination of the volume itself. No pains have been spared to present a documentary history of the period referred to, as complete as possible. To effect this, every document which is preserved in the Connecticut archives has been carefully examined, and either printed in full or a sufficient abstract given. In addition to this, much valuable material has been gathered from other sources. The Laws enacted for New England, by Andros and the council, are now for the first time printed, from a copy fortunately discovered in the library of Yale College. Gershom Bulkeley's curious narrative, entitled "Will and Doom," &c., has

supplied some interesting particulars of the opening and closing scenes of the administration of Andros in Connecticut, which are not to be found elsewhere. The volumes of "Usurpation" Papers, in the Secretary's office at Boston have been examined in detail, and all needful copies or extracts made therefrom. The invaluable collection of "Documents relating to the Colonial History of New York," procured through the agency of Mr. Brodhead from the State Paper Office in London, has contributed copies of several important papers. The articles of misdemeanor, exhibited by Randolph against the colony, and the letter from the governor and council to the Earl of Sunderland which was construed as a surrender of the charter,—both of which are indispensable to a connected history of the period,—are reprinted from Chalmers' Political Annals.

At the end of the Appendix, are printed such portions of the Records of the Commissioners of the United Colonies as are not comprised in Mr. Hazard's publication.

The Colony Records for the entire period comprised in this volume are in the hand writing of the secretary, John Allyn. In transcribing them, the same liberties have been taken, with punctuation, in the disuse of capital letters, and the rejection of the short &, as in the earlier volumes. In other respects, the peculiarities of the original records have been closely followed.

Repetitions are printed in italics. Omissions are indicated by a caret, or by the conjectural restoration of the missing words *in italics, within brackets*. Words in brackets, in ordinary type, offer conjectural readings, where portions of the original are mutilated or defaced, or mark corrections of the text by collation with the original document from which the record was made.

Two or three orders and public acts which Mr. Allyn omitted to record, have been restored to their places, on the authority of cotemporary and authorized copies: but such additions to the record have, in each instance, been noted, and so printed as to distinguish them from the record itself.

The editor's acknowledgments are due to the friends whose assistance, from time to time, has lightened his labors in the preparation of this volume, and particularly to the officers of Yale College, for permission to make use of a manuscript record of the laws made by Sir Edmund Andros, and to George Brinley, Esq., of Hartford, for the privilege of consulting his excellent library and for repeated loans of rare historical tracts and works of reference.

J. H. T.

SECRETARY'S OFFICE, HARTFORD,

March 24th, 1859.

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THE PUBLIC RECORDS
OF THE
COLONY OF CONNECTICUT.

[VOLUME III.]

[92] A COURT OF ELECTION HELD AT HARTFORD, MAY 9th,
1678.

These were nominated to stand for election :

Wm. Leete Esqr, Major Robt Treaté Esqr, Mr. Sam^l
Willys, Major Nathan Gold, Major John Tallcott, Mr. Henry
Woolcott, Captⁿ John Allyn, Mr. Wm. Joanes, Mr. James
Richards, Mr. Alexand: Bryant, Mr. James Bishop, Capt. John
Nash, Captⁿ Tho: Topping, Mr. Math: Gilbertt, Captⁿ Benj:
Newbery, Major Edw: Palmes, Mr. Andr: Leete, Mr. Tho:
Fitch, Mr. Sam^l Talcott, Mr. Robt Chapman, Captⁿ Wm:
Fowler, Mr. Sam^l Sherman, Mr. Edw: Griswold, Mr. John
Mosse, Captⁿ Wm. Curtice, Captⁿ Dan^l Clarke, Mr. Dan^l
Witherell, L^{nt} Rich^d Olmstead, Mr. John Wadsworth.

These were elected :

Wm. Leete Esqr, Govern^r.
Major Robt Treaté Esqr, Dep^t Gov^r.

Assistants.

Mr. Sam ^l Willys,	Mr. James Richards,
Major Nath: Gold,	Mr. Alex: Bryant,
Major John Tallcott,	Mr. James Bishop,

Mr. Henry Woolcott,	Capt. John Nash,
Capt ⁿ John Allyn,	Capt. Tho: Topping,
Mr. W ^m Joanes,	Mr. Andr: Leete.*
	Mr. W ^m Pitkin, Treasu ^r .
	Capt ⁿ John Allyn, Secretry.

The Deputies of the General Court are—

Mr. W ^m Pitkin	} for Hartford.
Mr. Jona: Gilbert	
Capt ⁿ Benj: Newbery	} for Windsor.
John Loomys	
Capt ⁿ John Chester	} for Wethersfield.
L ^{nt} Sam ^l Tallcott	
Mr. John Wadsworth	} for Farmington.
Deacon Tho: Judd	
Mr. Jehu Burr,	} for Fayrefeild.
Mr. Rich ^d Hubbell	
Capt: Tho: Munson	} for New Haven.
Capt. Moses Mansfeild	
Major John Winthrop	} for New London.
Capt ⁿ James Avery	
Capt ⁿ Robert ^t Chapman	} for Saybrook.
L ^{nt} W ^m Pratt	
Mr. John Brackett	} for Wallingford.
L ^{nt} Nath: Merryman	
Mr. Joseph Theale	} for Stamford.
Mr. Abram Ambler	
Mr. Giles Hamlin	} for Middleton.
Mr. Nath: White	
Mr. John Bancks	for Rye.
Capt. John Beard	} for Milford.
L ^{nt} Sam ^l Eales	
Capt ⁿ W ^m Curtice	} for Stratford.
Mr. Jos: Hawly	
Mr. W ^m Leete	for Guilford.

10. Upon the petition of the inhabitants of Derby,† this Court doe see good reason to grant the sayd people of Derby free liberty in an orderly way to settle themselves in a church state, and doe desire the Lord's gracious blessing presence to be with them, guiding and directing them therein.

In regard of the troubles that have been these late years, the Court see cause to remitt unto the inhabitants of Derby their ordinary country rates for three years to commence October next.

This Court doth order that the Secretary shall send a war-

* Son of Governor Leete,—now first elected an Assistant, in the place of Mr. Matthew Gilbert, of New Haven.

† The petition, signed by (Rev.) John Bower, John Hulls, and Joseph Hawkins, "in the name of the rest of our brethren and neighbours," is in Ecclesiastical Papers, Vol. I. No. 46. It is in the handwriting of Mr. Bower.

Ens. Jarrad Spencer	} for Haddam.	rant to those who were Listers in the year 1676 at Stratford, that they appear before the Court on Wednesday next to give an accot of what cattell there was left out of the list in that yeare, which were wintered there, and to make answer for their contempt in not attending the Court's order, and to satisfy what damages the country hath received by their neglect.
Georg Gates		
Mr. W ^m Hoadly	} for Brandford.	
Samuel Pond		
Mr. Edw: Griswold	} for Kellingworth.	
L ^{nt} Henry Crane		
Sarj: Walt ^r Hoyte	} for Norwalk.	
Sarj: John Bowden		
Mr. Math: Griswold	} for Lyme.	
Mr. Rich ^d Smith		
Mr. James Fitch	} for Norwich.	
L ^{nt} Tho: Tracy		
Capt ⁿ Georg Denison	} for Stonington.	
L ^{nt} Samuel Mason		

This Court doth nominate and appoynt L^{nt} Joseph Judson, Mr. John Bankes and Captⁿ W^m Curtice to be a committee to veiw the lands between Milford and Derby, and to present to the Court in October next their opinion where it is convenient the west line of Milford and the east line of Derby shall runn, and they are allso to endeavoure to make an accomandation between the people of those two towns respecting the same.

This Court doe desire and appoynt Major John Tallcott, Captⁿ John Allyn, Mr. James Richards, they or any two of them to take the suddainest season and to use the best instruments they may, to gain the best certainty they can obtayn of the line between the Massachusetts colony and this colony, where it runns, and this to be done at the country charge.*

*Massachusetts, insisting upon the validity of Woodward and Saffery's line, of 1642, east of Connecticut River, caused a continuation of it to be run on the west side of the River, by James Taylor, in October, 1671. Taylor's line, commencing at "the house of John Bissell, against the old ferry place," gave to Massachusetts nearly one-half of the township of Windsor as granted by Connecticut. On a remonstrance from Connecticut, the General Court of Massachusetts consented, May, 1672, that the bounds of Windsor might extend northward to the foot of the falls in Connecticut River and so far above "as to state and settle the bounds between us, forty rods below the foot of the great Island against the falls." Mass. Rec. IV. p. 2, page 529. In June, 1674, the Massachusetts Court confirmed the bounds of the new plantation of Suffield, granted Oct., 1670, the south line extending due west from the river "about half a mile below the island near the foot of the Falls." Id. V. 12.

11. Thomas Burnam complained to this court that he had some wrong done him by the serving of an execution vpon his land at Podunck, &c. This Court doth desire and appoynt Mr. John Brocket and Mr. Mathew Griswould to goe as speedily [as] they can thither and veiw and measure the land and make report to the Court how they find the matter.

Vpon the motion of Mr. Jos: Hawly,* this Court doe appoynt the Administratrix of the estate of Captⁿ Marshall deceased, to put the s^d Mr. Hawly in possession of the land that was purchased of L^{nt} Jos: Hull, to be to her in right of his wife, according to the will of Captⁿ Sam^l Marshall, all wayes provided that the thirds of that land layd out to the [93] widdow remayn to her dureing || *dureing* life, the reversion of it to be and remayne according as it is ordered and dissposed by the will of the sayd Captⁿ Marshall.

Elusare Smith haveing lost his house by fire &c. this Court upon the petition of Mr. Hill doe remitt his country rate for the year past.

Livetenant David Wilton being deceased, and L^{nt} Mawdsley departed out of this Colony, Return Strong and Nath: Bissell are appoynted by this Court in the stead of those gentlemen to assist in the management of the affayres of Captⁿ Sam^l Marshall, according to order of Court, October 11th, 1676.†

This Court doe see cause to grant a yeare longer liberty

The inhabitants of Windsor finding the settling of the new plantation above them "to be very pernicious if not destructive to [their] future comfort, in obstructing [their] liberty of supply for building and fencing timber, as also for [their] cattle's feed," petition the General Court "that there may be some effectual course settled for the running of the line betwixt the two colonies, at the common charge; or otherwise, if your Honours see meet to grant this Plantation the advantage that may be obtained by it, we shall be willing to adventure the charge of running the line, that so there may be some speedy decision of the rights of each colony," &c. Colon. Boundaries, III. 7.

*Mr. Joseph Hawley (of Northampton,) marr. Lydia, dau. of Capt. Samuel Marshall, of Windsor, who was killed in the Narragansett "Fort Fight," Dec. 19th, 1675. Capt. Marshall's will (Prob. Rec. III. 148), executed Sept. 4th, 1675, gave his daughter Lydia, the land "bought of Lieut. Josiah Hull of Homonoscitt." Mr. Hawley petitioned to be put in possession of this estate, a part of which had been set out with the widow's thirds, by order of Court. Priv. Controversies, I. 155.

† Vol. II. 291. Lieut. David Wilton, who died at Northampton, Feb. 5, 1678, was the father of Capt. Marshall's wife. Lieut. John Maudsley had removed to Westfield, and was admitted a freeman of Massachusetts colony, May, 1678.

for creditors to make up their acco^{ts} with their debtors, any law to the contrary notwithstanding.*

This Court doth nominate and appoynt these following to be commissioners of the severall plantations for the yeare ensueing, viz: Captⁿ Benj: Newbery, for Windsor & Simsbury; Captⁿ John Chester & L^{nt} Sam^l Tallcott, for Wethersfeild; Mr. John Wadsworth, for Farmington; Mr. Hamlin & L^{nt} White, for Middleton & Haddum; Captⁿ Chapman & L^{nt} Pratt, for Saybrooke & Lime; Mr. James Fitch & L^{nt} Tho: Tracey, for Norwich; Mr. Samuel Mason & Mr. Tho: Minor, for Stoneington; Major Edward Palmes is appoynted commissioner for the whole county of New London, and Captⁿ Avery & Mr. Daniel Witherell, for New London; Mr. Griswold, for Kellingworth; Mr. Moss & L^{nt} Merriman, for Wallingford; Mr. Sherman & Captⁿ Curtice, for Stratford & Woodbury; Mr. W^m Hill & Mr. Jehu Burr, for Fayrefeild; L^{nt} Olmsted & Mr. Tho: Fitch, for Norwalke; Mr. Lawes & Mr. Holly, for Standford, Greenwich & Rye. L^{nt} Joseph Horton of Rye is commissioned to grant warrants and to marry persons.

Freemen propownded: Abram Brunson, Mathew Griswold, John Bowrden, of Lyme; John Rose, John Taynter and Frances Tyler.

May 13. Vpon the petition of Sam^l Haule,† this Court

* Mr. Thomas Yale, of Wallingford, petitioned, in behalf of Major Thomas Clarke of Boston, the owner of the iron works of New Haven, that, "considering the great loss that the said Major hath sustayned by the late tremendous Indian warr, in the easterne parts of this country, and is like also to doe in the workes heare, by debts and other wayes," the Court would be pleased to grant one year's respite more, for the settling of accounts,—the indulgence which had already been granted, "not having had the desired effect on the accounts of the Iron Works." Priv. Controv. I. 152.

† War, I. 137. Samuel Hall, of Fairfield, was a soldier in Capt. Seeley's company, in the campaign of November and December, 1675, and at the Narragansett Fort Fight, "when," as he says in his petition, "I was not in the rear, but when Capt. Mason was shot I was just before him when he fell down, and shook him by the hand, I being shot down, before, in that very place, so that he fell very near me. But Capt. Mason got up again and went forth, and I lay bleeding there in the snow, and hearing the word commanded to set fire on the wigwams, I considered I should be burned if I did not crawl away. It pleased God to give me strength to get up and get out, with my cutlass in my hand, notwithstanding I had received at that four bullets, two in each thigh, as was manifest afterwards." His great coat and knapsack with all his clothing were lost, and he was compelled to lie in his blood upon the straw, "having not else to drink but water, and ice with it," for several days after the fight: was then carted to the water side, and carried on board a vessel to be conveyed to Rhode Island,

grant him forty three shillings that is behinde of his rate and seven shillings more, besides what is due for his petition, in consideration of his loss of cloathes &c. at the Swamp fight.

This Court grants John Hubbell in consideration of his loss of one of his fingers and cure &c. one hundred acres of lands, provided he take it up where it may not p'judice any former grant to a plantation or perticular person.

This Court being informed of sundry parcell's of land that were sold by John Robbins to Anthony Howde in his life time, and since, by the relict of Howd, now Elizabeth Nash, with John Nash her husband, past over to W^m Hoadly as by a deed of sale dated February 8, 1677, will more fully appeare, the grownd and reasons thereof being made known to the Court, the Court approues of the sale and order it to be so certified by the Secretry in the sayd deed.

Whereas Hezikiah Gaylerd* dyed possest of land, and his estate was indebted, to answer which debts it will be requisit that some lands be dissposed to sale to answer those debts, this Court therefore doe desire and impower John Porter, Jacob Drake, and sarjant John Gayler to assist the administrator in the disspose of so much land or other estate of the deceased as may answer his just debts; and what any two of these with the administrator shall make sale of, for the ends afoarsayd, shall [be] good in law to the makeing of the same firm to the buyer to all intents and purposes; and they are advised in the disspose of such lands to grant the bretheren of the deceased the first refuseall of such lands.

This Court doe request the Hono^rd Governo^r that he would be pleased to take up his habitation in Hartford to attend the occasions of the country as Governo^r: and the Court doe grant the Governo^r one hundred pownd salery as he is Governo^r for the yeare ensueing.

where he remained until able to go on crutches, suffering greatly, in the extreme cold, for want of suitable clothing. He asks compensation for his loss, which he estimates at £5. 12.

* Hezekiah Gaylord, of Windsor, died Sept. 12, 1677. "The brethren and sisters are John Gaylord, Wm. Gaylord, Ann Phelps, Hanna Crandall, Jos. Gaylord, Nath. Gaylord. The two last are onely by the father." Hartford Co. Prob. Rec. III. 198, where the inventory is recorded.

Whereas in the law title Attachments, fo: 4, 5, there is liberty granted for attachments upon speciall pay engaged, this Court declares that that speciall pay is to be made appeare that it was engaged by writeing or word of mouth when the goods or consideration given for the same was taken up by the debtor, and in case this be not made appeare to the satisfaction of the court by the plaintife, the judges before whome such case shall be tryed are to grant a non suit in the case. And whereas it is farther expressed in the law that the estate attached upon judgment shall be apprized to answer the judgment, this Court declares that in case the debtor doth present the specia engaged to answer the judgment of court, upon the delivery of the same, provided it be within one moneth after judgment given upon the case, the estate attached shall be released to the debtor.

The Governo^r and Captain Allyn were chosen Commissioners for the United Colonys for the year ensueing, and Major Rob^t Treat is chosen a reserve.

[94] Whereas this Court have been informed that some of Stratford have been claiming and laying out of land upon Golden Hill to themselves, which hath been settled upon the Indians by agreement in this Court about nineteen years since,* the Indians haueing carryed orderly and peaceable towards vs, and having not relinquished there right in the sayd Golden Hill, the Court confirms the same to the sayd Indians, according to former grant, without molestation: and this Court orders that the sayd Indians shall not be molested or interrupted in their right there untill they doe wholly relinquish there right publiquely, and com and record the same before this Court. This Court allows the Indians two coats, to be delivered them by Stratford, for there trouble.

This Court appoynts Mr. Tho: Fitch, Mr. John Bankes and Mr. Jos: Theale to be a committee to lay out the bownds between Standford and Norwalke according to the grant of the Court.

* Vol. I. 335, 336; and orders of the Court of magistrates, Mar. 7, 1658-9, (recited in a petition) in 'Indians,' II. 147.

In answer to the people of Paquanake,* this Court doth recommend it to the county court of Fayrefeild to grant vnto the inhabitants of Paquanake so much out of their county reuennues by customes, fines &c., so much as their rates shall come to, towards the mayntenance of a gramer schoole at Fayrefeild ; and also this Court doth recommend it to the s^d court of Fayrefeild to emprove so much of their county reuennues as they can spare besides, for the settlement and incouragment of a gramer schoole there.

This Court doth nominate and appoynt Capt. James Avery, Captⁿ George Denison and Livetenant ^ to be a committee to consider where may be a suitable tract of land for Mamohowe and the Pequits wth him to plant in,† and to contrive that the same may be as convenient as may be, and near the sea if it be to be procured on reasonable tearmes,

* Colleges & Schools, I. 6. Petition, dated Fairfield, May 7th, 1678, signed by Isak Wheeler, John Odell and Mathew Sharwood, in the name of the inhabitants of Poquanock. They live almost four miles distant from the centre of the town, and find "it very difficult to get [their] children educated at school, and if any, none but the greatest, whom [they] cannot spare to send constantly abroad." They have hired a schoolmaster, "who hath been approved on that account" in several towns in the colony; and they had forty-seven children already entered at school, besides several others who could not be spared except in winter. They desire no help from the town for the support of this school, but ask that they "may be freed from paying to the town in reference to *their* school." The town had refused to grant them this exemption.

The Rev. Samuel Wakeman adds his recommendation of the petition to the favorable action of the Court. "The above petition brought unto me for my advice & countenance findes me as an unfeigned wellwiller to y^e (as I thinke) honest scope of your said petitioners, & carries with it so reasonable an aspect, y^t I am bold to subioyne my humble request to theyrs, (y^t other difficulties being salved (if it may be) by your prudent interposition & direction) y^v may finde you ready to grant theyr desirs & further them in theyr wel meant motions."

† "May 13, 1678. A paper was p^resented wherein the Mistick Indfans under Momoho desire that he should have the sole rule of them under the English; thereby to shift Cassasinamon's authority.

2. That they may have land assigned to them as their own to plant on, and not that they be allwayes forced to hire.

To the first proposition (Mamohoe's messengers that signed to the writing) we enquired why they made such a motion to be under Momoho? Hath Robbin done you any wrong? If he hath, declare it. If he hath done you none, then why do you trouble vs with such propositions? All that we can gett is, they are mute, being ashamed of the proposeall.

To the second proposition for land certayn, as their own, to plant on, is referred to y^e consideration of y^e Court." Minutes of Committee for hearing Indian complaints; Indians, I. 36.

of which they are to make return to the Court in October next.

Whereas this Court formerly in May and October granted that that parcell of peag left in the hands of Mr. Tho: Stanton, now deceased, should be by him delivered to Robin Cassinamun, which hath been by order of Court demanded of Mr. Stanton and by him neglected to be payd,* this Court being informed that the quantity of peag is one hundred fathom, doe order the secretary to grant Robbin Cassinamun an execution against the estate left by Mr. Tho: Stanton deceased, for one hundred fathome of peage or the full value thereof, to be apprized *to be apprized* by Captⁿ James Avery and Captⁿ Pembleton. The execution is to be directed unto the Marshall of the county of New London, whoe is to serve the execution, and deliver the estate when apprized to Robin Cassinamun. The execution is not to be served before June the first.

This Court grants the Widow Osborn liberty to transport to Boston thirty two hides annually for three years next following, provided the hides be disposed for the payment of a purchass she hath made of a house and land which did belong to Noadiah Russell, the money being for his maintenance at colledge.†

As an addition to the law title Schooles, This Court now see cause to order that every town, when the Lord shall have increased their numbers to thirty famalys, they shall have and mayntaine a schoole to teach children to read and to write, upon the penalty exprest in the former order of this Court.

15. Mr. W^m Leete, L^{nt} Merriman are permitted to depart the Court wthout offence, they being ill, and speciall occasions calling them off.

Whereas this Court, June 15, '59, appoynted Hugh Calking, James Morgan and James Avery to lay out the Governo^{rs} grant of land to him according to his grant,‡ the Court ads,

*" Robbin Cassasinamon complaynes that he cannot get his wompampeage of Mr. Tho. Stanton sen^r, although demanded (before his death) upon y^e Genu Court ord^r in Octob^r last." Indians, I. 36. See Vol. II. 326, and note.

† See Vol. II. 323.

‡ See Vol. I. 337, 338. This grant of 1500 acres was to the *then* governor, Winthrop.

that they or any two of them are to lay out his grant according to the grant.

This Court having fully heard the allegations and pleas about the divideing lyne and bownds of the east side of the River, between Hartford and Windsor, doe order that the five mile granted, 1672, shall run due east from *from* the sowth corner of the variation where the lyne between Windsor and Hartford was last stated, and what land is of the north side of the sayd line is to belong to Windsor, and what is of the sowth side of the sayd line is to belong to Hartford towne, the bredth of their bownds.

Vpon the petition of the Towne of Woodbury that this Court would be pleased to make some order that might enforce the people who have taken up lotts in Woodbury to come and inhabitt there, This Court orders that all persons whoe have taken up land there, doe, within a moneth after notice hereof, give in their answer to the townsmen of Woodbury that they will com and inhabit in Woodbury (and continue there the space appoynted,) by the first of November next; and all such as doe not give answer as afoarsayd, or com and inhabit at Woodbury as afoarsayd, shall loose all their rights in lands and accomadations at Woodbury, according to a former order of the towne. And this Court doth desire and appoynt the [95] former committee appoynted by this Court || to veiw the lands of Woodbury, and to consider what may be convenient for their bowndes, and make report thereof to the Court in October next.

And in regard the progress of the planting of that plantation hath been retarded by the late warr, and they have not rec^d the benefitt expected in the grant of the Generall Court which exempted them from rates for three yeares, This Court sees meet to grant them, the town of Woodbury, viz: the persons there inhabiting, a farther exemption from country rates for there estates at Woodbury, for the space of two yeares from October next.

Mr. David Mitchell, Mr. Richard Booth and Sarjant Jeremy Judson appeareing before the Court according to summons, gave an acco^t of the reason of the faylure which p^rvented the

attendance of the order of the Generall Court in makeing a return of that estate left out of the list by Woodbury men which was at Stratford, and allthough they have not been so circumspect as they ought, yet their apology is accepted and they are dismiss farther attendance this Court: onely it is expected and by this Court required that the afoarsayd Gentⁿ do deliver the names of those who neglected or refused to give in their lists of estates, with what they left out as near as they can, to Captⁿ Curtice, whoe is to summon them to appeare before the court at Fayrefeild; and the honoured court of Fayrefeild are by this Court desired to examine the case, and make due provission that what belongs to the country, for the state left out, be secured for the country's use.

This Court for good reason doe see cause to confirme Abram Brunson L^{nt}* and Joseph Peck to be Ensigne of the Trained Band of Lyme.

Whereas the Troope in the county of Hartford in their first constitution had sundry imunities and priviledges granted them to encourage them to list, provide and accomadate themselves with horss, armes and amunition according to law, in those difficult times when horses were of great value and such armes scarce, the fores^d priuiledges being now denyed to those who have listed themselves in the other countyes is som what greivous to them, and the matter being examined by this Court whither the former immunities were stated upon the Troop as a Troop or upon those whoe were the first listers, doe finde that it was onely stated upon those then listed and not entailed to their successors; and being willing to encourage the Troop as well

* See Vol. II. 317: Militia, I. Nos. 4, 5, 6, 7. This confirmation was not hastily given. The previous October, the Court "deferred granting approbation" to the choice of a Lieutenant, and appointed Mr. Mathew Griswold to fill the office until another should be chosen "to more general satisfaction." The remonstrants against Lieut. Brunson's confirmation declare themselves "possessed with many fears what will become of our sweet and pretious peace which the Most High, prayed be his name, hath favoured us with." Mr. Joseph Peck was the opposing candidate. The election appears to have been made with all due formality. "That it might be carried on in a solemn way, there was at least a fortnight's warning given before the choice: and the Reverend Mr. Noyes was desired to a sermon, at the time, which he was pleased accordingly to attend: and Capt. Chapman and Lieut. Pratt were pleased to afford their company, at the time of choice." The vote, it appears, was nearly equally divided.

as Foote, have thought meet to order, and it is ordered by this Court, that those whoe are yet continued in the Troop whoe were first listed in that list presented to the Generall Court by Captⁿ Allyn and Captⁿ Clarke,* shall yearly receive their noble for their good service, dureing their continuance in the Troope; and they and all others of what Troop soever in this colony that are or shall be listed by order and approbation of this Court, shall have their horses rate free in all country rates, and shall be bownd to troop but three times in the yeare; and the clarkes and trumpeters of euery Troope, to encourage them in their service and worke, are allowed ten shillings p yeare; which is all the encouragement this Court sees reason at p^rsent to grant to the Troopes in this colony; and that which they require of them is, that each trooper commander and others shall be provided wth a good and serviceable horss, sword, case of pistolls and holsters, carduce box or other suitable provission for his powder and bullets; and that upon faylure of these, he be punished according to law; and for his absence from training, that he pay five shillings p day; and that he attend such service as he shall be called to for the defence of the country, when called thereto by the authority of this colony. And although the captaine and cornett of the county of Hartford have desired to lay down or resigne up their places to this Court, this Court doe not accept of their resignation, but desire them to continue in their sayd places and encourage their Troope to doe the like.

This Court upon the petition of Mr. Richard Haughton, see sufficient reason to appoynt the court of New London to take the case into their examination, and to cause the sayd Joseph Horton to appeare before them, and in case they finde the petitioner makeing good what is p^resented in his petition, (which is to be returned to the court of New London,) the sayd court is desired to take sufficient order that the sayd writeing be returned to Mr. Horton by his sonn and the record in the town booke be cancelled, and just satisfaction returned to Mr. Horton for what is detayned by the sayd Joseph Horton his sonn. The pay for this petition is forgiven.

In full satisfaction for Captⁿ Mason his good service and time he lay wounded,* there is tenn powns to be allowed to the widdow to be payd out of the country rate.

This Court haueing considered the petition of Captⁿ Avery, in behalfe of the people on the east side of New London River, † petitioning that they might have liberty to provide themselves of a minister to disspense the word of God to them, &c. as p the petition on file may appeare, the Court haueing heard and considered the case and what hath been objected against it by agents of the Towne of New London, doe declare that they cannot but compassionate the condition of the people of London that have such troublesome passage to the worship of God, and yet they cannot see reason to answer the desires of the petitioners at present, but advise them cheerfully to a carryng on of the worke of God in their p^rsent state vnite, and when God shall have blessed and increased their numbers and states so as that there may be a likelyhood of their comfortable and honourable mayntaining of two ministers in that towne, and in such case when they are soe accomplished to the satisfaction of this Court, they may have a minister on that side, but not to be a disstinct township without the free consent of the people on the west side of the river and approbation of this Court.

Mr. Joseph Whiting was chosen Treasurer for the year ensuing, Mr. Pitkin refusing to accept of the same. ‡

This Court haueing heard what hath been p^resented by

* Capt. John Mason, (son of Major Mason,) died, Sept. 1676, of wounds received in the Narragansett Fort Fight.

† Ecclesiastical Papers, I. 47. Capt. Avery states that there were about twenty eight families then living on the east side of the river. They were obliged to cross a ferry of nearly a mile, and, many of them, to travel six or seven miles, to attend public worship. New London had not consented to their request to be allowed to employ a minister of their own, and at their own charge. They had therefore applied to the Court.

‡ Mr. Pitkin's resignation is in Finance & Currency, I. 2. His successor, Mr. Joseph Whiting, was a son of Mr. Wm. Whiting, (the magistrate). He marr. Mary, dau. of Major John Pynchon, and for a time lived at Westfield. In May, 1675, he was admitted a freeman of Massachusetts colony. After the death of his wife he returned to Hartford, where he marr. Anna, dau. of Secretary John Allyn, (a cousin of his first wife, and gr. dau. of William Pynchon). Mr. Whiting was continued in office as Treasnrer, until his death in 1717, when he was succeeded by his son, John Whiting. Goodwin's General. Notes, 344: Col. Records.

Thomas Burnam and Barth: Barnard, doe see no cause to make any alteration of the settlement this Court made formerly of those Podunck lands.

[96] Thomas Heart was by this Court approved to be ensign of the traine band of Farmington.

This Court doe grant the Tanners liberty to purchasse hides from without the colony and to pay for them in leather, and such and so much leather may be transported out of the colony, and no more upon the penalty of forfeiture of the full value thereof. This to stand dureing the Court's pleasure.

This Court doth repeal the former orders made last Court for the regulating of tañers and shoemakers.

This Court doth grant Marshall Grave the salery of fifteen pownds p year till the Court order otherwise.

This Court doth grant the Treasurer's salery for the yeare ensueing to be twentyfive pound.

This Court doth grant Mr. Pruddon ten pownds for his preaching at Rye, to be payd out of the country rate there.

This Court doth remitt to the widdow of Ens: W^m Warde what she was to pay for an Indian boy.*

This Court doth admit Joseph Hand, John Babcock and Ebenezer Johnson to be^oFreemen.

This Court grants unto Mr. Roger Williams of Providence, as a gratuity for his courtesy to our army &c., the suñe of ten pownds, and this Court doe desire Major Tallcot to take care for the convayance of the sayd corn to Mr. Williams, and to write to him in the name of the Court and acquaint him therewith.

This Court desire and impower Mr. Pitkin to act as Treasurer untill there be another Treasurer settled and sworne.

This Court doth impower the widdow of John Willcox to confirm unto Isack Johnson, by a deed of sale, a parcell of land that was sold to him by her husband sometime before his death.

* Ensign Ward was killed in the Narragansett war. The Indian boy was one of the captives or surrenderers sold, on the colony's account, for ten years' service. Letter from Major Nathan Gold, War, I. 136: Col. Rec. I. 298.

17. This Court doth remitt to Thomas Lupton his country rate for the year past.

This Court doe desire and appoynt Major Rob^t Treaté and Major John Tallcott to keep court at New London, and to accomplish the business with the Indians, and settle them according as they shall see good reason.

This Court appoynts Mr. Bur to administer the oath to the com^{rs} in Fayrefeild county.

This Court impowers L^{nt} Pratt to administer the oath of com^{rs} to Captⁿ Chapman.

This Court doth remitt to Captⁿ George Denison what is due from him for an Indian man and woman and child that were in his hands when Captⁿ Chapman cam for the surrenderers, as a gratuity for his good service in the late war.*

This Court doth leave it with the Governo^r and Assistants upon the place here to appoynt some suitable time or times to seeke the face and favoure of God by publique humiliation and prayer, and to incert the grownds and reasons of the same in their order.

This Court doth nominate and appoynt the Governo^r, Dep^t Gov^r and Assist^{ts} upon this place to be a standing councill to issue all such occasions and matters as shall fall in in the intervalls of the Generall Court, provided the Governo^r or Dep^t Governo^r and three Assistants be allwayes present at such issues and conclusions.

This Court confirmes and ratifies the deed of sale that was made by Samuel Elmor to Edward Elmore, which deed was dated April 16, 1677, and order the Sec^{ry} to incert the same on the deed.

In answer to a writeing presented to this Court by Captⁿ Wayt Winthrop[†] in behalfe of som Gentⁿ, declareing their request to this Court for o^r readiness to approve their settleing plantations in the Narrogancet country with suitable inhabitants and free planters under this Goverment and their order from time to time, This Court grants their request so far that they may go on to indeavour and to accomplish such a settleing of one plantation there, but not to exceed one hundred and fifty

* See Vol. II. 310.

† Appendix; No. I.

familyes, so as may best promote religion, civility and safety to the sayd inhabitants, provided it be accomplished in three yeares; wherein the committee appointed by this Court are to state the bounds, form and manner of the sayd plantation. This Court reserving notwithstanding their power to grant and settle other plantations in adjacent parts of that country for or owne people and others that may need and shall desire lands there, and to determine what satisfaction shall be made for those Gent^{ns} disbursements, whome we expect should use such moderation as may give best encouragement to planters, wherby so good a worke may be effected and his Maties scope in or charter for planting the wilderness be promoted.

The Court's adjourned till the Gov^r or Dept. Gov^r see cause to call them againe.

[97] A SESSION OF THE GENERALL COURT HELD IN HARTFORD, OCTOBER 10th, 1678.

W^m Leete Esq^r, Govern^r.

Major Rob^t Treat Esq^r, Dep^t Gov^r.

Mr. Sam ^l Willys,	Mr. James Richards,
Major John Tallcott,	Mr. James Bishop,
Mr. Henry Woolcott,	Capt ⁿ John Nash.
Capt ⁿ John Allyn,	

Deputies.

Mr. W^m Pitkin, Ens: Nath: Standly; for Hartford.
 Capt. Benj: Newbery, Mr. John Loomys; for Windsor.
 Mr. John Wadsworth, Captⁿ John Standly; for Farmington.
 Captⁿ John Beard, L^{nt} Sam^l Eales; for Milford.
 L^{nt} John Bankes, Mr. John Wheeler; for Fairefeild.
 Mr. James Fitch, L^{nt} Tho: Tracey; for Norwich.
 Ens: John Grave, Deacon W^m Johnson; for Guilford.
 L^{nt} Nath: Merryman, Mr. John Brocket; for Wallingford.
 Mr. W^m Measure, Rich^d Smith; for Lyme.
 Captⁿ Dan^l Harris, Ens: W^m Cheeney; for Middleton.
 Marke Sension, John Platt; for Norwalke.
 Mr. Jos: Theale, Mr. Abram Ambler; for Standford.

Ens. Jarad Spencer, George Gates ; for Haddum.

W^m Hoadly, Sam^l Pond ; for Brandford.

Timothy Knap ; for Rye.

Mr. W^m Pitkin, Mr. John Bankes ; for Greenwich.

W^m Bradly, John Chidsey ; for New Haven.

Captⁿ John Chester, L^{nt} Sam^l Tallcot ; for Wethersfeild.

Mr. W^m Parker, Mr. Rob^t Lay ; for Saybrooke.

Mr. Edward Griswold ; for Kelingworth.

Major Edw: Palmes, Mr. Charles Hill ; for N. London.

L^{nt} Sam^l Mason ; for Stoneington.

Captⁿ W^m Curtice, Mr. Francis Hall ; for Stratford.

The list of the Estates of the severall Townes in this colony are,—

Persons.

227	Hartford persons & estates are	16299	00	00	½
216	Windsor persons & estates are	13394	00	00	
294	New Haven persons & estates are	13713	00	00	
96	Guilford persons & estates are	05950	00	00	
163	Milford persons & estates are	08762	00	00	
177	Fayrefeild persons & estates are.	10500	00	00	
38	Greenwich persons & estates are	01962	00	00	
60	Lyme persons & estates are	03568	00	00	
32	Haddum persons & estates are	01623	00	00	
70	Norwalke persons & estates are	04612	00	00	
44	Rye persons & estates are	02122	00	00	
41	Kenilworth persons & estates are	02066	00	00	
49	Brandford persons & estates are	02492	00	00	
49	Wallingford persons & estates are	02346	00	00	
78	Norwich persons & estates are	05132	00	00	
102	Midleton persons & estates are	04927	00	00	
88	Standford persons & estates are	05340	00	00	
162	New London persons & estates are	08899	00	00	
90	Saybrooke persons & estates are	05625	00	00	
100	Stratford persons & estates are	06876	00	00	
170	Wethersfeild persons & estates are	11701	00	00	
89	Stoneington persons & estates are	05775	00	00	
	Farmington persons & estates are	06	00	00	

This Court voted that thos Indian male servants that live

wth the English shall be put into the list and rated as other persons, for this p^rsent yeare and for the time to come vntill farther order; and that the deputies of this p^rsent Court make return to the Secretary of such as are not now listed in their townes, forthwith.

Vpon the motion of the deputies of Lyme, in behalfe of Mr. Noyce and other christian people, that this Court would grant them their liberty and countenance to gather into church society, This Court haveing considered the same are willing to countenance them in their regular proceedings therein, and doe grant them their approbation and incouragement in so good a worke, provided they doe take the approbation of neighbour churches therein and attend the lawes of this colony.

Vpon the motion of Sarjt Nath: Holte, that this Court would consider his disinablement by reason of his wounds he rece^d by the enemy in the country's service, they having considered the same granted him the sum of five pounds in full satisfaction for his service and damage received by sayd wounds.

Vpon the motion of Sarjt Abram Fowler, that the Court would consider his disinablement by reason of his wounds he rece^d by the enemy in the country's service, they haveing considered the same granted him the sum of foure pounds in full satisfaction for his service and damage rece^d by sayd wounds.

John Wheeler being complayned of for contemptuous carriage towards the county court at New London, Sept^r last, in saying to the court, in open court, What doe you sitt here to pick men's pockets, the Court haveing considered the case doe adjudg the sayd Wheeler to pay a fine of five pounds for his miscarriage, and to be committed and continued in prison till he hath payd the sayd sume or given sufficient security to the satisfaction of the Treasurer for the payment of the same.*

This Court in consideration of damage Mr. Gardner hath

* Mr. Wheeler's petition for remission of this penalty, and pardon for his offence, is in Priv. Controv. I. 153.

received by non-payment of money due from the country &c. have seen cause as a finall issue of the same doe grant him the sume of fifteen pownds for his damage.

This Court grants a rate of three pence upon the pound of all the rateable estate of the colony to be payd in wheat, pease and Indian corn a third of each, or porck at three pownds ten a barrell, the barrell being full sized and well repact by the sworn packer, winter wheat foure shillings six pence p bushell, summer wheat foure shillings, pease three shillings p [98] bushell, and Indian corne two shillings || six pence p bushell, all to be good and merchantable: and in case any pay more pease or Indian corne than a third of each, what is so over payd in pease shall goe at two shillings six pence p bushell and Indian at two shillings p bushell.

This Court doe see cause to comply with the recomendation of the commissioners in the pub: fast,* and doe order it accordingly.

This Court haveing considered the petition of Thomas Joanes and Thomas Williams that they may have some abatement of their fines for selling liqu^{rs} to the Indians, doe see no cause to make abatement thereof, but leaue it with the county court to consider and doe in the same as they shall see good reason.

This Court have nominated and appoynted Mr. W^m Pitkin and Mr. John Wadsworth to attend the meeting of the commissioners in March next, at Plimouth, to meete with the committee of the other colonyes and to joyne with them in the disspose and sale of the conquered lands.†

This Court doth order that Hartford Troope shall be allowed

* "The Commissioners of the United Colonies [at Hartford, Sept. 1678] doe agree to commend to their severall General Courts, that the third Thursday in November next may by all their people jointly [be] set apart and kept a solemn day of fasting and prayer, to the end that they may humble themselves before the Lord and seek his face." Rec. Comm'rs of U. Colonies.

† The Commissioners, after a partial settlement of accounts between the Colonies, for the expenses of the Indian war, adjourned to meet at Plymouth, on the third Thursday in March, 1679, to consider "the advantage gained by sale of persons, lands or goods, already made by either colony," and "to dispose of what remains, in lands or otherwise, by a committee appointed by the General Courts or Councils of each Colony." Dated, Sept. 19th, 1678. See Records of Comm'rs, at the end of this volume.

the sume of six and eight pence to forty of them, those whoe were first listed, provided they doe attend the orders of the Court respecting theire armes and troopeing &c.

This Court doth grant the Honor^d Dep: Governo^r, Major Rob^t Treat, wth Mr. Bryant Senior, or Junior, Captⁿ John Bird, L^{nt} Sam^{ll} Eales, liberty to veiw and buy convenient land for a plantation in those adjacent places about Pototuck, Wiantenuck, or thereabouts; and when the sayd land is purchased, it shall remayne to be dissposed as the Court shall see cause and reason to order for the planting of it.

This Court considering the great goodness and mercy of God to his people in this colony the year past, in continueing unto us his glorious Gospell and the good things of his house, and those civill immunities and priviledges his Ma^{tie} hath been pleased to grant unto us, and allso for the good measure of health hath been injoyed by the people of this colony, that that infection which hath been very greivous in o^r neighbour colony*, and allso began in this, hath through the mercy of God been stayed, so that it hath not as yet spread in the plantations or famalys of this colony, and the comfortable harvest we have had, wth the peace we doe enjoy, hath moved this Court to set apart the last day of this instant October, to be solemnly kept throughout this colony, a day of publike Thankesgiveing to bless and prayse the Lord o^r God for his great mercy and goodnes to his people manifested in the former respects.

This Court upon the recomendation of the commissioners

* The small pox was introduced into Massachusetts by a vessel which arrived at Nantasket, July 10, 1677. (Foster's Almanac, 1679.)

"The winter of this year [1677-8], y^e small pox was very rife in Boston and Charlestown w^{ro}f many dyed. It rages this Spring tho: not so mortall as in the winter." In 1678, "The small pox w^{ch} began y^e last year continued still (in Boston espec:) w^{ro}f 2 or 300 dyed and seuerall of note & great use, and it rages still as much as ever." (Rev. Simon Bradstreet's Journal.) Sept. 22d, John Hull writes, "to this time there were about eighty persons at Charlestown that died of the small pox, and about seven hundred that have had the disease" since its first appearance in July, 1677: and, to Oct. 3, "about one hundred and eighty persons had died in Boston." (Hull's Diary; Trans. Amer. Antiq. Soc. III. 244.) The disease subsequently made its appearance in New York; and in April, 1679, the Governor and Council interdicted communication with that province, as they had before done with Massachusetts. See Appendix; No. VIII.

of the United Colonys,* doe see cause to joyne with o^r neighbours of the Massachusetts and Plimouth to set apart the third Thursday in November next, and doe order that it be solemnly kept a day of publique humiliation, fasting and prayer throughout this colony, to the end that we may all humble o^r soules before the Lord for whatever hath been provoakeing to the eyes of his glory, and to seeke his face and favoure in and through Jesus Christ, that we may be suitably affected wth and humbled under the many tokens of his great anger kindled against us, and that he would freely pardon all o^r manyfold provocations, be reconciled to us and heale o^r land; that as he was present with that blessed generation of his precious servants, the leaders of his people into and in this wilderness, heareing of them when (in their distress) they cryed unto him, so he will still please to dwell in the midst of and not forsake us; that he will not take away his holy gospell; and, if it be his good will, yet to continue o^r liberties civill and ecclesiasticall, to vs and o^r children after vs; that the Lord would be graciously pleased to poure forth a spirit of conversion upon o^r children, that they may give up themselves and their seed after them to be the Lord's, willingly subjecting themselves to all his holy rules and government in his house; that the Lord would be intreated in o^r low estate (in very many respects, obvious to all serious spirits whose eyes are open) so to smile upon vs that his tender mercyes may speedily prevent vs; also, that prayer and supplication be made for our soveraigne Lord the King, that God would crown him with spirituall and temporall blessings and continue him long to reigne; and for the safety and weale of our native country and other his dominions, in these shakeing times; and that the people of God may, under his shaddow and protection, be encouraged to live a quiet and peaceable life, in all godlyness and honesty.

Whereas there is a difference between Windsor and Simsbury about their bownds, it is now agreed and by this Court ordered, that the west lyne of Windsor town bownds shall begin on the sowth at the norwest corner of Hartford bownds and the sowth west corner of Windsor bownds where now it is

* See page 19.

stated by the sayd townes and Farmington ; and that the north bownds of Windsor be run from the River, five miles westward, and from that to runn a straight line till it meet wth the sowth west corner of their sayd bownds, which sayd line is to be the west bownds of Windsor and east bownds of Simsbury.

[99] Vpon the petition of Mrs. Hannah Gallop* and as a recompense for great losses she hath sustayned, This Court doe see cause to grant vnto the s^d Mrs. Gallop afoars^d and her heires, the sune of two hundred acres of land, which she may take up in two places, provided she doe not take it up where it may prejudice any former grant to any perticular person or plantation.

In answer to the petition of Isack Hall, this court grants the sayd Haule shall have a hearing of his case againe at the Generall Court in May next, and Richard Williams is to have notice to appeare at the Court to defend his case and to answer what shall be objected against him by the sayd Hall.†

Vpon the motion of W^m Pitkin in behalfe of Mr. Tho: Robinson, that the sayd Robinson's accompts with W^m Stone of Guilford might be equitably ajusted and his controversy with sayd Stone, respecting an house and land bought and sold between them, might be issued by this Court, The Court doe order and impower Mr. Edward Griswold and L^{nt} Crane fully to heare the s^d complaint and make reporte thereof to this Court at their next session, in order to a full issue thereof ; and the sayd Stone and Robinson are to give attendance to those gentlemen when they shall appoynt them.

This Court upon farther consideration doe see cause to allow Mr. George Gardner the sune of five pownds as the issue of all damages that shall or have accrued to him in pay-

* Mrs. Hannah Gallop's petition is in War I. 141. Her husband, Captain John Gallop, of Stonington (Mystick) was killed, (while in command of a company of Pequot Indians,) in the Fort Fight. "So suddenly snatched away, he had not the opportunity to make that serious settlement of his estate and family concerns as otherways might be expected he would have done, had God spared him to have returned."

† See Vol. II. 321.

ment and for non payment of moneys due to him, besides what is formerly allowed to him.

Vpon the petition of Joanna Pember, the wife of Henry Pember, that she might be releassed from her conjugall tye to him, the Court haveing examined the case doe find it proved to ther sattisfaction that the sayd Henry Pember hath willfully deserted the sayd Joanna for the space of three yeares past and more, and that allso when he went away he declared he would com no more to her, and in his absence did take no care for her support and supply as appeares; and therefore the Court doe see cause to grant her a release from her conjugall tye to the sayd Henry Pember, with liberty to disspose of herselfe in marriage as she shall have opportunity.

These were nominated to stand for election in May next for Assistants; Major Edw: Palmes, Captⁿ Benj. Newbery, Mr. John Wadsworth, Mr. Sam^l Tallcott, Captⁿ Robert Chapman, Mr. James Fitch, Mr. Samuel Sherman, Mr. Tho: Fitch.

It is ordered by this Court, that if any Tanner or owner of leather shall sell or cause to be sold any leather, or transport it, before it be duely sealed, according to law, in the towne where it is tanned, he shall forfeit the leather or the full value of it, one third part to the complayner and the rest to the county treasury where the leather is sold or transported.

Whereas there is notice taken of some people that doe frequent the meetings of the Indians at theiré meetings and dances, and doe also joyne with them in their plays by wagering of their sides, which doth too much countenance them in those fooleries, if not encourage them in their divill worship, for some acquainted with their customes doe say their exercises at such times is a principle part of the worship they attend, for the p^rvention whereof this Court doe forbid all persons in this colony from countenancing the Indians in such meetings by being present there, upon the penalty of forty shillings for every breach of this order, and whosoever shall joyne with them in any playes then used by the Indians, by playing, abetting or layeing any wager concerning the ruining or falling of the game at any such playes, shall forfeit the sume of ten pownds, the one halfe of each forfeiture to be to

the complayner, the other to the county treasury; and whosoever shall not be able to pay his fine, he shall be corporally punished at the discession of the county court where such case shall be tryed.

It is ordered by this Court that whatsoever select man or men shall give certificate concerning any person or persons who are desirous to be made free, and shall certify concerning their qualifications that they are of honest, peaceable and civill conversation and have estate according to law, if it doth appeare upon tryall that such persons are not so quallyfyed as is exprest in the s^d certificate, every such person as shall signe any such certificate shall pay to the publike treasury a fine of five pownds.

Whereas this Court have agreed to send an Adresse to his Mat^{ie}, It is by this Court desired that the Governo^r and Assistants here shall perfect what hath been drawn up for that end by the Court, and allso to consider of som suitable persons to present the s^d adresse to his Mat^{ie}, and in the name of this Court to write to them in the name of this Court desiring them to doe the colony such service.*

L^{nt} Nath: White and Deacon, Hall being appoynted to run the divideing lyne between Saybrooke and Haddum, This Court desires and appoynts them to doe it some convenient time betwixt this and the Generall Court in May next, according to the former order of the Generall Court, which they are to have respect to, and to make return to the Generall Court in May, vnder their hands, of the doeings of the same. The like they are to attend between Saybrooke and Kenilworth.

[100] This Court grants the Dept: Governo^r for his salery this yeare, the sume of forty pownds.

This Court orders the Treasurer to discharge the charge of the Governo^{rs} transportation hither.

This Court grants the Secretary twenty pownds for his service, besides his just dues by the law, for the yeare past.

* See the Address, and Gov. Leete's letter to Major Robert Thomson, in the Appendix, Nos. IV., V.

This Court grants Mr. W^m Joanes and Mr. James Bishop the sume of six pownds apeice out of the publique treasurie.

Whereas Mr. Joshua Raymond in his life time bought a house and land for Oliver Manuring, and hath rece^d the pay for it of the sayd Manuring, and not past it over to his sayd brother before his decease, This Court doe impower M^{rs} Elizabeth Raymond to pass over the sayd land by a deed of sale to the sayd Oliver Manuring.

The Court is adjourned till the Govern^r or Dept. Govern^r shall see cause to call it.

A COURT OF ELECTION HELD AT HARTFORD, MAY 8th, 1679.

These were nominated to stand for election: W^m Leete Esq^r, Major Rob^t Treat^e Esq^r, Mr. Sam^l Willys, Major Nath: Gold, Major John Tallcott, Mr. Henry Woolcott, Captⁿ John Allyn, Mr. W^m Joanes, Mr. James Richards, Mr. Alex: Bryant, Mr. James Bishop, Captⁿ John Nash, Captⁿ Thom: Topping, Mr. Andrew Leete, Major Edward Palmes, Captⁿ Benj: Newbery, Mr. John Wadsworth, Mr. Sam^l Tallcott, Captⁿ Rob^t Chapman, Mr. James Fitch, Mr. Sam^l Sherman, Mr. Tho: Fitch.

These were elected:

W^m Leete Esq^r, Govern^r.

Major Rob^t Treat^e, Dep^t Gov^r.

Assistants.

Mr. Sam ^l Willys,	Mr. James Richards,
Major Nathan Gold,	Mr. James Bishop,
Major John Tallcott,	Capt ⁿ John Nash,
Mr. Henry Woolcott,	Capt ⁿ Tho: Topping,
Capt ⁿ John Allyn & Sec ^y ,	Mr. Andrew Leete,
Mr. W ^m Joanes,	Mr. John Wadsworth.*

Mr. Joseph Whiting, *Treasur^r*.

The Deputies of the Generall Court are—

Mr. W^m Pitkin, Ens: Nath: Standly; for Hartford.

* John Wadsworth, of Farmington, eldest son of Mr. William Wadsworth of Hartford,—now first elected an assistant, in the place of Mr. Alexander Bryan, of Milford.

Capt. Benj: Newbery, Mr. John Loomys; for Windsor.
 Mr. W^m Bradly, Mr. John Chidsey; for New Haven.
 Mr. Jn^o Bancks, Mr. Rich^d Hubbell; for Fayrfeild.
 Major Edward Palmes, Mr. Dan: Witherell; for N. London.
 Mr. Gershom Buckley, Mr. Sam^l Tallcott; for Wethersfeild.
 Captⁿ John Standly; for Farmington.
 Captⁿ W^m Fowler, Captⁿ John Bird; for Milford.
 Mr. Jos: Theale, Mr. Abram Ambler; for Standford.
 W^m Hoadley, Eli: Stint; for Brandford.
 Ens. Jarad Spencer; for Haddam.
 Captⁿ Tho: Minor, Mr. Amos Richeson; for Stoneington.
 L^{nt} Nath: Meriman, Mr. Abram Doelitle; for Wallingford.
 Captⁿ W^m Curtice, Mr. Francis Hall; for Stratford.
 Mr. James Fitch, L^{nt} Tho: Lepingwell; for Norwich.
 Capt: Rob: Chapman, Sarjt W^m Parker; for Saybrook.
 Deacon W^m Fowler, Ens: John Grave; for Guilford.
 Mr. Edward Griswold; for Kellingworth.
 L^{nt} Nath: White, Ens: W^m Cheeney; for Midleton.
 L^{nt} Rich^d Olmsted, Mr. John Gregory; for Norwalke.

The Court adjourned till the morrow, eight of the clock.

[101] May 9. Captⁿ John Allyn and Mr. James Richards were chosen commissioners for the ensueing year, for the Vnited Colonys; and Major John Tallcott, a reserve.

This Court doe nominate and appoynt these following to be commissioners of the severall plantations for the year ensueing, viz: Captⁿ Benjamin Newbery, for Windsor & Simsbury; Mr. Sam^l Tallcott and Captⁿ John Chester, for Wethersfeild; Mr. Giles Hamlin and L^{nt} Nath: White, for Midleton & Haddum; Captⁿ Rob^t Chapman, for Saybrooke & Lyme; Mr. James Fitch, for Norwich; L^{nt} Samuel Mason, L^{nt} Tho: Minor, for Stoneington; Major Edward Palmes is appoynted commissioner for New London County, and Mr. Daniel Witherell and Captⁿ Avery, for New London; Mr. Edward Griswold, for Kellinworth; Mr. Sam^l Sherman and Captⁿ Curtice, for Stratford & Woodbury; Mr. Jehu Burr and Mr. John Burr, for Fayrfeild; L^{nt} Rich^d Olmsted and Mr. Tho: Fitch, for Norwalke; Mr. Rich^d Lawes, Mr. John Holly, for Standford, Greenwich & Rye; L^{nt} Joseph Orton is commissioned to grant warrants as occasion shall require and to marry persons, for the

yeare ensueing, in Rye; Captⁿ John Minor is appoynted commissioner for Woodbury; and Mr. John Moss is commissioned to grant warrants and marry persons in Wallingford; and Mr. Mathew Griswold to grant warrants and marry persons in Lyme, for the yeare ensueing.

The dep^ty Governo^r and Mr. James Richards are by this Court appoynted to keep court at New London, at the speciall court to be held there on Fryday next, the sixteenth of this month.

Mr. W^m Joanes and Captⁿ John Nash are appoynted to keep court at New London in June next.

May 10. The returne of the committee for the laying out of the line between Saybrooke and Kellingworth, as followeth:

We vnderwritten being appoynted by the Court to run the line of the bownds between Saybrook and Haddum and between Saybrook and Kellingworth, and the west line of Kellingworth to Guilford bound, have attended the same as followeth. First we began between Saybrook and Haddum, at an oak tree by the River side, before agreed on by both the townes, which tree is marked with the letter H on the north side, and with the letter S on the south side, from whence we measured in a due west line, six mile, markeing many trees as we went along; and at the end of the six mile came to an oak tree which we marked with H; B on the north side, and K. B. on the sowth side, with a heap of stones about the sayd tree; from thence carryed a due west line till we came to Hammonoscitt River, which o^r friends of Kennilworth tould us was the bownds between Guilford and them; after that we went to the river called Manuncketesseck to the old rideing place, and there we marked a white oake that stood in the line, and so ran the sowth line to the sea, markeing many trees in the line, and on the bank at the sea we marked a white oake stadle, cutting off the topp and casting a heap of stones about it; and then went to the old rideing place to that oake, which we marked with S. B. on the east side and K. B. on the west side; from whence we extended the line north to Haddum bownds, markeing divers trees as we went: and neer Haddum bownds we marked two chessnutt trees which grew on one roote close by a great rock which is upright like a wall on the south side, and in the line of Haddum cast up a heap of flatt stones; from which place Saybrooke bownds is foure miles and a quarter and twenty rodds.

April 25, 1679.

Nath: White
John Hall.

L^{nt} Abram Brunson, Mr. Mathew Griswould Jun^r, John Rose, John Tainter, were admitted to be freemen in this colony, and are to be sworn in the respective places where they live.

Captⁿ James Pembleton and Mr. Steven Richeson being presented to the Court in October last for the priviledge of freedom, are now accepted to that priviledge, and the commissioners of Stoneington are to administer the freemen's oath to them.

Sarj^t Thomas Knowles and Thomas Wells and Joseph Cur-tice, Paul Brinsmead and John Beach of Stratford were presented for freemen.

This Court doe grant liberty to John Brandig and Eliz: Purdy, who are administrators to the estate of John Purdy of Rye, deceased, to make, signe, seale and deliver unto Francis Purdy deeds of sale for the one halfe of those lands John Purdy afoarsayd bought of John Jackson, lyeing in Rye, which were purchased for the sayd Francis Purdy intentionally as appeares by sundry testimonies exhibited in this Court by [102] Mr. John Bankes: || which sayd deeds of sale when compleated according to law shall have full force and vertue to hold the sayd lands firm to the sayd Francis Purdy, his heires and assignes forever.

Captⁿ Denison his acco^t was presented to the Court, and the Court considered the same, and doe not see reason to make any allowance of the same or any part of it.

May 12. This Court haveing received Mr. Cary Lathem's acco^t, doe not see the reason of his demands, yet that there may be a finall issue put to the same, have seen cause to grant him the su^me of three pownds which is a finall issue of that account.

This Court doth confirme Mr. Rob^t Chapman Captaine of the Traine Band of Saybrooke, and W^m Bushnell Sen^r is confirmed to be the L^{nt} of the Trayn Band of sayd Saybrooke.

The deputies of the Court being sworn the Court proceeded.

This Court haveing heard what Mr. Robinson hath alledged in reference to the controversy between him and W^m Stone about the purchass of a house and land and the payment for

rent for the same, doe declare that they doe not see any equitable consideration leading them to order the sayd Stone to return any thing that he hath received by execution to the sayd Mr. Robinson.

This Court appoynts Major John Tallcott, Mr. John Wadsworth and Major Palmes to heare all such matters wherein the Indians are concerned and to prepare matters for the Gen^l Court's farther issue and determination.

This Court appoynts Mr. Tho: Tracey and Mr. Tho: Lefingwell to lay out to Mr. Amos Richeson a former grant of land* to him according to his grant and to Aron Start and to James Rogers or their assignes† their former grants of land according to their respective grants.

This Court grants liberty to L^t Samuel Steele to purchass of Nesehegen one acre of land in Farmington meadow.

This Court grants unto Thomas Trill fifty shillings for damage he suffered in his corne by creatures, when he went forth in the country's service.

Whereas Vncass his son hath damnified Thomas Tracey Jun^r in his swine, and Vncass is willing to make him satisfaction for the same in land, This Court grants him liberty to receive of Vncass to the value of one hundred acres of land, for the sayd damage, if he see cause to grant it to him, provided it be not prejudiciall to any plantation or former grant made by this Court. L^t Tho: Tracey and L^t Tho: Lefingwell are appoynted to lay out this grant to the sayd Tho: Tracey Jun^r according to his grant.

L^t Tho: Minor, L^t Tho: Tracey and Mr. Sam^l Chester are appoynted to lay out to New London Schoole a grant of land, according to their grant.

May 13. This Court orders that if any swine at Midleton be fownd on the comon, without rings or yoakes, within three

* 300 acres granted to Mr. Richardson, May, 1674, laid out to his assigns, Thomas Parke Jun. and Joseph Morgan, May 23, 1679, on or near Pachaug river. Col. Rec. Lands I. 455.

† 50 Acres granted to Aaron Start, Oct. 1670, and 50 acres granted to James Rogers, Oct. 1678, laid out, in one piece, May 23, 1679, on Pachaug river, for Thomas Parke Sen. Ibid.

miles of Connecticut River, they shall be liable to be powdered, according to former laws respecting swine.

This Court orders that the present roades from plantation to plantation shall be reputed the country roades or King's highway, and so to remayne untill the Court doe see good reason to make alteration of the same. And whereas the inhabitants of each plantation are by law required once a yeare to worke a day in cleareing of the brush, it is by this Court recommended to the townesmen of the severall plantations to improve their inhabitants in cleareing the comon roades, in the first place, that lye between towne and towne, vntill the sayd roades are cleared at least one rod wide. The rohd to Newhaven to be and remayne in the place as formerly.

Vpon the petition of Isack Hall, October last, this Court have seriously reveiwed their act of October eleventh, 1677, concerning a controversy between sayd Hall and Richard Williams, and doe see no cause to make variation or alteration of their former issue.

[103] Vpon the petition of sundry inhabitants of Norwalke, that this Court would heare, consider and determine the controversy between the sayd inhabitants about the place of settling of the new meeting house in that towne,* this Court have seriously considered the matter, and what hath been alledged by the deputies of the towne for one party, and Mr. Fitch in behalfe of the rest of the inhabitants, doe declare that they finde the sayd controversie all ready to have rece^d an issue by

* Several papers relating to this controversy are in Ecclesiastical Papers, I. 49-62. "A part of the inhabitants, probably amounting to the moiety of them, being strongly for the new house to be set down upon that place of ground neare the old meeting house, the other part of the inhabitants to have the house set down upon the hill usually called Goodman Hoyt's hill," both parties (with few exceptions) agreed to refer the decision of the controversy to Dep. Gov. Treat, Major Nathan Gold and the Rev. Daniel Buckingham. The award of these referees, dated Mar. 29, 1679, was "that the upper place upon Goodman Hoyt's hill is the place wherein [their] convenient meeting for sentring, timeing and securing, doth concenter with advantage," but this decision was made "not without trembling of hearts," lamenting that there was "so deep an engagement in the matter, each with other" as to threaten a breach of love and good agreement. A part of the inhabitants, dissatisfied with this award, procured a vote, at an informal town meeting, that no building except a watch house should be erected on Hoyt's hill, and that the new meeting house should be built on or near the site of the old. Thirty-one of the inhabitants now petition (May, 1678) the Court to confirm the decision of the referees. [Eccles. I. 56.]

the determination of pious and prudent persons mutually chosen by them, and therefore doe order, that according to the sayd determination, the meeting house be built and sett in the most convenient place vpon the Hill called Hoyte's Hill; and advise that discourses, differences and animosities that have arissen upon the former controversy about the settling of the sayd meeting house be buried in perpetuall oblivion.

14. Vpon the petition of Mr. Steven Chester, in behalfe of Mr. James Treat, that this Court would *would* consider the great loss he received last yeare by fire, and grant him some encouragment and assistance to bear up under his loss, the Court haveing considered the premises doe remitt vnto Mr. James Treat his country rate that was last granted to be levyed; and allso they grant to the sayd Mr. James Treat two hundred acres of land for a farme, he to take it vp where it may not be prejudiciall to any former grant made to any plantation or perticuler person. And this Court doe recommend it to the towne of Wethersfeild charatably to consider Mr. Treat's loss and to remitt to him his towne and minister's rate.

This Court doth order that the law title, Booke Debts when to determine, shall be prolonged till the first of June, 1680.

Whereas this Court have by their order, May 10th, 1677, prohibited the transportation of skins of bucks and does out of this colony, The Court now see cause to add to the sayd law that the constables who are water bayleys in the respective townes are by this Court required, as often as they shall see occasion or be desired, to make search and inquiry after the breach of this order, and to seiz all such skinns as are shipped contrary to this order; and for their paines therein the one halfe of the informer's part shall be and belong to him, and the other to the informer; but if the constable discovers without information, he shall have the moiety of what he so seizeth and discovers.

This Court to recommend it to Stoneington to lay out to Mamohoe and his company a sufficient tract of land for them to plant on as neer the sea as may be, five hundred acres at least.

This Court recommends it to the de^t Govern^r, Captⁿ W^m

Curtice and Mr. Bankes to hear Tunstackum clayme to a parcell of land lyes by Pottotuck river &c. and if it appears to be his then to setle it to him by a record.

Mr. Richard Smith and Mr. Jere: Bull are by this Court appoynted commissioners for Wickford and places adjacent; Mr. Minor is to administer the oath of commissioners to them, and they to sweare constables in those places.

There being persons some intrudeing and others revolted from their subjection made and engaged to this government, resideing within this colony about the Narragansett country,* to the trouble and interuption of the peaceable planting and orderly settlement of affayres there, This Court doe recommend it to the Governo^r and Councill, so many of them as the Governo^r shall judg necessary to conveen together, to take order that such persons be brought to condigne punishment with as much speed and conveniencie as may be, and to improve such officers and men as they shall judg requisite to manage all affayres shall fall out there. And the Governo^r and councill afoarsayd are by this Court desired to be a committee and in behalfe of this Court are fully impowered to write such letters to the Government of Rohd Island as they shall judg necessary, and to answer any letters as com from them, and to treat and conclude with them about any affayre or proposition as shall be made to them, from the Government of Rhode Island. They are also impowered to heare and consider any propositions as shall be made from the Gentⁿ whoe are intrested in the Mortgage of the Narrogancet lands, and, if they see reason, to conclude with them a full settlement of those land and there interest there, and also to grant such as they shall judg convenient to any orderly and religious persons as shall appeare and be desirous to plant in plantation wise there, to erect [104] a new plantation or plantations in those parts; and what shall be done and acted in the premises, this Court will owne, approve and confirme the same.

This Court doe leave it with the Governo^r and Councill, after they have made a tryall about the line betwixt this Col-

* See Letter from the Governor and Council, to R. Island, April 7th, 1679, and the reply, in Appendix, (Nos. IX, X) from Col. Boundaries, I. 126, 128.

ony and the Massachuset^s,* as they see matters fall out, to write to the Governo^r and councill of the Massachuset^s in the name of this Court, according as they shall see occasion, and may be for the best advantage to the gaining and obtaining a full settlement of the line between them and vs.†

May 15. This Court doe order that there be no disspose made of the land that lyes in common at Saybrooke between the forte and Mr. Fenwick's old barne near the burying place, till after the Court in October next; and then, if Saybrooke have any pretence to any part of those lands, they are to make their pleas good; and Major Tallcott is desired to take paynes to procure such testimonie as he can come at to make the country's clayme good to those lands.

This Court being moved to give their sence of some former voates that they have made concerning some land that Mr. Stone took up within the bownds granted Farmington,‡

* "The General Assembly of this Colony, seeing they could not persuade the government of Boston to depart from their pretensions to Woodward and Saffery's Line, and agree with them in a true stating the dividend line, do order that some experiment for their own satisfaction be made of the said line, according to the directions in both Charters, that they might still be better able to conclude whereabouts it ought in justice to be stated. * * * Pursuant to this order, Mr. John Herriman, a skilfull artist, made observations at Hartford, May 19th and 20th, 1679, (as expressed in this Number) and found it to lie in 41° 41' N. Latitude. Which compared with another observation made by Mr. William Pitkin, at a place called Bound Brook, (mentioned also in this Number,) Hartford was found to be 16m. and 1-10 to the South of said Bound Brook; and the Government of Boston not carrying their aforesaid Line of Woodward and Saffery's to the Southward of Bound Brook, it appeared that their artists were greatly mistaken in the line they run; which they supposed would fall upon Bissell's House about the middle of Windsor, whereas by this observation, that line falls many miles to the northward of the said house, and so as to comprehend our ancient town of Windsor within this government, according to what we ever concluded." Memorial upon Roll of Papers sent to Sir Henry Ashurst, 1708-9, in Col. Bound's, III. 37. §§ 5, 7.

† "This Government, being thus anew further satisfied in the equity of their claim, do thereupon write a friendly letter to the Government of Massachusetts, May 29, 1679, a few days after Mr. Herriman's observations, wherein they observe to them," the mistakes of Woodward and Saffery, in their place of beginning, and in running their line south of west; inform them of Mr. Herriman's observations, but disclaim any intention of fixing the line between the colonies by a private or ex parte survey; and renew their request for a joint commission, for running the line, with due care and good instruments, so that a final issue of the controversy may be had. Id. § 6.

‡ See Vol. II. 164; Court Papers, I. 433-464. In April, 1670, Mr. Stone conveyed this tract, of 550 acres, to Thomas Bell, of Stonington, who, in 1673, assigned the deed to Lieut James Treat, of Wethersfield, by whom it was again assigned, Sept. 17, 1680, to John Betts.

which was measured out to him by James Steele, have considered the same, and doe declare that those lands so measured out to Mr. Stone are his or his assignes land and they ought not to be molested in their possession.

There being notice taken that there are in most of the plantations a number of sojourners or inmates that doe take it vpon them to deale, vote or intermedle with the publique occasions of the towne and places where they doe live, to the dissatisfaction of their neighbours, which to prevent, this Court doe order that no person that is not an admitted inhabitant, a housholder, and a man of a sober conversation, and have at least fifty shillings freehold estate in the common list besides his person, shall adventure to vote in the choise of towne or country officers or grant of rates or lands, vpon the penalty of the forfeiture of twenty shillings for the breach of this order: provided that no freeman of the corporation be hereby barred from voteing.

May 16. This Court grants that Mr. James Bishop shall have ten yeares liberty to build upon a home lott that lyes in Mr Browning's quarter, any order to the contrary notwithstanding.

This Court orders that none of the conquered lands shall be taken up or layd in farmes to any person whatsoever, without speciall and express order from this Court for the same.*

Whereas Hermon Garrad by his last will and testament hath given to the Governour, Major John Tallcott and Capt^a John Allyn, a hundred acres of land each of them, this Court confirms it to them.

The legatees of Joshua's will† came to this Generall Court

* In August, 1678, the Rhode Island Assembly did "in his Majesty's name, forewarne, prohibitt and forbid all persons whatsoever and under what pretence soever, to enter into or take possession of any of the [Narragansett or Niantick] lands, without the approbation, leave and authority of the Generall Assembly of this Collony." R. I. Rec. III. 19. In July, the agents of the proprietors of the Mortgaged lands, (Simon Bradstreet, John Saffin and Elisha Hutchinson,) had declared themselves ready to treat with any persons desirous of settling "in a regular way of townships, on the said lands." Id. 18. Connecticut now insists on her right of jurisdiction, and forbids the settlement of any portion of the conquered lands without her consent and authority.

† See Vol. II. 291.

desireing such advice and settlement of matters respecting both his children and the land given to all those Gentlemen mentioned as legatees in his will, which sayd Gentⁿ manifested a willingness to submitt the disspose and improvement of all the sayd lands to the Generall Court's ordering, to make a plantation of, in such suitable distribution and proportions for number of persons and accomadations as is consistent wth plantation welfare, according to a committee's judgment (appoynted by the Court) for maⁿer and value. Vpon the conditions and considerations abovesayd, the Court did againe alowe and establish the will and grant the sayd gentlemen liberty to possesse all Joshua's right in the sayd lands, to doe accordingly, and duely to provide for the children, as in the will is appoynted : but in case the legatees accept not these tearmes, the Court will vndertake both children and lands, to see all things answerably performed.

The Court is adjourned till the Governo^r or Dept. Gov^r shall see cause to call them againe.

[105] A GENERALL COURT HELD AT HARTFORD, OCTOBER 9th, 1679.

W ^m Lecte Esq ^r , Gov ^r .	Capt ⁿ John Nash,
Major Rob ^t Treat Esq ^r , Dep ^t Gov ^r .	Mr. Andrew Lecte,
Major John Tallcott,	Mr. John Wadsworth.
Capt ⁿ John Allyn,	Mr. Henry Woolcott,
Mr. James Richards,	Mr. W ^m Joanes,
Mr. James Bishop,	

Deputies.

Mr. W^m Pitkin, Ens: Nath: Stanley ; for Hartford.
 Captⁿ Benj: Newbery, Mr. John Loomys ; for Windsor.
 Capt. Tho: Munson, Capt. Moses Mansfeild ; for New Haven.
 Captⁿ W^m Fowler, Captⁿ John Beard ; for Milford.
 Mr. James Fitch, Mr. Benj: Brewster ; for Norwich.
 Captⁿ W^m Curtice, Mr. Francis Hall ; for Stratford.
 John Meade ; for Greenwich.
 Ens: Jarad Spencer, George Gates ; for Haddum.
 John Bowton, Dan^l Kellog ; for Norwalke.

Peter Disbrough ; for Rye.

Capt: Rob^t Chapman, Mr. W^m Parker ; for Saybrooke.

L^{nt} Nath: Merryman, Eliasaph Preston ; for Wallingford.

L^{nt} Sam^l Mason, L^{nt} Tho: Minor ; for Stoneington.

Mr. W^m Leete, Deacon W^m Johnson ; for Guilford.

Mr. Edward Griswold, L^{nt} Henry Crane ; for Kellingworth.

Mr. Jehue Burr, Mr. John Bancks ; for Fayrfeild.

Mr. Giles Hamlin, L^{nt} Nath: White ; for Midleton.

Mr. Sam^l Tallcot, Captⁿ John Chester ; for Wethersfeild.

Captⁿ John Standly, Deac: Tho: Judd ; for Farmington.

Mr. Nath: Griswold, Mr. Rich^d Smith ; for Lime.

Capt. James Avery, Mr. Charles Hill ; for N. London.

Mr. Jos: Theale, Mr. Abram Ambler ; for Standford.

The Lists presented for the severall townes were as followeth.

Persons.

239	Hartford persons & estates are	16848	00	00
171	Fayrefeild persons & estates are	11389	00	00
160	Milford persons & estates are	08918	00	00
99	Stratford persons & estates are	07002	00	00
36	Haddum persons & estates are	01819	00	00
94	Guilford persons & estates are	05986	00	00
91	Saybrook persons & estates are	05555	00	00
85	Norwich persons & estates are	05763	00	00
78	Norwalke persons & estates are	05205	00	00
41	Kenilworth persons & estates are	02465	00	00
51	Wallingford persons & estates are	02419	00	00
110	Midleton persons & estates are	05018	00	00
171	New London persons & estates are	09914	00	00
68	Stoneington persons & estates are	04610	00	00
39	Greenwich persons & estates are	01939	00	00
48	Rye persons & estates are	02361	00	00
105	Standford persons & estates are	05488	00	00
53	Lyme persons & estates are	03451	00	00
265	New Haven persons & estates are	13973	00	00
220	Windsor persons & estates are	14055	00	00
53	Brandford persons & estates are	02776	00	00
95	Farmington persons & estates are	05791	00	00
180	Wethersfeild persons & estates are	11769	00	00

[Oct.] 10. Mr. Hawly presenting to this Court a petition that he may have a suitable proportion of land allotted to him for one of his sons to settle on, in the town of Derby, out of their commons, and that they would allowe him suitable satisfaction for lands purchased by him for the sayd towne,

This Court have referred the consideration and determination of the whole of the premises, with all the circumstances thereof, to Captⁿ John Nash, Mr. John Wadsworth, and Mr W^m Pitkin, who are to make a return of their issue to this Court.

This Court upon the petition of Joseph James, a wounded soldier in the late warrs, that by reason of his disablement by his wounds he might have some encouragement and help from the country, The Court saw cause to grant him fifty shillings p annum till this Court shall see cause to take off this allowance.

These were nominated to stand in nomination for election for Assistants in the Generall Court in May next: Captain Robert Chapman, Major Edward Palmes, Captⁿ W^m Curtice, Mr. Sam^l Tallcott, Captⁿ Benj: Newbery, Mr. James Fitch, Mr. Giles Hamlin, Mr. Tho: Fitch.

This Court haveing determined that in obedience to our sovereign lord the King his commands in his letters of February 12, 1678-9,* they will appeare before his Mat^{ie} by suitable

* In consequence of representations made by Randall Holden and John Greene, (who were in England in the winter of 1678-9, as agents of the town of Warwick,) the King ordered letters to be addressed to the Governors and Magistrates of the four New England colonies, requiring them, respectively, "to take care that all things relating to the said Narragansett country or the King's Province, be left in the same condition as now they are or have lately been in, as to the possession and government thereof;" and that all claimants to the soil or government of said lands, should "with all speed and by the first convenience, send over hither persons sufficiently empowered and instructed to make their right and title appear to us;" &c. John Crowne, (the poet,) son of William Crowne, having petitioned the King for a grant of the lands of Mount Hope, in consideration of the great loss sustained by his father by the surrender of Nova Scotia to the French, the King further requires the several colonies to certify "what right or title any of our colonies there may pretend unto the said country, and also the true extent, value and propriety of the said lands of Mount hope, with the grounds and evidence of their respective claims," &c. The King's letter, of Feb. 12, 1678-9, was brought over by Holden and Greene, who returned about the last of June, and was read at a special session of the Rhode Island Assembly, July 9th. R. I. Records, III. 36. It was "lately received" by Connecticut, (Secretary Allyn writes to Gov. Bradstreet,) July 5th. Col. Bound's, I. 132. See Appendix, No. XIII.

The mission of Holden and Greene to England had for its especial object a stay of

agents to make good their clayme both to the goverment and soyle of the Narrogancett and Niantick countrys, they being fully and undoubtedly included in his Mat^{ies} charter graciously granted to this Colony, and by conquest and otherwayes obtayned of the native proprietors of those parts, doe now desire, nominate, appoynt and impower the Honord Governo^r, with his councill, or the major part of them, to be a committee in behalfe of this Court to procure Mr. W^m Harris* of [106] Patuxett, if he || can be obteyned, and if they see cause, to joyne some other fitt person in commission with him; but if he cannot be obtayned to attend the sayd service, then such other person or persons as the sayd committee shall see cause to procure to attend the service afoarsayd, in behalfe of this colony, and to grant such commissions and instructions to the persons that shall be improved as afoarsayd, as may be necessary to impower them to attend the sayd service effectually, and to furnish them with such writings and evidences as they are able to procure for the manifesting our right in the sayd Narrogancett and Nyantick countrys, and generally to doe what they judg necessary to be done and attended in the premises; and to give his Mat^{ie} a perticular acco^t of what else is expected and appoynted in his Mat^{ies} afoarsayd letter, as also to present his Mat^{ie} with our humble address, to request his gracious favoure and protection to be continued to this his colony of Connecticutt. The charges to be expended in this affayre to be defrayed out of the publique treasurie.

John Stoughton, Nath: Gaylor, Benj: Egleston, Sam^{ll} Phelps, John Osborn Jun^r, Sam^{ll} Cross, Tho: Bissell, Sam^{ll} Farnworth, John Birge, John Keilor, James Sension, Ralph Kei-

execution or reversal of the judgment of the Commissioners' Court, in favor of William Harris and his partners, in the controversy with Warwick respecting the Pawtuxet lands. R. I. Records, III. 66, 209.

* Mr. Harris had already been twice to England, in the prosecution of his controversy with Warwick. He arrived in London shortly after the departure of Holden and Greene, and, before their return with the King's letter of February 12th, had already procured an Order in Council for his being immediately put in possession of the controverted lands, with an execution for his damages and costs. R. I. Records III. 67 (from J. Carter Brown's Mss.) His third voyage was less fortunate; "going the third time to his Majesty to carry your petitioners' complaints against the said Greene and accomplices, [he] was captivated by the Algerines and soon after died." (Petition of Pawtuxet proprietors, in R. I. Rec. III. 209.) See Vol. II. 586, and note.

lor, Sam^l Keilor, John Waddoms, John Day, are presented to this Court for freemen, as being quallyfyed according to law.

14. Mr. Sam^l Tallcott is by this Court approved to be Left^{nt} of the Troope.

S: Tho: Knowles, Thomas Wells, Joseph Curtice, Paule Brinsmead and John Beach were accepted as freemen.

Tho: Skidmore petitioning this Court that he may have some reliefe from some expences his servant Samuel Griffin run out when he was in the country service, vnnecessarily, and is defaulcated out of what is due to him the sayd Skidmore, This Court haveing considered the premises, doe see cause to order that, for present, three pownds of what is due from sayd Skidmore be by the Treasurer left in his hands, and that Sarjt George Squire be ordered, when Samuell Griffin comes into those parts, to arrest him for the sayd three pownds he hath vnnecessarily expended, and in the behalfe of the country prosecute him at the next court that shall be in course in the county of Fayrefeild, for the recovery of the same.

Mr. James Treat is by this Court approved to be L^{nt} of Wethersfeild traine band.

Whereas this Court is certainly informed that on or about the third Tewsdays of Sept^r last, Major John Cranston, Govern^r of Rhode Island &c., did wth certain other persons hold a pretended court on the east side of Pawcatuck River,* at the house of Tobiah Sanders, within the township of Stoneington and within the limits known and long and quietly possessed bownds of this colony of Conecticut, thereby vsurping and exerciseing authority vnjustly within the limits granted vnto this corporation by his Mat^{ie} Charles the second, King of England &c., his gracious Letters Patents and in opposition to a perticular letter sent from his Mat^{ie}, dated Febr'y 12, 1679, wherein his Mat^{ies} order is that all things relateing to Narrogancett and Nayantick countrys or the King's Province be left in the same condition as now they are (viz. at the writeing the

* See the acts of this Court in R. I. Records III. 68-72. Gov. Leete's letter, protesting against this "illegal and irregular usurpation of authority" within the chartered limits of Connecticut, and Gov. Cranston's reply, will be found in the Appendix, Nos. XVII and XVIII. Other papers relating to troubles with R. Island are in the Appendix, Nos. XI-XVI.

sayd letter) or have lately been in, as to the possession and government thereof, which sayd place is sufficiently known, both then on the sayd 12th of Feb: '79, and for many yeares immediately preceding that time, to be under the goverment and in possession of the members of this corporation by paying rates [107] and doe in all publique dutys: || and whereas W^m Leete Esq^r Governo^r of this colony did on the 16th day of sayd September send his protest against the sayd vsurpation; not withstanding which, the sayd Major John Cranston and his ayders did not as they ought desist their irregular proceedings, whereby he and they the sayd persons in authority at Rhod Island have given just offence to this Court and dissturbed greatly the good and peaceable goverment of that place committed to vs by his Mat^{ie}, and in our exercise of goverment there without interruption till this unlawfull pretended court was there held as afoarsayd, This Court doe therefore hereby solemnly and utterly protest and declare against, and doe absolutely disapprove and disalow, the sayd act and acts of the sayd authority of Rhod Island &c, then and there authoritively exerted, or whatsoever other acts of goverment they have exerted or used, or may hereafter use or exert, by vertue of any pretence whatsoever as meerly vsurped and vtterly vnlawfull, and doe declare them to be vtterly voyd as to bind any person or persons to obedience thereunto or suffering thereby; and we doe hereby straitly charge and prohibit all persons whatsoever within the limits of the township of Stoneington, that they nor any of them, on or in the place afoarsayd, doe not nor shall not now nor hereafter receive any power or office from the afoarsayd authority of Rhode Island, nor yet exercise any power or authority in any degree in subordination to the sayd authority of Rhode Island &c, neither yeild any obedience to any such authority in any thing whatsoever, as they will answer the contrary to his Mat^{ies} authority established in this his colony of Conecticut at their perill, vntill his Mat^{ies} pleasure be farther knowne.

Farthermore we doe hereby absolutely and vtterly protest and declare against any other exercise of authority that hath been or shall be vsed in any part of the Narrogancett or Nian-

tick countreys by vertue or pretence of authority from Rhod Island or Providence plantations, as being contrary to his Maties charter graciously granted this colony, and doe hereby declare the same fore protested against to be vtterly void as to bind any person or persons to any obedience or suffering thereby, vntill his Maties pleasure be farther known.

It is left with the Committee to send abroad or not send the protests above written, according as they shall see reason vpon advice.

- 15. This Court doth renew their order and desire to Captⁿ W^m Curtice, Mr. John Bankes and L^{nt} Joseph Judson to attend the service appoynted them by this Court, in reference to the bownds between Milford and Derby, May 9, 1678, as soon as may be.

The return of the committee appoynted by this Court to hear and determine the differences between the towne of Derby and Mr. Jos: Hawly in refference to lands and money have been read and their determination approved and confirmed by this Court.*

In answer to the petition of Sam^l Rogers, this Court return that they finde that W^m Brown, the person sayd by sayd Rogers to have stolen the money, which Mary Rogers was judged to have taken from Captⁿ Martin at New London, was by procurement of sayd Rogers apprehended and here imprisoned, and that Samuel Rogers had full opportunity according to law to have convicted sayd Brown of the theft if he would and had evidence, but Rogers not doeing any thing to effect, and Brown being thereupon lawfully discharged from his imprisonment, This Court cannot proceed to judg upon their evidence against sayd Brown in his absence and after his goale delivery, and therefore see no cause to reverss or alter the judgment of the Court. And the sayd Rogers declareing that he beleives the judges of the sayd Court at New London acted conscientiously in what they did, this Court sees no reason to grant any money out of the publique treasury or otherwise to sayd Sam^l Rogers, and declare that the sayd court at New London their denyall of reveiw or appeale

* See p. 37. The return of the Committee is in Towns & Lands, I. 173.

(which is complained of by Sam^l Rogers) was consonant to that court's constitution.

Captⁿ W^m Lewes and Tho: Jud are appoynted to lay out to Deacon Heart or his assigne his grant of land formerly granted to him, according to his grant, at a place upon Mattatock River to the northward of the town there.

[108] Vpon the petition of John Terry and John Case in the behalfe of the towne of Simsbury, that those who are proprietors of land in Simsbury might be compelled to com to their allotments and settle themselves or som other suitable persons on their accomadations there, This Court haveing considered the sayd petition doe nominate and appoynt Major John Tallcot, Mr. James Richards, Mr. John Wadsworth and Captⁿ Benjamin Newbery, or any three of them, to be a committee to take a veiw of the sayd plantation of Simsbury and to appoynt the place or places where the inhabitants shall build and settle so as may be most for their accomadation and safety ; and when this is done all such persons as have propriety there and doe not com and build upon their accomadations or allotments and settle some inhabitants in them, within the space of six months after the determination of the sayd committee, shall forfeit forty shillings p year to the town, till he shall build upon his sayd accomadations a good sufficient mansion house, according to former order of Court, except any perticular person doe produce some grant that doth free him from this injunction, formerly granted by this Court or a committee impowred by this Court.

16. This Court appoynts Mr. Willys, Major John Tallcott and Captⁿ John Allyn to treat with Major John Pynchon and to purchase of him some land from him for Mamaho to live upon.

Whereas there is complaint that the Indians receive much damage by the English cattell, which is sayd by the English to be by the badness of their fence, and by the Indians, through the unrulinesse of their cattell, for the prevention whereof it is by this Court ordered that there be fence veiwers and apprizers appoynted in each towne where the Indians fence their feilds, to veiw their fence and to apprize what damages shall

be done in the Indians' corne by any English cattell, swine or horses, whose judgments and apprizements shall be duely made and answered by the owners of such cattell or horses to the Indians; and the Indians are allowed to make pownds within their own feilds to secure and imprison such horses, cattell, swine, as they find trespassing; and they are to give speedy notice to the townesmen of the two next townes of what horses, cattell or swine are impownded by them; and if the owners doe not redeem their cattell, horses or swine so impownded within twenty foure hours after notice, the afoarsayd townesmen are to make sale of the sayd cattell, swine or horses, to answer the damages done as afoarsayd. L^{nt} Tho: Leffingwell and John Allyn are appoynted to be fence veivers for the Mohegen feilds, and James Avery Jun^r and James Morgan Jun^r to attend the same service for the Pequots. The pownds to be set as neer the comon roads as may be.

This Court being informed that much damage hath been done to the Mohegan Indians in their corne this yeare planted in their feild between Norwich and New London by horses and cattell, doe order that fowerscore bushells of Indian corn be payd them at the discession of Mr. James Fitch Jun^r for Norwich and Captⁿ Avery and Mr. Charles Hill for New London, as they shall understand the Indians to have lost, forty bushells of which corn is to be payd out of the publike treasury, and twenty five bushells to be payd by the town of New London, and fifteen by the town of Norwich, which the constables have hereby power to levy with the rates of the sayd towne; and if the sayd townes or either of them can discover whose horses or cattell have done the afoarsayd damage, those persons shall be responsible to the townes asording to the damage their horses or cattell have done, provided it exceed not the quantities of corn to be payd by sayd towne.

This Court grants the county of New London liberty to take up six hundred acres of land of Vncass, for damage his men did them in burning the prisson.*

*At the next Court Uncas and the Mohegans complained,—with some reason apparently,—“that they were very hardly dealt with in that they were adjudged to pay for burning N. London prison, which was done by drunken men, and that they are engaged to pay 600 acres of land for 30.£, and not allowed to set a price of their land according to the worth of it.” Indians, I. 39, b.

[109] This Court grants a rate of three pence upon the pownd of all the rateable estate of the colony to be payd in wheat, pease, Indian corn and rye, a third in wheat, a third in pease or rye, a third in Indian corne or good and merchantable porck at three pownds ten shillings p barrill, well repact by the sworn packer: winter wheat, fower and six pence p bush. ; summer wheat, fower shillings p bushell ; pease, three shillings p bush. ; rye, three shillings p bushell ; Indian corn, two shillings six pence p bushell. And if any shall pay above a third in pease or Indian corn, the pease shall goe at two shillings six pence p bushell, and Indian at two shillings p bushell. All sorts of graine to be good and merchantable.

17. Vpon the petition of David Ensigne that this Court would grant judgment against the estate of Jacob Mygatt for a debt due to him and his father from sayd Jacob Mygatt,* this Court haveing heard the case doe see no cause to grant the petitioner any judgm^t upon the estate, it being passed over to Mr. Whitting as a feoffe in trust for Sarah the wife of Jacob Mygatt.

Vpon the petition of Mr. Charles Hill, This Court grants him ten pownds in leiw of a Spaniard servant was taken from him and sent to his own country.

In consideration of some losse by fire that hath befallen Sam^l Tod of New Haven, This Court doe see reason to free him from his country rate this yeare.

This Court grants Mr. James Fitch Jun^r, free liberty to receive to his own use of Vncas, and Owaneco two hundred acres of land, provided he take it up where it may not prejudice any former grant to any plantation or perticular person.

This Court doe declare that Mr. Fitch Sen^r or any other may informe any of the surrendring Indians whoe have a desire to invite theire friends or kindred at Pauquiaug or elsewhere to return into these parts, that this Court doe grant liberty for theire return, sq as they com to authority and doe give in a list of their names, together with some security for their fidelity to the English, and to be ever under the English goverment of this colony ; also to be placed where and under

* See Records of Co. of Assist's, May 29, 1677, (p. 23.)

whom they shall appoynt from time to time, according to orders of this Court.

In answer to the petition of Norwalke,* This Court doth desire the Dep^t Govern^r, Major Gold and Mr. James Bishop, they or any two of them forthwith to goe to Norwalke and to affoord their best help and assistance to the good people of the sayd towne in their attendance of the order of the Generall Court, May last, in quieting the spirits of the people there and burying all differences and animosities amongst them and setting them in a good way to goe on in a vigerous prosecution of the building of their meeting house. It is also ordered that when the afoarsayd Gentⁿ have had a hearing of the matter afoarsayd, in case some other way be not agreed upon to mutuall satisfaction to carry on the worke of building a meeting house, that then the committee of sayd Norwalke, or any three of them, may goe on in building the meeting house according to farther order of sayd towne, upon the place called Hoyte's hill, as was appoynted by Major Treat and Major Gold.

This Court added to the Governor's sallery, tenn pownds.

This Court grants the Dep^t Govern^r a salary of forty pownds for this yeare insueing.

This Court granted to the Treasur^r a sallery of twenty five pownds for this year.

This Court appoynts the first Wednesday in November next to be solemnly kept a day of publique Thankesgiveing throughout this colony, to prayes God for his mercy to vs the year past, in granting to vs the continuance of o^r priviledges civill and ecclesiasticall, with such peace and health as we have injoyed, and in giveing such a comfortable harvest as we have rece^d, and more especially for the goodness of God in protecting and

See page 30. The petition now presented was signed by (Rev.) Thomas Hanford and thirty others; who, having labored ineffectually "for the removal of the obstacles of o^r peace, finding differences to grow, and the fire of contention to increase, fearing lest (if Providence p^rvent not) the issue should bee both the dissolution of towne and church, pressed in o^r spirits with respect to the name of God (w^{ch} is exposed to suffering) and the edification of souls, (w^{ch} is hazarded by the growing of o^r contentions,)" —ask for the appointment of a committee to inquire into their state and to hear and judge between them. Eccles. I. 57.

The return of the Committee, is dated at Norwalk, Oct. 30, 1679. Id. 58.

saveing our Lord the King and his people in England, as well as o'selves, notwithstanding the plotts and machinations of evill-minded men against the interest and kingdom of Christ there and heere.*

In answer to the petition of Stratford, This Court grants them their request to reveiw the matter of Wheatly† to the next court of Assistants, provided they pay unto Mrs. Good-[110] year for her present occasions ten pownds, || which allso is to be determined when the reveiw comes to be heard whoe shall beare the whole charge, whether New Haven, Derby or Stratford; but in case they refuse to pay the ten pownds, the determination of the Court of Assistants in that matter is to be attended.

18. This Court being sencible of the present state of the affayres of o' nation, wherein clouds of difficulty and danger are impending over us, which call for o' most solemn addresses to the throne of grace, to the Lord, that his mercy, goodness and power may be improved for the diverting of his judgments and granting his gracious protecting presence to be with them and us, have thought meet that a day of humiliation and prayer be appoynted upon this occasion; but seeing as yet we are not come to a full settlement of our own motions, which may allso be recommended to the blessing of God in that publique occasion, have thought meet to refer the appoyntment of the day and the incerting of the occasion of it to the Governo' and councill, desireing them to be as speedy in it as may be.

The Court desire and order the committee appoynted by

* In October, 1678, Titus Oates had announced his discovery of the so called Popish Plot, and Lords and Commons had voted "that upon the evidence that has already appeared, this house is of opinion that there is and hath been a damnable and hellish plot, contrived and carried on by Popish recusants, for assassinating and murdering the King, for subverting the Government and rooting out and destroying the Protestant Religion." The revelations of Oates, and the detection and prosecution of individuals supposed to be concerned in this mysterious plot had engrossed the attention of parliament and of the English nation, until the prorogation, in May, 1679.

† A controversy between the towns of New Haven and Stratford, as to the liability for the support of and for charges for medical attendance &c. for John Wheatly. See depositions &c. respecting this matter in Towns & Lands, I. 174-194: Rec. of Court of Assists., Oct. 1679. "Wheatly told that he came from Maryland and was bred and born there." He resided for a time in Stratford, and, as the Court decided, acquired a settlement there.

this Court, May 13, 1675, to view the lands of Derby, Woodbury, Mattatock, Potatuck, and Wyantenug &c., and to consider what may be suitable bounds for each towne, that they attend the sayd service as soone as may be and make reporte thereof to the Court in May next; and that no farm be layd out within eight miles of either of those places till the committee have made their return.

Wheras there hath been the grant of raysing of a troop of horss in the county of New London some yeares since, which is not yet accomplished, and yet sundry persons who have listed y^mselves as troopers refuse to attend duty in the trained bands, It is now ordered by this Court that all the souldiers in the severall plantations shall attend and exercise^e their armes in their severall trained bands, notwithstanding their former listings of themselves, untill they shall be compleatly fitted with armes according to law and doe attend duty as a Troop vnder theire commanders.

Upon the return of the inhabitants of Saybrook to the last Court's order sent to them respecting land belonging to the colony, about the Forte, This Court desires and impowers the Hono^rd Major Tallcott and Captⁿ John Allyn to settle that matter, by composition or agreement wth Saybrook towne, as the sayd Gentⁿ shall see cause.

The Court's adjourned till the Governo^r or Dept. Governo^r see cause to call them againe.

[111] A GENERALL COURT OF ELECTION HELD AT HARTFORD,
MAY 13, 1680.

These were nominated to stand for election:

W^m Leet Esq^r, Major Rob. Treat Esq^r, Mr. Sam^l Willys, Major Nath. Gold, Major Jn^o Tallcott, Mr. Henry Woolcott, Captⁿ John Allyn, Mr. James Richards, Mr. W^m Joanes, Mr. James Bishop, Captⁿ Jno. Nash, Captⁿ Tho. Topping, Mr. Andrew Leet, Mr. John Wadsworth, Capt. Rob^t Chapman, Major Edward Palmes, Captⁿ W^m Curtice, Mr. Sam^l Tallcott, Captⁿ Benja. Newbery, Mr. James Fitch, Mr. Giles Hamlin, Mr. Thom. Fitch.

*These were elected :*W^m Leete Esq^r, Govern^r.Major Rob^t Treaté, Dep^t Gov^r.*Assistants.*

Mr. Samuel Willys,	Mr. James Richards,
Major Nathan Gold,	Mr. James Bishop,
Major John Tallcott,	Capt ⁿ John Nash,
Mr. Henry Woolcott,	Capt ⁿ Tho. Topping,
Capt ⁿ John Allyn & <i>Secret^y</i> ,	Mr. John Wadsworth.*
Mr. W ^m Joanes,	

Mr. Joseph Whiting, *Treasurer.*

The Deputies of the Court are—

Mr. W^m Pitkin, Mr. Siborn Niccols ; for Hartford.
 Capt. Ben. Newbery, Mr. John Loomys ; for Windsor.
 Capt. Jn^o Chester, Mr. Sam^l Tallcott ; for Wethersfeild.
 Ens. Jarrad Spencer, Mr. George Gates ; for Haddum.
 Capt. W^m Lewes, Capt. John Standly ; for Farmington.
 Mr. Giles Hamlin, L^{nt} Nath. White ; for Midleton.
 Mr. W^m Bradly, Mr. Jn^o Chidsey ; for New Haven.
 Captⁿ W^m Fowler, Captⁿ Jn^o Bird ; for Milford.
 L^{nt} Nath. Merryman ; for Wallingford.
 W^m Hoadly, Elie: Stint ; for Brandford.
 Mr. W^m Leet, Deacon W^m Johnson ; for Guilford.
 Mr. Edward Griswold ; for Kenilworth.
 Mr. Dan^l Witherly, Mr. Charles Hill ; for New London.
 Mr. James Fitch, Ens. W^m Baccus ; for Norwich.
 Mr. Amos Richeson, Mr. Tho. Minor ; for Stoneington.
 Mr. Math. Griswold, Mr. W^m Measure ; for Lyme.
 Mr. John Bankes, Mr. Jehu Burr ; for Fayrefeild.
 Mr. Daniel Kellog, Mr. John Bowden ; for Norwalke.
 Capt. W^m Curtice, Mr. Francis Hall ; for Stratford.
 L^{nt} Jonath. Bull, Mr. Joseph Theal ; for Standford.
 Mr. John Bankes ; for Rye.

* The name of Andrew Leete, which, since May, 1678, has followed that of Capt. Topping in the list of Assistants is, this year, omitted. As it re-appears in its accustomed place next year, and as without it the record of 1680 shows the election of only eleven Assistants, we may presume the omission to have been made by the Secretary and not by the vote of the freemen.

The Court adjourned to the morrow, 8 of the clock.

14. According to his Ma^{tie}s command, the Govern^r did in the presence of the Court take the oath respecting the Act of Navigation & Trade, appoynted by his Ma^{tie}, it being administered to him by Mr. Sam^l Willys, Major John Tallcott, Captain John Allyn, and four others of the Council of the Colony, May 14, 1680.*

Capt. John Allyn and Mr. James Richards were chosen commissioners for the United Colonys for the yeare ensueing, and Major Tallcot a reserve.

These were nominated for Commissioners, and confirmed in their respective places:—Captⁿ Newbery, for Windsor & Simsbury; Capt. Jn^o Chester & Mr. Sam^l Tallcot for Wethersfeild; Mr. Giles Hamlin, L^{nt} Nath. White, for Midleton & Haddum; Captⁿ Robt Chapman, for Saybrook & Lyme; Mr. Mathew Griswold for Lyme; Major Palmes is chosen and appoynted com^r for the county of New London; Mr. Witherly & Captⁿ James Avery, for New London; Mr. James Fitch, for Norwich; L^{nt} Sam^l Mason & L^{nt} Tho. Minor, com^{rs} for Stoneington; Mr. Edward Griswold, for Kellingworth; Mr. John Moss sen^r is commissioned to marry and grant warrants as occasion requires at Wallingford; Mr. Sam^l Sherman & Captⁿ Curtice, for Stratford; Capt. John Minor, for Woodbury; Mr. Jehu Bur & Mr. John Bur for Fayrefeild; Mr. Richard Olmsted & Mr. Tho: Fitch, for Norwalke; Mr. Richard Law & Mr. John Holly, for Stratford, Greenwich & Rye; L^{nt} Jos. Orton, for Rye.

[112] Mr. James Bishop, Mr. John Bankes, Mr. James Fitch, are appoynted to audit the Treasurer's acco^{ts}.

This Court doth appoynt Mr. John Bankes, Captⁿ W^m Curtice and Captⁿ John Beard to veiw and measure the distance

* "The acts of trade and navigation were exceedingly grievous to the colonies. They viewed them as utterly inconsistent with their chartered rights. This made them extremely unwilling to submit to them. Massachusetts never would fully submit; but as it was a matter of great and continual complaint against the colonies and, as his majesty insisted on the respective governors taking the oath respecting trade and navigation, it was thought expedient that Governor Leete should take it, in the presence of the Assembly." Trumbull's Hist. of Conn., I. 356.

The Governor of Massachusetts had already taken the required oath, Feb. 7th 1679-80. Mass. Rec. V. 262.

of the plantations of Woodbury from Derby and Mattatock, and consider what may be a suitable bownds for each plantation, and how the dividint lines of each plantation shall run, and to make return of their thoughts and apprehensions (what will be a suitable bownds for each town) to the Court in October next.

This Court doth appoynt Captⁿ Rob^t Chapman and Mr. Edward Griswold to lay out a country highway between Saybrooke and Kenilworth, in the most convenient place that may be to lay it out fower or five rod wide ; and that town in whose bownds Manuckatesuck river is are with speed to make a bridge over the sayd river, that there may be sufficient passage for hors and man at all times.

This Court doth appoynt and order the inhabitants of Norwalke to make a good and sufficient hors bridge over Norwalk River forthwith, and secure the same for the future for the country roade.

15. This Court findeing it necessary that the divideing line between this colony and the colony of the Massachusetts, appoynted in the charters, be run and marked out, haveing never yet been mutually done, to the intent this Court may know what lands they have at their dissposse and may order plantations accordingly, and exercise their government to their just limits, doe order that there be a letter drawn by the Governo^r and Councill and sent to the General Assembly of the Massachusetts Colony, at their next session at Boston,* to desire their concurrence with us herein, and that they will appoynt some meet persons on their behalfe to joyne wth such as o^r Hono^rd Governo^r and his Councill shall send from hence,

* "A letter was writ accordingly to the Massachusetts Government, May 27, 1680." (Memorial upon the roll of copies &c. in Col. Bound's, III. 37, § 9.) The copy of this letter has not been preserved. Upon its receipt and consideration, the Massachusetts Court "judgeth it meete to agree wth them in the motion for the runing of the lyne between the two colonyes, beginning at the bounds betweene vs & Plymouth, and in pursuance thereof, doe desire, appoint & authorize Major Jn^o Pynchon & Joseph Dudley Esq^{rs} to be a comittee to joyne in the worke, w^{ch} they are to pursue wth as much speede as may be, giving notice to them of Connecticut of the time when they will attend it, & agreeing wth a meete artist to be improved, and providing all other assistance & necessaryes as they shall see meete." (Mass. Rec. V. 270.) "But notwithstanding these advances, no settlement of the Line was effected by the s^d commissioners." (Memorial &c. *ut supra*.)

whoe shall have also full power to that intent; and in case the colony of the Massachusets doe not comply with or desires herein, then this Court doth desire and impower or Honor^d Gov^r and Councill afoarsayd to appoynt and impower such persons as they judg fitt to run and marke out the sayd dividient line between this colony and the colony of the Massachusets; and to signify our intent of running the line without them, if they will not joyne with us therein; and that this be effected and a return made thereof to the Generall Court here at their session in October next.

The Governor and Councill having given this Court an accot of their transactions with Mr. W^m Harris* in persuance of the order of this Court, October last, the commission and instructions they have given him, and the agreement they have made with him, and satisfaction promised to him; as also their order for repayreing of Saybrooke forte, and commissioning Abram Post to be L^{nt} of the forte, with their order that if any doe presume to com on shoare armed or set up any standard there wthout lycense within your township, that by force of armes they be oposed and seized and in safe custody be sent to the Gov^r and Councill, to give an account thereof,—This Court declared themselves thankefull to the Governor and Councill for what they have done and doe well approve and confirm the same.

This Court appoynts Major Rob^t Treat, Major John Tall-

* Mr. Harris sailed for England, in December, 1679. He was "soe secret and private in his voyage," wrote Gov. Cranston to the King, Jan. 6, 1679-80, "that he never came to us to know what we had done by way of returne to your Majesty, neither did he let us know of his goeing." (R. I. Rec. III. 78, from J. Carter Brown's Mss.) Gov. Leete had informed Gov. Cranston, in his letter of December 11th, that Connecticut was, "by the first opportunity, sending an agent or agents for England to defend our right." (See Appendix No. XXI.) Mr. Harris was duly commissioned as the colony's agent, and took with him such depositions and other evidence as it was hoped would enable him to make good the title of Connecticut to the Narragansett lands. He was also charged with the presentation of the General Court's address to the King. On his passage he was taken prisoner by a Barbary corsair, in December or January, and carried to Algiers,—intelligence of which reached the Governor and Council the following June (See Appendix No. XXXIV). Hull's Diary, under date of December, 1679, mentions the capture, by the Algerines, of "Master Wm. Condy and his ship, bound from Boston to London,"—on which Mr. Harris was perhaps a passenger. "He remained more than a year in captivity, and was finally ransomed at a cost of about \$1200. He travelled through Spain and France, reached London, and died a few days after his arrival there." Staples's Annals of Providence, 587.

cott, Mr. Jehu Bur and Mr. James Fitch, to be a committee to heare all those matters and things that the Indians have to acquaint them with, whither they be differences between the English and Indians or between the Indians themselves, and to endeavour a finall issue of those affayres and present them to this Court for their sanction.

[113] Jehoadah Bartlett is by this Court freed from training, upon acco^t of the loss of his eye.

Major John Tallcott and Mr. John Wadsworth are appoynted to keep the court at New London, June next.

This Court ordereth that the Grand Jurymen appoynted by the county courts shall serve on the jury after once they are appoynted, full twelve moneths before they be released.

This Court grants M^{rs} Harris for her reliefe in her husband's absence, the sume of five pownds.

May 16. Mr. Christopher Christophers, Thomas Avery and John Avery were propounded for freemen.

This Court appoynts Captⁿ Lewes and Captⁿ Standly to lay out to Daniel Porter his former grant of land according to his grant.*

Vpon the petition of Edward Smith,† this Court grants that he shall have liberty at the Court in October next, to make out his objections against his unckell's will, and to make appeare what right he hath to the sayd estate of his unckell, then, provided he give his aunt timely notice thereof to appeare and defend her estate.

This Court appoynts the administrator of Alexander Bowes estate to make, signe and deliver to W^m Harriss a deed of sale for a parcell of land sould by Alex^r Bow to W^m Harriss som short time before his death.

John Roote haveing bought of John Warner deceased a parcell of land and made payment, as is alledged, for the same, and the sayd Warner having given no deed of sale for

* See Vol. II. 123, and note.

† The papers relating to this case are in Priv. Controversies, I. 254-281. John Smith, of New London, died in 1680. By his will, made Sept. 24, 1679, he left his whole estate, except a few inconsiderable legacies, to his wife, Joanna. A nephew, Edward, who had come from England, at his uncle's invitation, and, as he claimed with the promise of being adopted as his son and made his heir, contested the will.

the same, This Court doth order and appoynt the executors of the sayd Jn^o Warner appoynted in his will, to make, signe and deliver deeds of sale for the s^d land.

17. The relict of James Eglestone is by this Court authorized to make, signe and deliver a deed of sale to Thomas Eglestone for a parcell of land sold by her husband to him, but not confirmed before his death.

Packer's Oath. Whereas you, A. B. are chosen packer of beife and porck and other things for the town of H. you doe sweare by the liveing God that you will well and truely pack all beife and porck and other comodities when you shall be therevnto required. You shall pack no kinds of goods or provissions but such as are good and sound, sorteable and merchantable, nor any goods in any cask that is not of a just and full gage. You shall allso set your perticular marke vpon all cask packed by you. And in all things proper to the place of a packer you shall faythfully discharge the same from time to time, according to your best judgment and conscience. So help you God, in our Lord Jesus.

Whereas you C. D. are appoynted by the County Court of F. to be Clark of the sayd County Court, you doe sweare by the great name of God that you will carefully and faythfully execute the place and office of a clarke according to the best of your skill; and that you will truely and faythfully record all wills and inventoryes as shall be exhibited into the sayd court, and by them ordered to be recorded, as allso all actions, verdicts and sentances of the sayd court, and deliver true coppyes when they shall be necessarily required of you; and that you will not wittingly and willingly exceed the lawes in your demands for sattisfaction for such records or coppyes. So help you God &c.

Whereas you J. B. are chosen and appoynted to be a Town Clarke or Register of the town of N., you doe sweare by the great and dredfull name of the everliving God, that you will faythfully and carefully execute the place and office of a Town Clark according to your best skill, for the town of N., and make entery of all such grants, deeds of sale or mortgages of lands, as shall be compleated according to law, and all mariages, deaths, births and other writings as shall be brought to you and you desired to record; and that you will grant and deliver necessary coppyes when required of you and pay tendered for the same. So help you God &c.

It is ordered that every Town Clarke shall faythfully date all enteries he records in the records.

Whereas it is observed that saylors, while they are shipt, oftentimes doe much prejudice to masters and owners of ves-[114] sells under whose employ || they are, by their p^rsent expences at ordinaries and publique houses of enterteinment, so that sometimes they are arrested for depts when the vessells to which they doe belong are ready to set sayle, for p^rvention whereof, this Court orders that no inn keeper or seller of wine, beer, cyder or liq^rs shall after the publication hereof arrest, attach or recover by law any debt or debts so made by any saylor or saylors as afoarsayd, any law, use or custome to the contrary notwthstanding.

The Committee appoynted to hear the Indians, haveing heard their affayres and matters, doe propound to this Court as followeth, viz., as in their return on file.*

1. In refference to their complaints against the Mohawkes and other Indians molesting of the Moheags and Pequotts &c., † the Court haveing considered the same doe, in answer to this declare to all concerned that they are o^r friends and we are not willing they should be molested by any, and therefore doe leave them to themselves to manage their affayres so as may best conduce for their safety, and we shall continue to be their freinds and carry towards them as such upon all occasions.

2. As to Mamohoe, ‡ some of o^r Gentⁿ have been treating with Major Pynchon to buy some land for them neer the sea, and he hath taken it into consideration. If that can be procured, it will be for them. If that fayles, other lands as convenient as can be procured them shall be layd out to them.

* Indians, I. 39, a & b.

† "Uncass, Cassasinamon & the rest of the cheife of them present as fol[loweth]. 1. That the Mohawks about 3 yeares since gaue them molestation and putt a fright and disquiet upon them in that they seized sundry Indians at Shautucket and conveyed them away; they haue sat still euer since, and the Mohawks say they are but as so many squas and are afrayd of them: and therefore enquire what they shall do; whither they must sit still as they haue?" Ibid.

‡ "Mamoho propoundes to y^e Court that their promiss and grant of that ground engaged may be layd out to him for his people to liue and plant on, and says he had promiss at Court twice, but nothing done, and if it cannot be obteyned he shall speake noe more about it." Ibid.

3. As to Cassacinamon's complaynt of his people removeing from him into some small parties, whereby they are not so capable to defend themselves,* This Court orders Captⁿ Avery and L^{nt} Mason and Mr. Minor, or any two of them, to acquaint the sayd Pequot Indians under Robert's goverment, to return to his town as soon as planting and weeding is over, and continue to be under Robert's goverment as formerly.

4. As to Ackenach, sachem of Milford and Pauigesuck, complains that he wants land,† though Stratford men doe produce a deed of sale of the purchase of their township of the Indians, which deed is a clear pass of those lands to Stratford, yet for the conveniency of those Indians, noe provission being made for planting land for those Indians, we doe grant that they shall have a hundred acres of land layd out to them upon Corum Hill, in som convenient place, by Captⁿ W^m Fowler and Mr. Jehu Burr; and this Court allso doe grant the sayd Indians liberty to hunt, fowle and fish in Stratford bownds, Milford and Derby, any clause in the deed to the contrary notwithstanding, they doing them no damage. Allso Mr. Hawly is to lay out a hundred acres of land on the other side of the river in Milford bownds, to the s^d Indians.

5. As to Vncass his desires that his bownds of land may be settled before he dyeth,‡ we are free to it, and as we have done formerly so we still conclude we must, and shall be ready to pass by the infirmities of his old age, provided he doe not willfully breake friendship wth us.

6. As to the gunns of Joshua's children, which are desired

* "Cassasinamon complaynes that those Indians that belong to his govern^t scatter into sundry townes contrary to his minde, that he cannot take that care and watch that otherwise he might do, and therefore desires that if damage be done to y^e English by their hogs or cattle that he may not be accountable for it, but the Indian town so removed, except they be commanded to liue near him, that so he may inspect them, which he desires may be ordered." Indians, I. 39, a & b.

† "Ackenach, sachem of Milford and Paugassutt complaynes that a piece of land that they reserved for themselves and children, the English belonging to Stratford have improued part of it without their leaue; at which they wonder." Ibid.

‡ "Vncass desires that the bownds of his lands may be settled before he dyeth; being now ould, knows not how long he shall liue and how soone he may dye, and is desireous to leaue peace twixt his children & people and the English, acknowledging his desires to be guided by the Council, and in his old age if he should mistake himselfe through frailty, stands ready to be reduced by them." Ibid.

§ "2. Whereas one of Joshua's children are dead, he desireth that those gunns that

by Vncass,§ those things doe properly concern the overseers of Joshua's will, and we cannot determine the case without first speaking with Mr. Chapman and Mr. Buckingham, assuring him in case Joshua's children dye we shall not keep the gunns from those from whom they doe properly

7. We order New London to runn the line between Vncass and their land as soon as may be, with Vncass or his men.*

[115] 8. We order that if Vncass hath right to any land about Quinebaug,† he may marke it out and disspose of it to his son Owanecoe, and doe grant him liberty to disspose of it to such Gentⁿ amongst vs as he shall see cause to doe.

9. As to the corne granted to Vncass for damage done in his corn, the Court doe grant his desire that he shall have in leiu thereof a quantity of powder and shot allowed them and delivered to them by Mr. Fitch sen^r, as he sees they shall have occasion and necessity thereof.‡

10. As to the six hundred acres of land allowed by Vncass for the burning of New London prison,§ Mr. Fitch is to alow Vncass ten pownd for the same, and the rest he procures for the land is to be allowed to the county treasury, viz. thirty pounds of it.

11. To Wajohue's desire of land for himselfe and people,|| Lyme deputies affirming there is a sufficiency of land allotted to him allready, if it prove otherwise the Court will consider them when that appears.

This Court orders that what land is allotted or set apart for any parcells of Indians within the bownds of any plantation,

Joshua left with his children may be put into his custody until the lineing child comes of age, and then to be deliuered up to that child, and if that child shall dye, that then Vncass may disspose them to his children." Indians, I. 39, a & b.

* "Vncass desires that N. London bound lye twixt them and Moheagon feilds may be run and stated, that he may know his own bounds of land." Ibid.

† "Vncass alsoe desires that that land at Quinabaug River between sayd Riuer and Egunck, which is about three miles broad, may be bounded and marked out, that he might settle it upon his son Owoneco, and that he may have liberty to disspose it to his friends when he shall see cause." Ibid.

‡ The Court had allowed the Mohegans 60 bushels of corn, to be paid by Norwich and New London, for damage done to their corn. Uncas now "desired that they may have forty bushells of that corn paid in powder, to improne for their defence against an enemy," &c. Ibid.

§ See page 43, and note.

|| "Naantick Sachem desires that a peice of land may be assigned for himselfe and people." Committee's Return, *ut supra*.

it shall be recorded to them and the same shall remayn to them and their heirs for ever ; and it shall not be in the power of any such Indian or Indians to make any alienations thereof ; and whatsoever Englishman shall purchass any such lands layd out or allotted to the sayd Indians, he shall forfeit treble the value of what he so purchasses to the publike treasury, and the bargain shall be voyd and null.

As for Paquanock Indians, this Court are informed that they have sold their lands, and that there is a sufficient quantity of land at Golden Hill reserved for their planting, and if they need more, upon the discovery thereof it will be considered.

May 19. In answer to the petition of John Potter, Sam^l Heminway and Eliakim Hitchcock,* that they might have liberty (they having obeyned consent of New Haven) to become a village and to set up a distinct congregation there, with liberty to invite and settle an orthodox minister amongst them, This Court considering the great difficulties they have mett withall in their passage to attend the publike worship of God hitherto, and upon hopes that they may be capeable to set up and mayntaine the publike worship of God in that place as a perticular society of themselves, doe grant them free liberty, if they doe find themselves able to proceed and carry on the worke in the best way they can. For their encouragement therein and towards the erecting a place of publike worship, this Court will free them from country rates for three yeares, the time to commence when they have a minister amongst them, and then they are allso to be free from payment of rates to New Haven, and not before. And this Court doe desire Mr. Joanes, Mr. Bishop and Captⁿ Nash to treat with their neighbours of Brandford to grant the sayd village what enlargement they can, upon the acco^t of good neigh-

* Eccles. I. 70. The petition is signed by the three above named and James Denison, in the name of the rest of "the inhabitants of South-End, Stony River & others upon the east side of New Haven river w^hin the confines and bownds of the s^d Town," to whom New Haven had "granted the liberties and conveniency of a village" and all the town's right, acquired by purchase from the Indians, to a tract of land within the bownds of Brandford, but not hitherto sold or released by New Haven. They ask a confirmation of this grant.

bourhood and the necessity of the case, and New Haven purchass; and this Court shall be ready to grant them what encouragement they may as it shall be desired of them, for the future; and it is also ordered that if upon tryall they shall find themselves not able to goe throw such a worke as maintayning a setled ministry amongst them, and are destitute of one, they shall return to their first station to New Haven till they shall be able to goe thorow the worke.

This Court orders that the law title Booke Debts shall not be of force till the first of May next.

A question arising concerning a clawse in the law title Records, fo: 62, where it is sayd, after September 1, 1673, all deeds and grants made of houses and lands shall be acknowl-[116] edged before an Assistant or Commissioner, || and that noe grant after the time afoarsayd shall be accounted compleated according to law but such as are written, subscribed, witnessed and acknowledged, as afoarsayd: the question arising is whither by those words, compleated according to law, be not to be understood that such deeds after the foars^d date as are not so compleated, shall be adjudged null and voyd in law for the future. This Question was resolved by the Court on the affirmative.

Isack Lane complaining to this Court that a small tract of land of halfe an acre, with a small cottage upon it, which formerly was John Peirson's,* and by Hartford county court setled upon the sayd Peirson's sonn, adjoining to his land, the cottage is ready to fall, and the land unfenced, which is to his the sayd Lane's great damage, there being none in capacity to look after the land, and the sayd Pierson haveing received no deed of the sayd Lane for the sayd land,—This Court, in the behalfe of the orphan, doe nominate and appoynt Mr. Giles Hamlin and L^{nt} Nath. White to veiw the land formerly mentioned, and a parcell of land of sixteen acres in or neer the New Feild which sayd land the sayd Lane is ready to give in exchange for the former; and if they doe judg it to be a sufficient recompense, they are by this Court ordered to take a

* John Peirson, of Middletown, "died the beginning of July, 1677," leaving "one son, three year old or thereabout." Inventory in Hart. Co. Prob. Rec. III. 187.

firm deed of sale for the sixteen acres to the child of sayd Peirson, that the land may be secured to him, and to record the same, and to make null the former record of the halfe acre of land to sayd Peirson.

It appearing to this Court that the people of Norwalke are yet unsatisfied and unagreed about the stateing of the place where the meeting house shall be sett, notwithstanding all endeavours by committees chosen by themselves and by this Court, and the act of a former Court; and they appearing before this Court for a farther settlement of this matter;* The Court seriously considering the same as an expedient for peace and a loveing settlement of the matter, doe heartily and affectionately recommend it to the good people of Norwalke forthwith vnanimously to agree and solemnly to comitt the decision of this controversy to the wise disspose of the Most High, by a lott, which we hope may be that as will satisfy and quiet the spirits of all the good people of that place and be a hopeful means to continue and increase their peace and love.

20. Sam. Smith, James Sension, Sam^l Benedict, John Benedict, John Keilor and Sam^l, Ralph Keilor, John Stoughton, Nath Gaylor, Ben. Eglestone, Sam^l Phelps, John Osborn Jun^r, Sam^l Cross, Tho. Bissell, Sam^l Fernworth, John Birge, John Day, John Waddoms, are by this Court made free.

Upon the petition of Tho. Vigers, this Court, to make a full issue with him, doe grant unto him the sume of six pownds to be payd out of the publike treasury.

Mr. James Treat is by this Court approved for L^{nt} of Wethersfeld traine band, and Sam^l Wright Ensigne of the sayd band.

The agreement between Mattatock and Derby concerning the settlement of their bownds was exhibited in Court, approved and ordered to be recorded in the records of this Court.

May 18, 1680. These p^rsents may certify the Generall

* Eccles. I. 61. Petition dated May 13th, 1680, signed by Tho. Fitch Sen., Walter Hoyte, Thomas Betts Sen. and twenty-seven others. They cannot as yet see light for to issue the meeting house controversy, in the mode recommended by the Committee, by a Lot. They give their reasons for objecting "to improve such an ordinance, in which God's name is invocated, upon a *determinated case*," and urge the confirmation of the Committee's return.

[117] Court || or whom it may concern, that we the agents of Derby being desired and appoynted by the inhabitants of o^r towne, the 30 of Aprill, 1680, haveing full power to conclude a line, place or places of bownds depending betwixt Mattatock and Derby and make a finall issue of the matter before it comes to the Generall Court, and we the agents of Mattatock, W^m Judd, Thomas Judd Jun^r and John Standly Jun^r, being desired and appoynted by o^r committee to gaine a complyan^ce with o^r freinds Joseph Hawkins and Abell Gunn, according to the teno^r of the premises, so far as it concerns these two plantations we doe agree that so the Generall Court may give their sanction upon it, and doe by these p^rsents determine a divideing line betwixt us as followeth; that the sowth bownds of Mattatock doe begin at a stake at Derby's Twelve Mile end, and from that stake to extend a west line where Derby and Mattatock shall meet Woodbury bownds, and from that stake afoars^d at the end of Derby Twelve Miles to goe wth a straight line to a stone marked wth M on the north side and D on the sowth side, lyeing on the west side of Nagatuck or Mattatuck River, and from that stone to the mouth of Beacon Hill brooke wher it falls into Nagatuck or Mattatuck River, and that brooke to be the divideing line eastward betwixt Mattatuck and Derby. And this agreement is a final issue or a full settlement of the bownds of Mattatock and Derby, which is to all intents and purposes bindeing to them, their heires, assignes and successors. As witness o^r hands, the day and date above written.

Derby agents.

Joseph Hawkings,
Abell Gunn.

Mattatock agents.

W^m Judd,
Tho. Judd,
John Standly senior.

This Court doth desire the Governo^r and so many of the Assistants and councill as can be present to draw up an answer to the letters rece^d from the Hon^{ble} Lords of the Councill, and allso to the 27 Queries which were inclosed in the s^d letters, and to send them to them as soon as may be.*

Mr. James Fitch is by this Court confirmed Captain of Norwich traine band, and Thomas Leffingwell L^{nt}, and W^m Bacuss Ensigne of s^d traine band.

This Court upon good reasons given by Major Gold to the satisfaction of this Court, doe free him from building upon that house lott that lyeth between Mr. Nath. Burr's home

* See the letters from the Council of Trade, the Queries and replies, Records of the Council &c., in Appendix, Nos. XXVII-XXXI.

lott and his owne, without any penalty,—any law to the contrary notwithstanding.

This Court doth leave it with the Governo^r and so many of the Assistants as can or doe conveen, to be a standing councill to attend, issue and disspose of all such occasions as shall be necessary to be attended in the vacancy of the Generall Court as formerly.

This Court orders that the county treasurer in each county shall have power, and is hereby impowered, to send his warrant for the gathering of fines due to the county treasury, throughout the county, as there shall be occasion and direct the same to the constable, who is hereby required to execute the same according to their teno^r.

As an adition to the law, page 51, title Suddain Exigents, the Court doe order that the military officers in each plantation, on suddaine exigents, when any such fall out on any plantation in the colony, by assault of Indians or others to the disturbance of the peace &c., it is farther added, that they shall forthwith give acco^t thereof, and of what they have done in the case, to the Sarjt Major of the county, for farther direction ; and the Sarjt Majors in every county have hereby full power in the county where he lives, to direct, order, regulate and improve the Militia in such county as he shall see cause, [118] for the defence || of the County and to quitt the enemy ; with the advice of the Assistants if it may safely be come at ; and to give an acco^t to the Generall Court or Governo^r and Councill from time to time, for their farther direction, as there shall be need.

2dly. It is ordered that the Major of each county be sworne duely to attend their commission according to law, and such orders as they shall receive from the Generall Court, Governo^r or Councill, from time to time.

3d. It is ordered that the Sarjt Major in each county, at such times as they see cause, shall send their warrants to the cheife millitary officers in each plantation within their respective countys, to cause a veiw of the armes and ammunition, and to see that the souldiers and inhabitants are provided according to law ; whoe are required hereby to make return hereof to

the Major of the regiments respectively, upon the penalty of twenty shillings fine for not attending according to such order.

That the Sarj^t Major of each county have full power and authority, if occasion shall require, to send forth their warrants to the cheife officer of each company in their respective countyes to require a millitary watch to be set in each town to be continued till order be given to the contrary; and that the cheife officers in each towne, upon emergent occasion, are impowered to appoynt the like millitary watch till they have farther advice from the Sarj^t Major.

Whereas this his Mat^{ies} colony of Conecticutt in the time of the late war hath been in great danger and put to great expences of blood and treasure to defend the same, This Court declare that hereafter if any attempt be made in forcible or hostile maⁿer upon this his Mat^{ies} colony or any part thereof within the bownds granted by his Mat^{ies} charter, either by natives; or any others, upon any pretence whatsoever, the motions of the Indians,* by som suspected persons and evill affected instruments seduceing them, haveing a tendency to the disturbance of o^r peace, therefore it shall be lawfull and

* The occasional incursions of the Mohawks into the territory of Massachusetts and rumors of an extensive combination of the Indians west of Connecticut river for the destruction of the English settlements, awakened apprehensions of another Indian war not less formidable than that with the Narragansetts and their allies. Within three years past, the Mohawks had (as the Massachusetts Court declared) "killed and captivated above sixty of our friend and neighbour Indians, without the least injury done by them, and also have in this interim done wrong to the English in killing cattle and robbing houses and marching in an hostile [manner] into some of our towns" (Mass. Rec. V. 300). Oweneco, in a petition or letter to the Connecticut General Court, at this session, acquainted them that he had been lately informed by some of the Showtucket Indians that Nipmuck Indians had told them of a confederation or league in which "all the western Indians beyond New Haven were joined with the Mohawks; only sachem Wompomb so called, with the Milford and others before mentioned;" and that Uncas, Oweneco himself and the old men of their council concluded that there was "a certain design complotting against us," &c. Indians I. 39, c.

It is possible however that the colony's preparations for defence against the Indians were not without regard to adversaries nearer home who threatened "our charter rights and liberties." There was a determination to repel aggressions on the Narragansett lands and the eastern border of the colony, by actual force, if necessary. Where both colonies were so strenuous in the assertion of their rights, a collision was hardly to be avoided. Before the General Court again met, a Connecticut officer was imprisoned at Newport, under a warrant from the Governor of Rhode Island, and in retaliation, a Rhode Island magistrate was apprehended and committed to gaol in Hartford. See Appendix Nos. XXVI, XXVII.

is hereby required that the Sarj^t Major and the military officers in the severall counties and plantations of this colony, in defence of o^r charter rights and liberties, after demand of surrender first made and refused, doe take, seiz, apprehend and bring to justice, and, upon resistance made by force of armes, to oppose, withstand and repell such enemies; and all inferior officers, civill and millitary, troopes and traine bands, of the colony, are hereby required to be ayding and assisting therein.

It is ordered that the lawe for fines respecting the neglect of training, be for the future, three shillings, and that for contemptuous carriage of any to their officers when they are in the feild, by wthdrawing from training after appearance, it shall be in the power of the chiefe millitary officers to inflict millitary punishments or fine upon them, not exceeding twenty shillings.

Whereas notwithstanding the law against shooting or discharging of gunns in the night, there is much disorder especially after traineing and trooping dayes, Its hereby ordered that all such disorderly firing and shooting at such times, after the shutting in of the evening, though no alarum follow, be punisht with a fine of five shillings, one halfe part of the fine to be to the informer that shall prosecute the same to effect; any one Assistant or commissioner to hear and determine any such case.

[119] The Court recommends it to the severall plantations to procure some great artillery, one or two in each plantation, at the towne's cost and for the towne's use.

It is ordered that there be a stock of ammunition provided in each county according to the major's order and at the charge of each county, to be in a readinesse for the service of the county, and that it be procured with all speed.

It is ordered that all commissions granted to military commission officers shall stand in force to all intents and purposes intended in the sayd commissions at the granting of them, vntill the Generall Court shall see cause to order otherwise.

Sarj^t Major's Oath. Whereas you R. T. have been chosen to the office of Sarj^t Major of the regiment of N. H. C[*ounty*],

according to your commission doe sweare by the liveing God that by your best skill and ability you will faythfully discharge the trust committed to you, according to such comands and directions as you have and shall receive from time to time from the Generall Court, Governo^r and Councill, and according to the lawes and orders by this Court made and established in this behalfe. So help you God.

Whereas this Court is informed that Sir Edmund Andross, Governo^r of his highness the Duke of Yorke his Territories in Americah, hath asserted that a certain Island called Fishers Island, belonging to the heirs of John Winthrop Esq^r deceased, is part of his sayd Royall Highness territories,* which by charter from his Mat^{ie} Charles the Second, King of England &c. is indeed granted vnto this his Mat^{ies} colony of Conecticut and under the goverment [*thereof*], This Court for the p^rserving the just limits of his Mat^{ies} gracious grant to them, doe hereby publiquely assert that the sayd Island is a part and member of this colony of Conecticut and vnder the goverm^t thereof, and that they have exercised and shall and will exercise goverment there as occasion shall require; and doe hereby declare and protest against the sayd S^r Edmund Andross and all other persons their claimes or exercise of any authority or goverment on or over the sayd Island, that all such acts are unjust as have or may be exerted by any authority from the sayd S^r Edmund Andross or any other then what hath been or shall be derived from the power given by his Mat^{ie} vnto this his colony, are and shall be voyd as to bind any person or persons to any obedience therevnto: and we doe hereby prohibit all and every person and persons that are or may be on the sayd Island from yeilding obedience to any authority whatsoever save the authority of his Mat^{ie} vested in the colony of Conecticut.

This to be published at New London by the constable there, and to be signed by the Secretary in the name of this Court.

This Court seriously considering the dispensation of Divine Providence towards o^r nation in generall and o^rselves in particullar, and the decay of love to God and one to another appear-

* Colon. Boundaries, II. 41: Appendix, No. XXIII.

ing in those divissions that in some places doe yet continue, with the abounding of sin amongst vs, the unthankfullness for mercyes injoyed, and unfruitfullness under present advantages, threatening divine anger against vs, as ready to fall upon us in the present face of affayres, and in the unseasonableness of the weather, the overflowings of the watters in sundry places in the colony &c., all which calls vpon vs aloud to humble o'selves before the Lord for what is provoking amongst vs;* and this Court accordingly doe appoynt the 3d Wednesday in June next to be observed throughout this colony a day of publique humiliation and prayer to seek the Lord to shine upon vs, and preserve and bless o'r Lord the King and o'r nation, and to be reconciled vnto vs in and through o'r Lord Jesus, to humble, reform and amend vs, and make vs as he may take pleasure in, to continue his presence and blessing amongst us, to protect and save us, and so bless o'r injoyments to vs that we may become an humble, fruitfull and holy people; and that God would smile upon vs in the season and crown this year allso with his goodness.

For the better preservation and propagation of religion to posterity, it is ordered by this Court that it be recommended [120] to || to the ministry of this colony to cattechise the youth in their respective places that are under twenty yeares of age, in the Assembly of Divines Cattechisme, or some other orthodox cattechisme, on the Sabboth dayes.

2. To the end that vnty amongst the people may be continued and increased, and that the people may have opportunity to pertake of the variety of ministeriall gifts, that it be allso recommended to the ministers to keep a lecture weekly, upon the fourth day of the weeke, in each county, as they shall agree.

* In September, 1679, the 'Reforming Synod' met at Boston, to consider "the evils that have provoked the Lord to bring his judgments on New England." Mather enumerates some of the evidences of divine displeasure (Magn. b. V. pt. 4): "By land, some of the principal grains, especially our wheat and our pease, fell under an unaccountable blast, from which we are not even unto this day delivered; and besides that constant frown of Heaven upon our husbandry, recurring every year, few years have passed wherein either worms or droughts or some consuming disasters have not befallen the 'labour of the husbandman.' By sea, we were visited with multiplied shipwrecks, enemies prey'd on our vessels and sailors, and the affairs of the merchant were clogged with losses abroad; or fires, breaking forth in the chief seats of trade at home, wasted their substance with yet more costly desolations," &c.

A GENERALL COURT HELD AT HARTFORD, OCTOBER 14, 1680.

W^m Leete Esqr, Governor.Rob^t Treat Esqr, Dep^t Gov^r.

Major John Tallcott,

Mr. Andrew Leet,

Captⁿ John Allyn,

Mr. John Wadsworth,

Mr. James Bishop,

Mr. W^m Joanes.Captⁿ John Nash,*Deputies.*Mr. W^m Pitkin, Ens. Nath. Standley; for Hartford.

Capt. Benj. Newbery, Mr. John Loomys; for Windsor.

Captⁿ John Chester, L^{nt} Sam^l Tallcot; for Wethersfeild.Mr. W^m Bradly, Mr. John Chidsey; for N. Haven.Captⁿ W^m Fowler, Capt. Jn^o Beard; for Milford.

Mr. Jehu Burr, Mr. John Bankes; for Fayrfeild.

Capt. James Avery, Mr. Charles Hill; for N. London.

Capt. Rob^t Chapman, Mr. W^m Parker; for Saybrook.Mr. Giles Hamlin, L^{nt} Nath. White; for Midleton.

Mr. John Gregory, Mr. John Platt; for Norwalk.

Capt. James Fitch, Ens. W^m Baccus; for Norwich.Mr. W^m Leete, Deac. W^m Johnson; for Guilford.L^{nt} Nath. Merriman, Mr. John Bracket; for Wallingford.L^{nt} Sam^l Mason, Ezekell Maine; for Stonington.John Mead Sen^r; for Greenwich.W^m Hoadly, Eli Stint; for Brandford.Capt. Jn^o Standly, John Norton; for Farmington.Mr. Mathew Griswold, Mr. W^m Measure; for Lyme.

Mr. Joseph Hawley, Mr. Francis Haule; for Stratford.

Mr. Joseph Theale; for Standford.

L^{nt} Henry Crane; for Kellingworth.

The list of the persons & estates of the colony, as followeth:

<i>Persons.</i>	<i>Li</i>
247 Hartford,	17188 00 00
177 Fayrefeild,	11354 00 00
268 N. Haven,	14284 00 00
216 Windsor,	14353 00 00
94 Stratford,	07199 00 00
96 Guilford,	06214 00 00

49 Rye,	02274 00 00
50 Wallingford,	02466 00 00
44 Kellingworth,	02418 00 00
112 Midleton,	05018 00 00
33 Greenwich,	02032 00 00
60 Brandford,	03135 00 00
91 Saybrooke,	05421 00 00
60 Stoneington,	04632 00 00
62 Lyme,	03668 00 00
82 Norwalke,	05141 00 00
175 New London,	09818 00 00
90 Norwich,	05443 00 00
147 Milford,	08906 00 00
105 Standford,	05518 00 00
40 Haddum,	01946 00 00
181 Weathersfield,	11928 00 00
95 Farmington,	05942 00 00
<hr/>	<hr/>
2574	156298 00 00

This Court appoynts Captⁿ W^m Lewes to lay out to Deacon Jud his grant of land according to his grant, in roome of L^{nt} Steele.

[121] Mr. John Moss and Mr. John Brockett are appoynted to lay out to Mr. John Bishop his grant of land according to his grant.*

This Court haveing heard what hath been objected against the settlement of the estate of John Smith, late of New London, deceased, by Edward Smith, as allso what hath been replied thereto by Mr. W^m Pitkin the attourney of the sayd Smith's executrix, doe see no cause nor reason to make any alteration of the will of the sayd John Smith from what was exhibited and proved in the court at New London, Aprill last.

James Judson, Isack Judson and Edmun Sherman are pownded to be freemen of this corporation.

This Court by their voat have granted and confirmed Richard Olmsted of Norwalke to be Captⁿ of the traine band there, and James Olmsted to be their L^{nt}.

* 200 acres laid out, by John Brockett and Thomas Yale, Sept. 28, 1684, on the east side of New Haven East river. Col. Rec. Lands, II, 130, 183.

18. August 16, 1680: This writing signifiyeth that whereas Captⁿ Fowler and Mr. Jehu Burr have been at Coram Hill and layd out one hundred acres of land, be it more or less, bownded wth marked trees and Stratford River and Samuel Judson's land, for the vse of those Indians, and not to make sale of, that *land for the vse of those Indians, and not to make sale of*, that properly belong to Stratford to provide for, according to the law of this colony, we the s^d townesmen of Stratford in the behalfe of the towne doe agree to the premises and that the fores^d Indians shall have liberty to make improvement of it, they the sayd Indians sufficiently fenceing of it. Sufficient highways are agreed on, to be allowed in the sayd land, when and where occasion shall be for the inhabitants of the sayd towne, and conveniencie for fishing in the river side. Subscribed p us, Thomas Vffitt, Steven Burritt, Samuel Sherman, James Clarke; Townesmen.

August 17, 1680. We whose names are herevnto subscribed being appoynted by the Generall Courte to lay out in Milford bownds one hundred acres of land for the Indians' improvement, we have this present day layd out the sayd hundred acres on the east side of Stratford river, being bownded on the west with Stratford River, north with the brooke called the Two Mile Brooke and devides between Milford and Derby, and south with another brooke called the Turkey hill brooke; and neer the north we runn not far from the Two Miles Brooke, from the river called Stratford River, easterly, one hundred and sixty rods, and there marked a white oake and set a straight range which is to run to the Two Mile Brooke northerly, and a straight range southerly to the brooke called the Turkey Brooke; meet highways allowed.

Jehue Burr, Joseph Hawly; in the behalfe of Milford, Robert Treat Sen^r, W^m Fowler, consenting.

The above written is a true cobby of the originall, as attests
John Allyn, Secy.

19. Mr. Georg Sanders haueing appealed from the judgment of the Court of the Assis^{ts}, October 7, 1680, in a case wherein Mr. Christopher Sanders was plntf. and Mr. George defendant;* the Jury fownd for the plntf. thirty six pownds

* Records of Court of Assis^{ts}'s, Oct. 7, 1680; Hartford Co. Court Rec., IV. 3, 28; Private Controv. I. 178-188. George and Christopher Sanders were jointly concerned in a cargo shipped from New England to Jamaica, and there exchanged for goods, which were sold in England. A question arose as to the division of profits and settlement of partnership accounts. The following testimonies, taken in this case, show the rates of exchange on England, at this period:

in Old England money or ninety powns in country pay ; and the Court now haveing heard what hath been alledged by both parties, doe declare that the judgment of the Court of the Assistants shall not stand in this case, and doe establish the former judgment in the county court for an issue of this case ; Mr. Georg Sanders giveing in sufficient and standing security to make good his part of the awarde, that so the benefitt and burthen belonging to the sixty powns taken up in England may ly upon and be unto them both proportionably : the charges of prosecution in all courts to be born by both parties by equall proportion.

20. The Deputy of Standford propownding to this Court to grant to them liberty to erect a plantation at the north of their bownds, this Court are willing to encourage them therein, provided the land be suitable for granting such accomadation, [122] and to that end the Court appoynt || Mr. John Bankes, Mr. Jos. Theale and Mr. John Platt, to be a committee to veiw the sayd lands and to make report how they find it, to the Court in May next.

Mr. Minor is appoynted to lay out to Captⁿ Avery his grant of land according to his grant, with Morgan.

20. This Court upon complaint of the Conecticut Indians that the Moheags doe intrench upon their bownds in hunting, contrary to an agreement made between them, May 17, 1666, which is upon record, wherein they agreed that the divideing bownds should be at Ashowat to Wongushock and so to Washiack, and from thence northerly ; from those bownds eastward, Vncass to hunt, and from thence westward, Connecticut Indians of Windsor, Podunck and Hartford to hunt : this Court findeing this agreement firme and good doe now confirm the same, and require all the Indians concernd, as they

“ Hartford, Octob^r 14th, 1680. These may certife any whom it may concern that the ordinary exchange at Boston between New England mony and mony Sterling or mony of old England is twenty pounds per cent. The law allowes but 25^{li} per cent. in case bills bee protested, but I haue it done between merchant and merchant often for 15^{li} per cent. as

Attest, Benj^m Davis.

This I also doe affirm as to merchants account to be, and I haue had myself a bill of exchange, current pay, payd in England for tenn per sent, by me,

Will. Gibbons.”

love and regard or freindship, to conform to, stand by and make good this agreement, and not provoake and prejudice one another contrary to their fore-recited agreement.

To all whome it may concern &c. Be it knowne that we hereunto subscribing, in the behalfe of the plantations of Woodbury and Mattatuck, by the motion of honourable freinds and weighty arguments us hereunto inducing, have had a meeting upon the 29th of June, 1680, in order to the settlement of the bowndaryes between the sayd two plantations, and doe freely and vnanimously agree and consent as followeth, viz. that there be a line run due east from the westernmost part of the bownds agreed and concluded between Mattatuck and Derby, to Mattatuck River, and so that line to be run from the sayd river two miles and twelve score rodd due west, and then a line runn from the eastermost part of the great pond comonly known by the name of Quassapauge, from such a part of the pond as by us allready is agreed on, fowerscore rod due east, and then a straight line from that foure score rod, to the afoars^d west corner between Derby and Mattatuck, and from the afoarsayd corner fourescore rod due east from the afoarsayd pond. The bownds is agreed and concluded to run due north, to the extent northward of each plantation's bownds, and that this or mutuall agreement and firm settlement of our dividint between or plantations afoarsd is signified by our subscribing heervnto this 29th day of June in the year of our Lord, sixteen hundred and eighty.

John Minor, William Judd, Joseph Judson, Thomas Judd, Israel Curtice, John Standly Jun^r.

The above written is a true copy of the originall, as attests
John Allyn, Secret^{ry}.

Vncas and Owanecoe desiring advice what to doe upon a case which he p^rsents, viz. that he had forty fathom of peag and a coat presented to him to engage him in a warr with the Naticks against the Mowhawks, offensive and defencive &c. the Court having considered the same doe return that they are much strangers to Indian customs in such affayres, yet as freinds to s^d Vncass and Owaneco doe advice them to be carefull in these matters that they doe not prejudice themselves, and the Court doth leave it with them to act there own pleasure therein, provided he doe not p^rjudice vs, who doe still stand by or former engagement of freindship wth them.

This Court appoynts Capt. James Fitch, Charles Hill, L^{nt} Mason and L^{nt} Abram Post to try the line between New London and the Mohegans, and to see it markt and setled according to former grant of the Court, and good satisfaction of the Indians, if it can be attained; if not, to make return of the matter how they find it, to the next Generall Court. The like they are to doe for Norwich, and Lyme.

21. This Court grants a rate of two pence upon the pownd of all rateable estate in the colony, to be payd in wheat, pease, Indian corn and rye, a third in wheat, a third in pease or rye, a third in Indian corn, or porck, good and merchantable, full size, repact by the packer: the wheat to goe, winter wheat at 4^{sh}. 6 p bush., summer wheat 4^{sh}. p bush.; ry and pease at 3^{sh}. p bush.; porck at 3^{li} 10^{sh} p barrell: and if any pay above [123] a 3d in pease or Indian, the Indian corn to pass at || two shillings p bushell and the pease at two shillings six pence p bushell.

This Court appoynts Major Tallcott and Mr. Wadsworth to buy the law bookes of Mrs. Richards,* if they can obtaine them for the country upon reasonable tearmes.

This Court orders that the thirty pounds p annum agreed by Ry to be payd to the minister, Mr. Dunham, shall be gathered by the constable with the country rate, in the same specieæ and price as the country rate, and by him to be payd to the sayd minister.

This Court orders that the sallery of Wallingford deputies shall be the same wth Haddum deputies.

This Court doe grant Jonathan Smith, of Farmington, to be a freeman.

This Court doe not approve of Mr. Wadsworth being L^{nt}, and do recomend it to the traynband to goe to a new choyse of a Leiftenant.

This Court in answer to the pe[ti]tion of Mr. Hawly and

* James Richards Esq. who had been one of the Assistants since October, 1664, and had borne a prominent part in the administration of public affairs, died, at Hartford, June 11th, 1680. His widow, (a daughter of William Gibbons) married Humphrey Davie Esq. of Boston and Hartford, whose son John (afterwards, Sir John Davie, Bart.) married Elizabeth, a daughter of Mr. Richards. Another daughter, Jerusha, was the first wife of Rev. (afterwards Governor) Gurdon Saltonstall.

Mr. Haule of Stratford,* that they might have a hearing of the matter of Wheatly, they haveing heard and considered the case doe see no reason to alter or reverss the judgment of the court of Assistants, May 25th, last.

In answer to Mr. Charles Hill's petition, this Court grant him liberty for two hundred acres of land, provided he take it up where it may not prejudice any former grant to any perticular person or plantation.

This Court appoynts Captⁿ Allyn, Mr. James Bishop, Capt. James Fitch and Mr. Bankes to audite the country acco^{ts} and the accompts between the country and Hartford county.

This Court doe hereby grant three hundred pownds sterling money of England, to be rayed upon the colony, with the interest of it for a yeare or two till it be payd, to be improved by the Governo^r and Councill in the best maner may be for the redemption of Mr. W^m Harris from his captivity, † if his redemption require so much.

Timothy Traule, Job Drake, Georg Griswold and John Moses haveing to this Court been complained of for contempt of authority, the Court haveing heard what hath been objected against them doe find that their letters to the Governor, to say the least, was to full of reflections and unsuitable expressions, casting contempt upon the Governo^r without any just cause, as doth appeare by their writeings under their hands, which calls for due witness to be born against it by this Court: but Timothy Traule appearing in this Court and manifesting by his acknowledgment some sence of his evill therein, the Court willing to take notice of the same, for his and their benefitt doe see cause now onely to lay a fine upon them of five pownds apeice. ‡

* Towns & Lands, I. 194.

† See page 51, and note: Appendix, Nos. XXXIV-XXXVI.

‡ The obnoxious letter, signed by the four above named members (as a committee) "of the new church and congregation at Windsor," is in Ecclesiastical Papers, I. 74. It was written, July 5th, 1680, in reply to a letter from the governor and council "declaring against all distinct meetings in Windsor for the public worship of God," and enjoining the withdrawers or new church to re-unite with the old. The committee thought themselves "more hardly dealt with than any other church of X^t in the colony," and feared that the act of the governor and council "would be provoking to the King's Royal Majesty if he should hear of it;" "look upon themselves grievously

This Court having considered the petition of some of Windsor* and the sorrowfull condition of the good people there, and findeing that, notwithstanding all means of healing afoarded them, they doe remayn in a bleeding state and condition, doe finde it necessary for this Court to exert their authority towards the issuing or putting a stop to the present troubles there; and this Court doe hereby declare that they find all the good people of Windsor obliged to stand to and rest sattisfied with the advice and issue of the Councill they chose to heare and issue their matters, which advice being given and now p^resented to the Court, dated January, 1677,† this Court doth confirm the same, and order that there be a seasonable vniteing of those of the 2d Society in Windsor with the first, according to order of the councill, by an orderly preparation for their admission; and if there be objection against the life or knowledg of any, then it be, according to the councill advice, heard and issued by Mr. Hooker and the other moderators successor; and that both the former ministers be released, and that the committee allready appoynted to seeke out for a minister with the advice of the church and town colectively by their major vote, doe vigerously persue the procureing of an able orthodox minister qualified according to the advice of the Governo^r and Councill and ministers, May last; and all the good people of Windsor are hereby required to be ayding and assisting therein, and not in the least to apose or hinder the same, as they will answer the contrary at their perill.

This Court grants the Dept. Goveritor for his salery this

oppressed," and humbly petition the governor either himself "to grant [their] liberties according to law," or call the General Court together to hear their complaints, and "how unduely they are outed of the liberties [the Court] gave them" &c. This freedom of remonstrance "called for due witness to be borne against it," as appears. "Timothy Thrall's plea," in defence of this petition, or rather, disclaiming any design of casting contempt on authority thereby, and a second petition from "the new church and congregation" (signed like the former,) of Oct. 14, 1680, are in the same volume, Nos. 77, 78.

* Towns & Lands, I. 77. Other papers relating to the difficulties in the Windsor church are in the same volume, Nos. 63-68, 71-79.

† Towns & Lands, I. 63.

year forty pownds, and to the Treasurer and Secretary twenty five pownds apeice.

This Court doe impower the Governo^r and those of the Councill that can and doe conveen upon his call, to hear, order and disspose of such occasions as shall fall in to be necessarily attended in the intervals of the Generall Court.

This Court notwithstanding the many rebukes the Lord is pleased in the way of his providence to lay upon us, by those late judgments which have come upon us more sorer than formerly, cannot but see great reason to justify the Lord in all that he hath brought vpon us, and allso to bless God that he hath not consumed vs, and to prayse him that he hath been graciously pleased to continue o^r peace and liberties civill and sacred, and so much of the fruits of the feild and trees as may be competent; that there is no cause of complaining for want in o^r streets, as allso that the generall sickness that hath been amongst vs hath not been so mortall as was feared; and for that the Lord hath been pleased to grant his healing mercys to his people; and allso to bless God that he hath been pleased to preserve o^r lord the King, and continue so much peace and health amongst his people in New England as they have injoyed; and doe appoynt the 3d Wednesday in November next to be kept a publique Thankesgiveing through this colony, to prayse God for these and all other the mercys the Lord is pleased to continue unto vs.

[124] A COURT OF ELECTION HELD AT HARTFORD, MAY THE
12, 1681.

These were nominated for election: W^m Leet Esq^r, Major Rob^t Treat Esq^r, Mr. Sam^l Willys, Major Nathan Gold, Major John Tallcott, Captⁿ John Allyn, Mr. W^m Joanes, Mr. James Bishop, Captⁿ John Nash, Capt. Tho. Topping, Mr. Andrew Leete, Mr. John Wadsworth, Capt. Rob^t Chapman, Capt. James Fitch, Mr. Giles Hamlin, Capt. W^m Curtice, Mr. Jehu Burr, Captⁿ W^m Fowler, L^{nt} Sam^l Mason, Capt. James Avery, Capt. Moses Mansfeld, Capt. Benj. Newbery, Capt. Tho. Bull, Mr. Henry Woolcott.

*These were elected:*W^m Leete Esq^r, Gov^r.Major Rob^t Treaté Esq^r, Dept. Gov^r.*Assistants.*

Mr. Samuel Willys,	Capt. John Nash, <i>s.</i>
Major Nath. Gold,	Capt. Tho. Topping,
Major John Tallcott, <i>s.</i>	Mr. Andrew Leet, <i>s.</i>
Capt. John Allyn, & <i>Secret^y,</i>	Mr. John Wadsworth, <i>s.</i>
Mr. W ^m Joanes, <i>s.</i>	Capt. Rob ^t Chapman,*
Mr. James Bishop, <i>s.</i>	Capt. James Fitch,*
Mr. Jos. Whiting, <i>Tresur^r.</i>	

The Deputies of the Court are:—

Mr. W^m Pitkin, Mr. Jona. Gilbert; for Hartford.
 Major Edw. Palmes, Mr. Dan^l Witherly; for New London.
 Captⁿ Benj. Newbery, Mr. John Loomys; for Windsor.
 Capt. Jno. Chester, L^{nt} Sam^l Tallcott; for Weathersfeild.
 Capt. John Standly, Mr. John Norton; for Farmington.
 Mr. Giles Hamlin, Ens. Nath. White; for Midleton.
 Mr. George Gates; for Haddum.
 Capt. Thomas Munson, Capt. Moses Mansfeild; for N. Haven.
 Capt. John Beard, L^{nt} Sam^l Eales; for Milford.
 L^{nt} Sam^l Mason, Mr. Nehem. Palmor; for Stonington.
 Mr. W^m Leet, Ens. John Grave; for Guilford.
 Mr. John Brockett, L^{nt} Nath. Merryman; for Wallingford.
 Mr. Edw. Griswold, L^{nt} Henry Crane; for Kenilworth.
 Mr. Jos. Theale, Mr. Abram Ambler; for Standford.
 Mr. Joseph Hawly, Ens. Stev. Burrett; for Stratford.
 Mr. John Wheeler, Mr. Rich^d Hubbell; for Fayrefeild.
 John Gregory, John Boughton; for Norwalke.
 Mr. Benj. Bruster; for Norwich.
 Mr. W^m Parker; for Saybrook.
 Mr. Math. Griswold; for Lyme.
 John Brandige; for Rye.
 Joseph Pherris; for Greenwich.
 W^m Hoadly, Eli. Stent; for Brandford.

* The names of Capt. Chapman, of Saybrook, and Capt. Fitch, of Norwich, appear for the first time in the roll of Assistants,—replacing those of Henry Wolcott, of Windsor, who died, July 12, 1680, and James Richards, whose death, (June 11th, 1680,) has already been noticed.

13. These were nominated for the severall plantations to be commissioners for the year ensuing.

Captⁿ Newbery, for Windsor & Simsbury; for Weathersfield, Captⁿ John Chester & Mr. Sam^l Tallcott; Mr. Giles Hamlin & L^{nt} Nath. White, for Midleton & Haddum; Mr. Mathew Griswold, for Lyme; Major Palmes, Mr. Daniel Witherly & Capt. James Avery, for New London; L^{nt} Sam^l Mason & Mr. Tho. Minor, for Stonington; L^{nt} Tho. Tracey, for Norwich; Mr. Edward Griswold, for Kenilworth; Mr. Samuel Sherman, & Capt. Curtice, for Stratford; Mr. Jehu Burr & Mr. John Burr for Fayrefield; Mr. Tho. Fitch & Capt. Rich. Olmsted, for Norwalke; Mr. Rich^d Law & Mr. John Holly, for Standford & Greenwich; and L^{nt} Jos. Horton for Rye; and Captⁿ John Minor for Woodbury. Mr. John Moss is commissioned by the Court to joyne people together in marriage according to law, and power to grant warrants for actions and distresses for rates and fines imposed upon any person for insufficient fence by the fence veivers.

Whereas there hath been a frequent custome in most of o^r county courts to grant reveiws in civill actions which generally or for the most part are desired upon frivolous and fraudulent pretences of plntfs. and defendants, This Court haveing considered the same doe order that no reveiws shall be granted to plaintiffs upon any pretence whatsoever nor to any defendants whoe have been sumoned to answer his action twenty one dayes before the sitting of the Court, nor upon actions of debt by specialties, any usage or custom to the contrary notwithstanding.

This Court desire Major Tallcott and Captⁿ Allyn they or either of them to assist in the keeping of the county courts in New London this yeare, and to administer the Assistants oath to Captⁿ Chapman and Captⁿ Fitch.

Major Rob^t Treat and Captⁿ John Allyn are by this Court chosen and appoynted comissioners for the Vnited Colonys this yeare ensuing; and Major John Tallcott, for a reserve.

[125] Henry Wakely petitioning this Court to grant him some satisfaction for service he did for the colony in or about Mattebeseck, and for some damage he received thereby, the

Court to issue all complaints and differences in the matters between him and Midleton and the colony, doe see cause to grant him two hundred acres of land, provided he take it up where it may not prejudice any plantation or former grant made by this Court. Captⁿ Minor and L^{nt} Joseph Judson are appoynted to lay it out to him according to his grant.*

This Court for the encouragement of Mr. Samuel Streete grant him two hundred acres of land, provided he take it up where it may not prejudice any former grant to any person or plantation.†

14. Mr. Christopher Christophers, Thomas Avery, John Avery, James Judson, Isack Judson and Edmond Sherman were accepted freemen of this colony.

These presented for freemen:—Eliezer Smith, Nath. Seely, John Hubbell, and Joseph Rowland, Steven Merrick, Steven Root, W^m Lewes, W^m Higginson, Mr. Sam^l Woolcott, Mr. Rob^t Wells, L^{nt} Thomas Hollister, Mr. John Robbins, Mr. Josh. Robbins, Mr. John Buttolph, Mr. Timothy Hide, Mr. Steven Chester, Mr. Sam^l Wells, Mr. John Lattimore, Jos. Churchall, Benja. Churchall, Jos. Edwards, John Kilborn, John Goodrich, John Ryley, Sam^l Boreman, John Wells, Theoph. Sherman, Bezaliel Lattimore, Sam^l Smith, Jacob Goffe.

This Court doe order that the towne of Saybrooke doe pay to L^{nt} White and Deacon Haule, twelve shillings for their runing of the line between them and Kenilworth.

This Court doe order that the bounds between Lyme and Haddum layd out by Nath. White and Deacon John Haule shall stand as their stated bownds, and that they, viz. Lyme and Haddum pay the measurers for the same.

The administrators of Thomas Hale's estate appoynted by the Court moved this Court for liberty to make sale of a par-

* This grant was not laid out before Feb. 1715-16, when it was assigned by James Wakely of Stratford, son of the grantee, to Benjamin Fairweather of Stratfield, by whom it was taken up, (with other assigned grants) between Fairfield and Danbury bounds, west of Newtown. Col. Rec. Lands, III. 449, 188.

† Laid out, April 24, 1682, between Wallingford and Middletown bounds, for Mr. Samuel Street, pastor of the church at Wallingford; and by him conveyed, June 27, 1686, to Mr. John Hulls, of Derby, chirurgeon. Col. Rec. Lands, II. 49, 121.

cell of land belonged to sayd Hale, to pay his debts &c. They also produced a writing from sayd Hales eldest sonn to manifest his desire and consent to their so doing. This Court haveing considered the same doe grant their consent, and doe hereby impower them so to doe; allwayes provided any right to the widdow, by the law title Dower, be not prejudiced thereby.

This Court haveing heard Mr. Woodbridg* his petition, in answer thereto by their vote declared they doe grant him a hearing provided his people that engaged him (as he sayeth) mayntenance doe voluntarily com before the Court on Tewsdays or Wednesday next and joyn issue with him; otherwise they will leave him to the comon law for tryall of his right with them.

This Court being moved by sundry persons to repeale a former order made prohibiting transportation of dear skins out of this colony, which the Court haveing considered doe order that the sayd order be repealed, and the trade of skinns be opened; onely it is now provided that whosoever shall transport any skinns of bucks or does, he shall give publike notice to the inhabitants of the towne, a moneth before such transportation, at a town meeting or by a writing set up upon the ordinary or mill dore, in the town wher he dwells, that he is upon transportation of such skinns; and if any of the inhabitants or others will give for such dear skins six pence p pound in wheat or money or other pay equivalent, he shall not transport the sayd skinns, or so many of them as so much pay is tendered for, upon the penalty of the forfeiture of the skins so shipped to be transported, or the full value of them.

16. This Court desires the Honrd Dept. Gov^r, Major Tallcott, L^{nt} Mason and Mr. Palmer to be a committee to heare what the Indians have to say and to prepare the matters for the Court.

This Court upon consideration of Joseph Stonhard's great loss by sickness and otherwise, last yeare, doe remitt his country rate made by the list p^rsented to the Court October last.

* Rev. Benjamin Woodbridge, now about removing from Windsor, where he had been engaged as minister of the new or seceding church. See page 82, *post*.

17. This Court having considered the restraint or imbargoe that the Gov^r and Councill put upon transportation of graine out of the colony, as matters were then circumstanced, it was absolutely necessary and according to their power; but the face of affayres at p^rsent being altered and some darke clouds removed, this Court sees cause to take off this imbargoe.

In addition to the law title *Booke Debts &c.* page 19, it is by this Court ordered that all small debts of forty shillings value and vnder shall be recoverable by law within seven yeares after they are contracted, the sayd former law above mentioned notwithstanding.

This Court being informed that the law title *Rates*, fo. 61, 62, 63, doth not allow colectors of rates sufficient satisfaction for gathering in of rates, doe now order that the colectors of rates shall for every rate they distreine have, besides the two pence on the shilling allowed by the former order, have fower pence for every mile he goes forth to serve such levy, with necessary ferridg if he pass over any ferry, which he is to levy with the rate upon the estate of the person that shall neglect or refuse to pay his rate according to order.

This Court being sencible of the great abuse that is grown up amongst vs by persons takeing up, marking and branding horses or hors kind and makeing sale of them to the great damage of the owners &c. for the prevention whereof this [126] Court doe order that after the publication hereof, whosoever shall take up any hors or horse kind, in the woods or elsewhere, he shall bring them into the town if he brands or markes them, and it shall be in the pownd or some other publique place appoynted by the towne, and it shall be done by the publique officer appoynted to brand horses, and the owner of such horses shall make out his clayme to the horses he desires to have branded or markt, according to former order; and the sayd brander shall record all such horss kind as he markes or brands, with their age as neer as can be, colour and markes naturall and artificiall, as allso the day, and yeare when he so markt and branded any such horses, upon the penalty of forty shillings for neglect of his duty herein; and the sayd brander is to be payd or allowed reasonable

satisfaction for his labour and travell in branding such horses. And it is farther ordered that no bargain or sale of any horss shall be allowed as good in law unless the same be entered in the brand booke in the town where the sale is made, with his age, colour and markes, naturall and artificiall of the sayd horss, mare or coalt, and the day and yeare when such sale was made, and he that makes the sale of any such horss or horse kind shall pay unto the keeper of the brand booke six pence for every entry he shall make.

And it is ordered that whosoever shall take up and brand or marke any horss kind contrary to this order, he shall pay for the first offence five pownds to the treasury or be whipt ten lashes on the naked body; and for the second offence he shall pay a fine of tenn pownds or be whipt severly twenty lashes; for the 3d offence he shall be committed to the house of correction and there be kept at hard labour and with cours dyet for six moneths, and be whipt once a quarter severly, or pay a fine of twenty pownds.

And it is ordered that all horses or horss kind that are above two yeares old unmarked or unbranded, that are taken up by any person, they are to be returned forthwith to the constable, whoe is to cry them forthwith in the three next townes, and if no owners appeare within three weekes after such crying of the sayd horses, the constable is with the advice of the next assistant or commissioner to make sale of such horss or horss kind, or marke them for the use of the county.

And all constables and grand jury men are hereby required to make dilligent search after all such persons as shall transgress this order, and to make p^rsentment thereof to the next authority forthwith.

This Court doe confirm James Avery Captain of New London traine band, and do recommend it to New London traine band to make choyse of a L^{nt} and Ensigne speedily, and that at least one of them may be chosen out of one of the inhabitants who dwells upon the town plott.

18. Mr. John Brockett and Mr. John Moss are appoynted to lay out to Captⁿ W^m Lewes his grants of land, according

to his grants. They are also appointed to lay out Mr. Street's grant of land, according to his grant.

This Court doth order those plantations that doe adjoyne to land belonging to Vncass, sachem of Moheag, or that have any land of his within their township, that is not purchased, to appoint some meet persons of their towne to joyne with Vncass, or such as he shall appoint, to perambulate and run the sayd lines between them as afoars^d, and to certify the Court in October next how they find matters; and for those lands of Vncass that are out of any plantation bownds, this Court appoints Captⁿ James Fitch, L^{nt} Sam^{ll} Mason and Abram Post to perambulate with him, to take notice of and to committ to writeing what they observe he demands, and what right he makes to appear to his demands, and to make return of the same in writeing to this Court in October next, that so the Court may settle the same.

This Court orders that New London doe forthwith pay unto Vncass that twenty five bushells of Indian corn (or other pay to their content) the Court ordered them to pay to Vncass and his people for damage done by their horses and cattell in their corne, within the space of one moneth, and upon neglect of doing, the secretary is to grant execution for the same to Marshall Grave, who is to execute the same.

As to what is propounded by Vncass in refference to Joshua's will, This Court doth suppose it was exhibited, proved and recorded according to law, in the court at New London; and if the executors doe not find out a way for his [127] mayntenance according to his will, they then expect their order, made the Court of Election, 8th May, 1679, be attended in that behalfe.

This Court orders that Major Treat, Captⁿ W^m Fowler and Mr. Jehu Burr doe take another veiw of the land layd out to the Indians at Coram hill, last yeare; and if it be (as the Indians complayn) so full of stones that it is unfitt to plant, that then they lay it out againe according to the Generall Court's former intent.

This Court appoints that Capt. James Avery, Mr. Witherlee, Captⁿ Mason and Mr. Nehemya Palmer doe speedily

inquire out, seek after and procure a tract of land that may be suitable for the accommodation of Momohoe and the Pequots with him in those parts, as comodious as may be, either by exchange or moderate purchase.

And whereas Vncass hath desired this Court that in case any occasion of transacting any affayres between this colony and him should be, in which his appearance may be expected, that his son Owanecoe and Woewemant his counsellor appearing, what they shall agree upon shall be deemed effectually to all intents and purposes as if it had been done by himselfe, The Court accepts of his proposition, and so shall attend for the future.

19. This Court grants unto L^{at} Tho. Hollister, one hundred acres of land, provided he take it up where it may not p^rjudice any former grant to any plantation or perticular person.*

This Court doth impower the Govern^r, or in his absence, the Dep^t Gov^r and Assistants, soe many of them as can conveen upon his call, to be a Councill to hear, order and disspose of such things that are necessary to be acted and attended in the intervalls of the Generall Court. This to stand till October Court next.

This Court haveing heard Mr. Benjamin Woodbridg his petition, doe find that it may be difficult to com to a just issue of the case, and that it may be hazardous to the peace to enter perticularly into the bowells of the case, as matters are circumstanced; therefore as a finall issue of all matters of strife about demands by Mr. Woodbridg upon the people of Windsor for his labours there, This Court doe grant unto Mr. Woodbridg the sum of two hundred acres of land for a farme, provided he take it up where it may not p^rjudice any former grant to any perticular person or plantation. And this Court doe recomend it to those of Windsor who have been engaged to s^d Mr. Woodbridge, that now at his parting they would consider their engagements to him and act towards him as they are in duty

* Assigned by Lieut. Hollister to Nathaniel Borman, Sept. 1682; by Borman to Capt. James Fitch, 21 Oct. 1682; by Fitch to John Chandler Jr. of Woodstock, July 21, 1691; and laid out to the last named, on the east side of Quinebaug river, in what is now Thompson. A patent was granted to Chandler, in 1691. Col. Rec. Deeds &c. II. 226.

bownd; and we recommend it to Mr. Woodbridge as a freind to peace, that he would rest sattisfyed therewith.

This Court grants Thomas Vigers, as an issue of all acco^{ts} between the country and him, the su^m of fifty two shillings.

Vncass haveing desired that there might be some articles of agreement made between them and him, the Court considered the same, and a writeing was made and both were signed and delivered in this Court, and are kept upon file; and the Court appoynted the secretary to signe one of those writings* in the name and by order of the Court, and the same was delivered to Vncass in the p^rsence of the Court.*

This Court being moved to grant liberty to erect a plantation upon the Hopp Ground† and adjacent lands, about twelve miles to the northwards of Standford, doe grant their request, and appoynt Captⁿ Richard Olmsted, L^{nt} Jonath. Bell and L^{nt} Jonath. Lockwood and Mr. Joseph Theale, to be a committee to entertein such persons as shall plant there, and to manage, order and disspose of the affayres of that plantation, according to their best skill and so as may best advance the wellfare and growth of the sayd plantation; and they are to take care that there be a suitable lott layd out for the first minister of the place, and a lott for the ministry, to be and belong to the ministry for ever.

This Court orders that all transient persons shall inhabit in a plantation at least three moneths before they be called forth to traine.

This Court grants Edward Smith liberty to reveiw the case he prosecuted against his Aunt Smith formerly at this Court, at the Generall Court, October next.

This Court confirms John Standly Leivtenant of the traine band of Farmington.

The Treasurer informing the Court that some townes, as also some perticular persons, stand debtor to the country, the Court orders the Treasurer to send forth his warrants to require the sayd townes and persons to make up their acco^{ts}

* See Articles of Agreement between the Governor and Company and Uncas, May 18th, 1681, in Appendix, No. XXXVIII.

† Afterwards named *Bedford*. See records of May Session, 1682.

with the Treasurer, and in defect the Marshall to be sent down according to law.

This Court impowers the widdow of Daniel Warner deceased, to grant a deed of sale to W^m Higginson for the land he bought of her husband.

This Court have granted that the bownds for the plantation of Mattatuck shall runn eight miles north from the town plott, as their stated bownds, and doe confirme and rattify the bowndaryes agreed upon by Mattatuck and Woodbury planta- [128] tions, || and the bowndaries agreed upon between Mattatuck & Derby inhabitants, which more at large is sett down in their subscribed papers by the hands of the committees appoynted by each plantation; and Mattatock bownds on the east shall be upon Farmington bownds.

Leiutenant Standly and John Norton are appoynted by this Court to lay out Mattatuck bownds.

This Court grants liberty to Nehemiah Palmer and any other with him to buy Cattapesett* his land on the east side of Paquatuck River, in case he shall offer it to sale: and if it shall hereafter appeare to be within the limits of this colony, then this Court doe engage to reïmburss the sayd Palmer and those that shall joyne in the sayd purchass with him, and take the sayd lands into their hands for country use and disspose. The above written was concluded in the Generall Court. Attested p John Tallcott Ass^t.

[The following act or order of the May Court was omitted by the recorder. It is found entered, in regular course, among the manuscript additions to the printed Colony Laws (of 1673) in copies in the State Library and Library of Yale College.]

Whereas the building of ships is a business of great importance for the common good, and therefore sutable care ought to be taken that itt be well performed according to the custome of England and other places, It is therefore ordered by the Authority of this Court, that when any ship or other vessel is to be built, aboue fiveteene tunns, the owner or builder in his absence shall, before they begin to planke, repayr to one or two

* The son of Herman Garret or Cashawashet, who had succeeded to his father's title to lands in Stonington bounds, east of Pawcafuck river. In December, 1681, Catapeset agreed, for £20, to convey to the town of Stonington a part of these lands. (Ston. Town Records.)

of the next magistrates or commissioners, upon the penalty of ten pounds, who shall appoynt one able man or more to suruey the worke and workemen from time to time, as is usuall in England, and the same so appointed shall haue such liberty and [such] power to suruey the sayd ship or vessel as belongs to their office.

And if any ship carpenter shall not upon his or their aduice, reforme and amend any thing which he shall find to be amiss, then upon complaint to the authority aforesaid he or they shall appoynt two of the most sufficient carpenters within their precincts or within the collony, or one ship-master and a carpenter if occasion [require], and shall authorize them from time to time, if there be occasion, to take view of euery such ship or vessel and all workes thereunto belonging, and to see that itt be performed and carryed on according to rules of art. And for this end an oath shall be administered to them to be faithfull and indiffrent betwene the owner and the workemen; and their charge to be borne by such as shall be found in default; and if no default appeare, the charge shall be borne by the builder and owner by equall proportion.

And those veiuers shall haue power to cause any bad timber or other insufficient worke or materialls to be taken out, at the charge of them through whose default it grows.

A GEN^{ll} COURT HELD AT HARTFORD, OCTOB^r 13, 1681.

W^m Leete Esq^r, Gov^r.

Major Rob^t Treaté Esq^r, Dept Gov^r.

Major John Tallcott,	Capt ⁿ John Nash,
Capt ⁿ John Allyn, Sec ^y ,	Mr. John Wadsworth,
Mr. W ^m Joanes,	Capt ⁿ Rob ^t Chapman.

Deputies.

Mr. Richard Lord, Mr. W^m Pitkin; for Hartford.

Captⁿ Benj. Nubery, Mr. John Loomys; for Windsor.

Mr. Sam^{ll} Tallcott, L^{nt} Sam^{ll} Steele *abs.*; for Weathersfield.

Capt. Tho. Munson, Capt. Moses Mansfeild; for New Haven.

Mr. John Wheeler, Mr. Joseph Lockwood; for Fayrefeild.

Mr. Daniel Witherly, Mr. Charles Hill *abs.*; for New London.

Mr. Sam^{ll} Eales, Mr. Tho. Camfeild; for Milford.

Capt. W^m Curtice, Mr. Jos. Hawly *abs.*; for Stratford.

Mr. W^m Parker, Mr. John Chapman; for Saybrooke.
 Mr. Edw. Griswold, L^{nt} Henry Crane; for Kenilworth.
 Mr. W^m Leete, Ens. John Grave; for Guilford.
 L^{nt} Jonath. Bell, Mr. Josh. Hoyt; for Standford.
 Sarj^t Walter Hoyt, Sarj^t John Plott; for Norwalk.
 Mr. John Mosse, Mr. John Brockett; for Wallingford
 Capt. James Fitch, L^{nt} Tho. Leffingwell; for Norwich.
 Mr. Amos Richeson, Mr. Ephraim Minor; for Stonington.
 Mr. W^m Hoadly, Mr. Eli. Stent; for Brandford.
 Georg Gates; for Haddum.
 Peter Disbroe; for Rye.
 Mr. Math. Griswold, Mr. W^m Measure; for Lime.
 Captⁿ W^m Lewes, Capt. Jn^o Standly; for Farmington.
 L^{nt} Ens. White, Deac. Sam^l Stocking; for Midleton.

These are propounded for freemen: John Whitlesey, Nath. Chapman, John Clark and Rob^t Lay Jun^r.

The List of the persons and estates of the colony are—

<i>Persons.</i>	<i>L.</i>	<i>sh.</i>	<i>d.</i>
250 Hartford,	17189	00	00
218 Windsor,	13943	19	00
189 Wethersfeild,	12707	00	00
240 New Haven,	12463	10	00
150 Milford,	09394	10	00
100 Guilford,	06620	00	00
101 Stratford,	07367	00	00
085 Norwalke,	05442	00	00
184 Fairfeild,	11688	00	00
096 Saybrooke,	05622	15	00
105 Norwich,	06176	17	00
174 New London,	09938	00	00
052 Wallingford,	02652	00	00
063 Brandford,	03255	00	00
117 Midleton,	04959	00	00
057 Stoneington,	04516	00	00
110 Standford,	05904	19	06
050 Rye,	02415	00	00
048 Kellingworth,	02420	00	00
096 Farmington,	06017	00	00

066 Lyme,	03711 00 00
052 Greenwich,	02374 14 00
037 Haddum,	01833 18 06
<hr/>	<hr/>
2640	

Major Tho. Clarke is plntf. by way of appeale from the judgment of the Court of Assistants held at Hartford, May 31, 1681, Capt. Tho. Topping, defent;* which action originally was an action of the case respecting certain goods and corn (retained by sayd Captⁿ Topping) belonging to the estate of the sayd Major, unto a surrender of the sayd goods or corn, or pay equivalent, debt together with damage to the value of fifteen pownds. In which action the jury did then find for the defendant cost of court, twelve shillings allowed. This Court haveing heard and considered the case doe see no reason to vary from the judgment of the Court of Assists, but find for the defnt cost of court; cost of Court of Assistants and this Court is twenty two shillings. Execution dd, June 12, 1682.

[129] This Court doth grant and impower Capt. Robert Chapman, Captⁿ James Fitch and Mr. Thomas Buckingham, they or any two of them, with power of administration upon the estate of Joshua, Sachem; who are also desired to have oversight of his child in bringing of him up according to Joshua's will.

This Court haveing heard the petition of James Wakely,† for a releas or remittance of the forfeiture of his band which he hath long since forfeited, the Court having considered the same and what he hath presented, doe not find that he hath given any just reason to move the Court to remitt any part of the sayd forfeiture of his bond.

* See testimonies &c. in this case, in 'Private Controversies,' I. 191-197. Major Thomas Clark, of Boston, was the principal proprietor of the iron-works at Branford. This action was brought to recover the value of certain goods left in the custody of John Wilford, of Branford, Major Clark's agent or clerk, which at his decease had passed into the possession of Capt. Topping.

† Priv. Controv. I. 251-253. James Wakely left the Colony in 1666, and had since been living in Rhode Island. A recognizance of £150, for his appearance before the Court of Assistants, having been declared forfeited, his house and lands were taken to satisfy the execution. See Vol. II. 34, 59. In 1673, he petitioned the Court of Assistants for an abatement of the forfeiture (Records of Co. of Assts., I. 14), and now renewed his petition, to the General Court.

Whereas the law, title Constables, fo: 15, doth allow the constables liberty untill October yearly, to make up their acco^{ts} with the Treasurer for the payment of the country rates, is found inconvenient, the Court now sees cause to repeale that clause in the law, and to order that the constables in the respective plantations doe for the future make up their acco^{ts} with the Treasurer by the first of September yearly, and that the audito^{rs} doe audit the acco^{ts} with the treasurer, sometime before the last of September yearly, that so the Gen^l Court may understand the state of their affayres. It is also ordered, if the constables neglect their duty required by this order, they shall be lyable to the same forfeiture which was imposed for the breach of the former order.

Major Winthrop is Plntf. by way of appeale from the Court of Assists^s, May 31, 1681, Edward Cullver is Defnt^t, which action was an action of the case, for that the sayd Culver doth unjustly keep possession of some part of the Plntf's land, to the damage of ten pownds and a surrender of the sayd lands.* In this action this Court doe find for the plntf. a surrender of the house and land in controversy and cost of court. The cost of court allowed is seven pownds ninteen shillings and sixpence. Execution dd, Octobr 24, 1681.

Adam Niccols is plntf. by way of appeale from the Court of Assistants, Octobr 6, 1681, John Butlar is defent^t, which action was an action of the case, for that s^d Butlar refused to give sayd Niccols a deed of sale for the dwelling house that Adam Niccols of Hartford now resideth in, with the home lott and orchard belonging thereto, according to bargaine and agreement as p writing will appeare, wth damage to the value of ninety pownds.† In this action the Court find for the defend-

* Priv. Controv. I. 282-290: Records of Co. of Assts., I. 29, 33. Edward and Joshua Culver lived at or near the head of Mystic river, on the west side, near Gov. Winthrop's mill. Major Fitz John Winthrop claimed the land occupied by the Culver's, by virtue of a deed from Joshua Culver (son of Edward), and also as within the bounds of a tract granted to Gov. Winthrop by the town of New London, in 1652-3, of "twenty pole on each side of the river from the place where the flowing tides end."

† Priv. Controv. I. 223-246: Court of Assts., I. 35. John Butler, son and one of the administrators on the estate of John Butler who removed from Hartford to Branford, (where he died, 1680), agreed with Adam Niccols for the sale of the house and home-lot formerly belonging to his father, in Hartford. Some months afterwards, Eliezer

ant cost of court. The cost of the court of assistants and this court is fower pownd twelve and six pence. Court dues remitted to him, sayd Niccols.

Mr. Andrew Belcher is plntf. by way of appeale from the Court of Assistants, Octobr 6, 1681, Mr. John Edgcombe is defendant,* which action was an action of debt wth damages twenty eight pownds, for denying or refusing to pay for a certain parcell of leather. In this action the Court find for the plntf. cost of court. Cost allowed is six pownds.

This Court haveing heard what hath been by Edward Smith objected against the last will and testament of Mr. John Smith of New London, why it should not stand, with the pleas of the widdow Smith, why it should stand, doe see no cause to make any alteration therein, but doe establish what the county court of New London hath done therein.

This Court considering the great losse that hath befallen Peter Disbrow by fyer, doe remitt unto him his country rate for the year ensueing.†

Sarj^t John Shepherd haveing withdrawn his appeale,‡ the Court allowes the defent^t seven shillings sixpence.

Sam^l Hale is plntf. by way of appeale from the Court of Assistants held at Hartford, October 6, 1681, Mrs. Abigail Olcott defn^t,§ which action was an action of debt due by bill, with damage, to the value of forty pownds. The plntf. withdraws his appeale and the Court remitts the charge of the appeale.

John Wells appeared in court and withdrew his appeale in that action wherein he was plntf. and L^{nt} Hollister defn^t, at the Court of Assistants, May 31, 1681, from whence he appealed to this Court.

Stent, son-in-law of Mr. Butler, Sen. and co-administrator, with the consent of the other heirs, sold the same house and land to Stephen Hosmer, John Seymour, Nathaniel Cole and John Watson, and gave them a deed. Niccols was in possession.

* Court of Assists., I. 36: Priv. Controv. I. 209-220. A parcel of leather, purchased of John Edgcomb, of New London, tanner, by Mr. Belcher, and by his order shipped for Hartford, was seized at Hartford by the Marshal, as unsealed, and adjudged forfeited to the colony. Edgcomb sued to recover the value of the leather.

† Peter Disbrow was a deputy, at this session, from Rye.

‡ Court of Assists. I. 31, 41: Priv. Controv. II. 1-18.

§ Col. Records of Lands &c. II. 73: Priv. Controv. I. 198-200.

Whereas there is a difference between Brandford and the farmers on the east side, about the line between New Haven and sayd Brandford, or New Haven purchass of the Indians, This Court doe request the Deputy Govern^r and Mr. Andrew Leete and Mr. Samuel Eales to take some paines to examine the case and to endeavour an accomodation between them, and if they cannot attayn an issue they are to make report how they find it to the next Court, where both parties are to attend for an issue. And the sayd town of Brandford and the farmers are to attend this affayre when they shall be appoynted by the Deputy Govern^r. They, viz. the committee, are allso to consider whither there be any obligation that doth lye upon New Haven that doth prohibitt this people from building a mill at the east side or sowth end.

[130] This Court desires Mr. Thomas Minor and Mr. Amos Richeson to goe visitt M^{rs} Harris, and see how it fares with her; and if they see her necessity requires it, they have liberty and hereby are impowred to bestow ten pownds out of Stone-ington rates for the supply of her necessities so far as that will goe.

Vpon the addresse of Mr. Thomas Robbinson wherein he hath moved this Court that those differences that he hath with the towne of Guilford* about pulling down of fence that secured his corn &c. and with W^m Stone for his unjust dealing with him, might be refferred to the hearing and determination of Mr. Daniel Buckingham and Mr. Samuel Eales, and hath given under his hand that he engages for himselfe and his successors that he will abide by and stand to their issue and never make any more trouble, suit or complaint about the same for the future, This Court reco^mends it to the town of Guilford and W^m Stone to joyn issue with the sayd Robbinson, that so all future trouble may be prevented. The afoarsayd Gentⁿ are to attend rules of justice and equity in their issue. And this Court reco^mends it to the Gentⁿ to attend the issue as soon as may be.

* The particulars of the long and angry controversy between Mr. Robbinson and the town of Guilford may be found in Records of Court of Assists., I. 25, 33, 36, 37: Towns & Lands, I. 197-206.

This Court doe appoynt John Tully and L^{nt} Abram Post to lay out unto Mr. Edward Griswold a grant of land formerly granted to him by this Court,* according to the grant, and one hundred acres of land the Court granted to the towne of Kellingworth, and the sayd towne of Kellingworth *and the sayd town of Kellingworth* hath past over to him.

Mr. Sam^l Tallcott is confirmed Captⁿ of the Troope of Hartford county. Mr. Joseph Whiting is confirmed L^{nt} of the Troope. John Bissell is confirmed Cornett of the Troope. Thomas Bissell is confirmed Quarter master of the Troope.

Mr. Thomas Allyñ is confirmed L^{nt} of Windsor Traine Band. Mr. Georg Sanders is confirmed Ensigne of Windsor Traine Band.

This Court having considered the order about Sheep, doe now see reason to order possitively that no rames shall goe at liberty with the flocks in the commons or elsewhere from the first of August to the last of October, upon the penalty of five shillings forfeiture for every ram shall be taken so goeing with the flocks, to be payd by the owner, the one halfe to him that powns the sayd ramm, the other to the poore of the towne. The haywards in the respective plantations are to see this order duely attended.

Whereas the law, title Commons to be cleared, page 14, doth order that all persons except excepted by the sayd law shall worke one day in a yeare in clearing of the commons, some time in June yearly, It is upon better consideration by the Court now ordered, that it shall be in the power of the Towns- men to call forth their inhabitants at such time as they shall judg most convenient to kill the brush; and this Court doth order the Towns- men and grand jury men to see that all persons required by law doe attend the worke when they shall be called forth by the townsmen; and that all such as doe not carefully and faythfully attend to worke, the sayd Towns- men and grandjury men are to make presentment of all such persons to the next authority within twenty foure houres after such neglect, where they are to be fined according to former order, which fine is to be improved in clearing of the commons:

* Laid out at the north end of Lyme bounds, May, 1682. Col. Rec. Lands, I. 329

and if any grand jury man or townsmen neglect to make presentment of any person that shall carelessly and vnfaithfully attend there worke, being convicted thereof, they shall forfeit ten shillings for every such neglect.

This Court orders, that for the future the colony shall be at no charge for the prosecuteing of hue and cryes, exceptit be for burglars and capital offenders; but all others shall goe forth and be carryed on at the charge of the persons desireing the same; and no constable to be required to goe or send [131] forth out of his precincts in any || persuit of a hue and cry, without he receive satisfaction for the same before he so goe or send; and the satisfaction is to be according as the country hath stated for posts from town to towne.

This Court alowes Mr. Tho. Dunck forty shillings for damage in corn he rece^d at Guilford.

This Court grant Georg Phillips five shillings for his attendance this court.

This Court grants a rate of two pence upon the pownd of all the rateable estate in the colony, to defray the country's charge and answer their debts, to be payd in wheat, pease, Indian corne and rye: a third in wheat, winter wheat four shillings sixpence p bush., su^mer wheat four shillings p bushell; one third in pease or rye, at three shillings p bushell; one third in Indian corn at two shillings sixpence p bushell, or porck at three pownds the barell, well repact, full gage. And if any pay above a 3d in Indian corn or pease, the Indian corn to goe at two shillings p bushell and pease at two shillings sixpence p bushell. And if any will pay there full rate in money, there is to be a third abatted.

This Court orders that no Breife craveing the collection of the good people in these plantations in this colony shall be read or attended in any plantation of the colony, without it have the alloweance of the Governour and Councill, and be by them directed into what townes or congregations it shall pass, except it be for some speciall occasion for some distressed or afflicted person of their owne inhabitants.

This Court grants unto Mr. Roger Newton,* Mr. Isack

* Towns & Lands IV. 2, 3. The General Court, Oct. 1729, ordered this grant of

Foster* and Mr. Caleb Watson,† two hundred acres of land apeece, provided they take it up where it may not prejudice any former grant to any plantation or perticular person.

This Court grants Mr. Nath. Collins a farm of two hundred acres of land, upon the same tearmes, for his good service.

Mr. Nicholas Noyse, for his good service in the warr, provided he settle in this colony, or stay here 4 yeares, is granted two hundred acres of land, upon the same tearmes.‡

The like grant of two hundred acres of land is granted to Mr. Israel Chansey and Mr. Elliott; and to Mr. Mathew Griswold this Court grants one hundred acres of land, provided he take it up where it may not prejudice any former grants.

Whereas there is a difference between the people of Lime and Vncass, about a purchass of land that was sold by Vncass and Chapattoo to W^m Lord§ and by him disposed to the towne of Lyme, the sayd Lime claiming larger bownds that [than?] Vncass grants he hath sold, This Court appoynts Major Tall-

200 acres to Mr. Newton of Milford to be laid out to his son, Capt. Roger Newton. Col. Rec. V. 716. It was laid out in the ungranted lands west of Housatonic River, 1731. Col. Rec. of Deeds &c., IV. 439.

* Laid out to the heirs of Mr. Foster, by order of Court, May, 1703, on the east side of Quinebaug river (now Thompson) and confirmed, Oct. 1706, to Rev. Thomas Buckingham and his wife Ann, daughter and sole heir of Rev. Isaac Foster (T. & Lands, II. 163), by whom it was conveyed, May 10, 1707, to John Clapp, of Scituate. (Col. Rec. of Deeds, II. 383.)

† 200 acres laid out to Mr. Watson, March, 1703, "a small distance northward of the township of New London," on the road from Norwich to Lyme. The General Court gave him a patent for this tract, May, 1703. Col. Rec. of Deeds &c. II. 301: Towns & Lands, II. 102.

‡ Rev. Nicholas Noyes (Harv. Coll. 1667) son of Nicholas Noyes of Newbury, and nephew to Rev. James, of Stonington, and Rev. Moses, of Lyme, preached about thirteen years at Haddam. He accompanied Major Treat's army, in the campaign of December, 1675. Col. Rec. II. 388. The grant of land did not prove a sufficient inducement to remain at Haddam: he removed to Salem, Mass., where he was installed, 14 Nov. 1683. Coffin's Newbury, 312, 356.

§ In April, 1669, Chapeto, a kinsman of Uncas, gave to Wm. Lord, of Lyme, a deed of a tract of land, within or adjacent to the bounds of Lyme, eight miles square. This tract was subsequently known as the Paugwonk lands, and appears to have included all or nearly all of the present township of Salem. Chapeto's claim of title was derived from Ananpau, his father, and Woncohuh, his grandfather, "both of them sachems of Paugunt" (Paugwonk, i. e. Crooked Pond. This pond, in Salem, yet retains its name.) Uncas signed this deed with Chapeto and his son Maskoran. June 6th, 1674, Sannup, or Sanhop, a Niantick captain, deeded this same tract to John Talcott, John Allyn, Edward Palmes and others. See Towns & Lands, V. 7, 71-73; Indians, I. 84, p. 7; Col. Rec. Lands, I. 443.

cott to goe and veiw those lands which the deed of sale mentioned, and to endeavoure an accomadation between the sayd people and Vncass, if possible; if not to make a reporte to the Court in May next, how he finds matters.

For the prevention of drunckeness in Indians it is by this Court farther ordered that if any Indian be found drunck in any township in this colony, he shall be severly whipt or otherwise punished, and all persons finding Indians disguised with drinck are hereby required to bring them to the authority to be dealt wthall according to law.

It is allso ordered, that if any Indian taken with drinck, or being found drunck, doe accuse any Englishman with furnishing him with the sayd drinke, the sayd person so charged shall clear himselfe by his oath, that he did not furnish the sayd Indian or any other Indian with the sayd drinck, according to former law; notwithstanding the Indian's going off from his first accusation.

This Court doth contiñue the power committed to the Govern^r and Councill in May last, unto them, desireing and empowering them to act accordingly.

This Court considering Vncass complaint against the heires of Richard Horton, that they doe not mayntaine their proportion of fence for the land they have, wthin Vncass his feild, This Court doth appoynt that Capt. James Fitch with Mr. Witherell doe veiw the sayd lands and fence and lay out to the heir or heires of sayd Orton, which are the proprietors of that land within Vncass his feild, what fence they shall make and maintayne, and they are hereby ordered to attend the same, accordingly for the future.

These were appoynted to stand in the nomination for Assistants, May next, viz. Captⁿ Benj. Newbery, Mr. Dan^l Witherell, Mr. Giles Hamlin, Capt. Tho. Bull, L^{nt} Sam^l Mason, Captⁿ Sam^l Tallcott, Capt. W^m Curtice, Major Edw. Palmes.

John Whitlesey, Nath. Chapman, Rob^t Lay, John Clark, Sarj^t John Shepherd, Jonathan Bigeloe and Joseph Mygatt, are propounded to stand upon tryall for freemen.

Those nominated for freemen May last, are now accepted to be sworn in their respective plantations.

[132] Mr. Amos Richardson having petitioned this Court that he may have the liberty of a tryall in comon law, with Captⁿ George Denison, respecting severall differences between them,* about which the papers of charge and evidences are not as yet obliterated on both parts, This Court doe grant the sayd Mr. Amos Richardson that he shall have the benefitt of the law against the sayd Captⁿ Denison, and that notwithstanding their differences have been heard by elders, which hath formerly obstructed the tryalls that have been endeavoured for in the county courts at New London. Therefore unless Captⁿ Denison will wholly withdraw the charges he hath made against Mr. Richardson to Mr. James Noyse, and deliver up what papers he hath relateing to these, unto Mr. Daniel Witherevell, so as never to be made use of by sayd Denison, like as Mr. Richardson hath already done on his part, then the Court grant above sayd is to stand in force.

This Court orders that in the Grand Jury's oath there shall be aded these words, [you shall make dilligent search]. It shall run thus,—that you will with all due care and faythfullness make dilligent search and presentment, according &c.

This Court doe appoynt and impower the Court of Assistants to be a court of Admiralty, for the future.

This Court appoynts the Secretary to write to Stoneington to manifest to them their dislike of that custome is used amongst them in publishing their town concernes on the Sabbath day.

This Court orders that in case the arbitration betwixt Mr. Herryman and Sam^l Brown be not attended before the Court of Assistants in May next, and the precise time affixed within one moneth by all the arbitrators, then the Court doe leave it to the Gov^r and Councill here to put in another arbitrator in the roome of him that hinders, so that the case may receive an issue within the time aboves^d; otherwise the appeale is to proceed at the next Court of Assistants as it was before; both parties being hereby required then to attend.

This Court grants the Dept. Governo^{rs} sallery to be for this year forty pownds, and to the Treasurer and Secretary twenty five pownds apeice.

* Priv. Controv. II. 82-94: and Records of October Session, 1683, *post*.

The Court is adjourned till the Gov^r or Dept. Gov^r shall see cause to call it.*

A COURT OF ELECTION HELD AT HARTFORD, MAY THE 11th,
1682.

These were nominated for election : W^m Leete Esq^r, Major Rob^t Treat Esq^r, Mr. Sam^l Willys, Major Nathan Gold, Major John Tallcott, Captⁿ John Allyn, Mr. W^m Joanes, Mr. James Bishop, Captⁿ Jno. Nash, Captⁿ Tho. Topping, Mr. Andrew Leete, Mr. John Wadsworth, Captⁿ James Fitch, Captⁿ Rob^t Chapman, Capt. Benj. Newbery, Mr. Daniel Witherell, Mr. Giles Hamlin, Captⁿ Tho. Bull, L^{ut} Sam^l Mason, Capt. Sam^l Tallcott, Capt. W^m Curtice, Major Edward Palmes.

These were elected :

W^m Leete Esq^r, Gov^r. s.

Major Rob^t Treat Esq^r, Dept. Gov^r. s.

Assistants.

Mr. Sam ^l Willys,	Capt ⁿ John Nash,
Major Nathan Gold,	Capt ⁿ Tho. Topping,
Major John Tallcott,	Mr. Andrew Leete,
Capt ⁿ John Allyn & <i>Secret^y</i> ,	Mr. John Wadsworth.
Mr. W ^m Joanes,	Capt. Rob ^t Chapman,
Mr. James Bishop,	Capt. James Fitch.

Mr. Joseph Whitting, *Treasurer.*

The Deputies of the Court are :—

Mr. Rich^d Lord, Mr. W^m Pitkin ; for Hartford.

Capt. Benj. Newbery, John Loomys ; for Windsor.

* The record closes without the usual order for a day of general thanksgiving. The loss of the harvest and the sickness which was at this time prevalent may have occasioned the postponement of the annual thanksgiving to some day subsequently to be appointed by the governor and council. "In the mo. of June, July and August was a great drought thro the Country, to great losse in corn & grasse, valued at many thousand pounds, yet god hath graciously left vs enough for a meat and drink offering. Sept^r & Octob^r w^r sickly in many places of this Colony; the desease was a malignant feaver of w^{ch} many dyed." Rev. Simon Bradstreet's Journal (N. E. Generall. Reg. VI. 332.)

Capt. John Chester, L^{nt} James Treat ; for Weathersfeild.

Capt. Tho. Munson, Capt Moses Mansfield ; for N. Haven.

Mr. Jehu Burr, Mr. John Banckes ; for Fayrefeild.

Major Edw. Palmes, Capt. James Avery ; for N. London.

Capt. John Standly, John Norton ; for Farmington.

[133] Sarjt W^m Parker, W^m Dudley ; for Saybrook.

L^{nt} Tho. Leffingwell, Mr. Benj: Brewster ; for Norwich.

Deacon W^m Johnson, Ens. John Grave ; for Guilford.

Capt. W^m Curtice, Mr. Jos. Hawly ; for Stratford.

Capt. John Beard, L^{nt} Sam^{ll} Eales ; for Milford.

Mr. John Mosse, Mr. John Brockett ; for Wallingford.

Sarj. John Platt, Sarj. J^{ohn} Bowden ; for Norwalk.

Sarjt Eliez. Stint ; for Brandford.

Joseph Ferris ; for Greenwich.

Mr. Giles Hamlin, L^{nt} Nath. White ; for Midleton.

George Gates ; for Haddum.

Abram Ambler, Joseph Theale ; for Standford.

Mr. Edw. Griswold, L^{nt} Henry Crane ; for Kenilworth.

Mr. Mathew Griswold, L^{nt} Abram Brunson ; for Lyme.

These were appoynted Commissioners in the respective plantations for the yeare ensueing :

Capt. Benj. Newbery and Capt. Dan. Clarke, for Windsor and Simsbury.

Capt. John Chester, Capt. Sam^{ll} Talcott, for Wethersfeild.

Mr. Giles Hamlin, L^{nt} Nath. White, for Midletown and Haddum.

Mr. Mathew Griswold, for Lyme.

Major Edward Palmes, Capt. James Avery, Mr. Daniel Witherly, for New London.

L^{nt} Sam^{ll} Mason, L^{nt} Tho. Minor, for Stoneington.

Mr. Edw. Griswold, for Kellingworth.

Mr. John Moss, for Wallingford.

Mr. Sam^{ll} Sherman, Capt. W^m Curtice, Mr. Joseph Hawly, for Stratford.

Mr. Jehu Burre, Mr. John Burre, for Fayrefeild.

Mr. Tho. Fitch, Capt. Rich^d Olmsted, for Norwalke.

Mr. Richard Lawes, L^{nt} Jonath. Bell, for Standford & Greenwich.

L^{nt} Joseph Orton, for Rye.

Capt. John Minor, for Woodbury.

This Court upon the request of David Parker, he being much disinabled from attending his occasions by a wound in his head, doe order for the future he shall be exempted his person from the list of estates by which rates are made.

Those propownded for freemen October last are by this Court accepted as freemen.

Major Rob^t Treat and Capt John Allyn are chosen Commissioners for the Vnited Colonyes for the year ensueing and Major Tallcott for a reserve.

This Court upon the petition of Abell Gunn, in behalfe of the towne of Derby,* that they might by reason of their charge in building a mill and meeting house have some ease or release from their rates for some time, This Court doe release the sayd towne of Derby from their country rates the two next ensueing yeares.

Mr. W^m Mawlbey and Noah Rogers are presented for freemen and Benj. Lewes, Benj. Curtice, John Booth and Ambross Tompson.

Whereas Obadiah Seely of Standford is deceased and hath left his estate in debt, so that they cannot sattisfy the creditors without it be by sale of some part of the lands of the sayd Seely, This Court impowers the administrators to make sale of so much of his estate in lands as may answer his debts.

This Court doth empower the Gentⁿ that went from New London, Stoneington and Norwich, to keep his Ma^{ties} court at Providence,† to send up their acco^{ts} to Major Tallcott, how long they were upon the service and what they have received; and the sayd Major Tallcott with the Secretary are to alow them suitable sattisfaction for their expenses and horss hyer.

Upon petition of sundry inhabitants of Weathersfeild that

* Finance & Currency, I. 1.

† The court held, Oct. 3-5, 1677, for hearing the complaints of Mr. Wm. Harris, and determining the title to the Pawtuxet lands. Daniel Wetherell Esq. of New London and Capt. George Denison, of Stonington, were the commissioners from Connecticut; Mr. Benjamin Brewster, and Capt. James Fitch, of Norwich & John Edgcomb of New London, were members of the jury. See the record of the Court, in Col. Boundaries, I. 125.

they might have liberty to erect a plantation in the Wabaquassit country,* The Court refers it to the Gov^r and Council to make answer thereto.

Whereas there is a difference between the town of Derby and Mr. Joseph Hawley,† which formerly hath been heard by Captⁿ Nash, Captⁿ Munson and Capt Curtrice, This Court doth desire and impower the sayd committee to meet at Derby as soone as they may and fully to issue the sayd case, by seeing those lands appoynted to be layd out to Mr. Hawley, layd out according to their former order, and allso to see that Mr. [134] Hawly doe deliver to the sayd Derby all || those deeds and writings that concern those lands; and the towne of Derby and Mr. Joseph Hawly are hereby required to attend accordingly when they shall be appoynted by the sayd comittee; and Derby to make payment of what they were ordered to Mr. Hawly, forthwith.

Mr. Buckingham and Mr. Eales haveing returned that they have according to the recomendation of this Court, October last, heard the difference between the towne of Guilford and Mr. Tho. Robinson and issued the same, which issue is under their hands upon file &c.,‡ This Court see no reason to vary from their determination, and order Mr. Robinson and the towne of Guilford to rest satisfied therewith, so as to make no farther trouble about the same.

This Court upon the motion of Midleton traine band, by

* The petition (in the hand writing of Mr. Gershom Bulkeley, of Weathersfield,) is signed by Richard Smith, Benjamin Crane Sen., John Brunson, Thomas Hollister, John Waddoms, Edward Benton, Samuel Smith and Joseph Smith, "in behalf of the rest," who are named in the petition, viz: Thomas Marshall, John Hunniwell, Caleb Benjamin, Ezekiel Buck, Wm. Tryon, Jno. Kilburne Jun., Thomas Kilburne, Ebenezer Kilburne, Daniel Boreman, Jonathan Boreman, Jonathan Belden, Jno. Taylor, Samuel Taylor, Jona. Colefoxe, Peter Blin, Joseph Curtis, Thomas Hale, Jno. North, Alex. Keny, Jno. Hosinton, Wm. Taylor, Jno. Morris and Samuel Baker. Some of their number had lately viewed the Wabaquasset country, in order to the discovery and settlement of a plantation; apprehend that a competent place for a plantation may there be found; and ask a town grant of ten miles square, with usual privileges and encouragements. As it is doubtful whether the site selected will fall within Connecticut bounds, and the petitioners are not willing to remove out of this Colony, they ask that the line between it and Massachusetts may be settled. T. & Lands, I. 207.

† See page 41; and Records of May Court, 1686.

‡ Towns & Lands, I. 206.

their L^{ut}, doe confirme W^m Warde to be Ensigne of the sayd Middleton traine band.

The Gentⁿ of New Haven and Brandford declared they had agreed about the purchase of their lands which they were appoynted by the Court to issue, and Major Treat, Mr. Leete and Mr. Eales were desired to assist them therein, October last.*

Vpon the petition of Jonathan Colefox, he being by a wound he received in the late Indian warr much disinabled in one of his armes from labour or service, This Court haveing considered the same doe free Jonathan Colefox from traineing and watching and wardeing in times of peace.

This Court being informed that some people of N. Yorke have settled within the limits of this colony, on the east side of Hudson's River, doe order a letter be sent in the name of this Court to the Governo^r of New Yorke,† to signify o^r dislike of their so intrenching upon o^r charter limits, and to desire their joyneing with us in markeing out the line according to agreement of his Ma^{ties} Commissioners with o^r Governo^r and committee; and also another letter to those settled upon o^r land, that they should remove themselves off o^r lands speedily or apply to this Court for liberty of continuance there.

16. This Court doe desire and appoynt Major Edw. Palmes, L^{nt} Tho. Tracy and Mr. Nehemiah Palmer to be a committee to buy a suitable parcell of land for Mamohoe and his company to setle and plant upon, and to sell so much of the land that the Court reserved for the Indians at the north end of the sayd Stoneington bownds and the mile reserved for the Court's disspose, as may purchase a suitable tract of land for Mamohoe and the Pequott's under the sayd Mamohoe's goverment.

A letter drawn up for the Gov^r or Dept. Gov^r of New Yorke† was read in Court, and approved, and ordered to be

* Their mutual agreements and releases are recorded in Col. Rec. Deeds &c., II. 80, 81: Towns & Lands, I. 195.

† Sir Edmund Andross had sailed for England, Jan. 11th, 1680-1, leaving the government of New York in charge of Lieut. Anthony Brockholes. Col. Dongan was not commissioned governor until Sept. 30, 1682. No copy of the Court's letter is found in the files. It is reprinted in the Appendix (No. XL.) from the Report of the New York Commissioners appointed to ascertain the Boundary Line, &c. in 1856.

signed by the Secretary in the name of the Court, and sent to him by Mr. John Ogden.

Vpon the presentation of an address by Mr. Stowe and Michaell Humpheries, on behalfe of the inhabitants of Simsbury,* for liberty to gather a church and settlement of a pastor there, with the approbation of this Gen^l Court, according to gospell order, after the usuall maⁿer in this colony, we see no cause to discourage but to allow them so to doe, it being done with the observation and approbation of three or foure of the elders and messengers of the neighbouring churches, adviseing that their inhabitants doe choose a competent number of the most sober and godly persons to begin that church and call the officer, as is desired by them.

Vpon the petition of the people of Hop Ground, This Court doth grant them the priviledg of a plantation, and doe order that the name of the towne be henceforth called Bedford.† And this Court doe appoynt Joseph Theale to be the present cheife millitary officer for the Train Band of sayd Bedford; and Abram Ambler is impowered by this Court to grant warrants, to swear officers and witnesses, and to joyne persons in marriage according to law: and they doe free the sayd towne of Bedford from country rates for the space of three yeares next ensuing.

This Court appoynts Abram Ambler and John Green to lay out to Henry Smith or his assigns his grant of land granted to him by this Court, according to his grant.

Mr. Jehu Burr is appoynted to administer the oath of Assistants to Major Gold, and the com^rs oath to Mr. Sherman, Captⁿ Minor, Mr. Jos. Hawley, Mr. John Burr, Captⁿ Rich-

* Ecclesiastical, ¶ I. 80; signed by Joshua Houlcombe, Michell Humphrey, John Terrey, John Case Sen., and eighteen others. The petitioners "having knowledg and tryall of Mr. Samuell Stow in y^e labours of y^e Word & doctrine of y^e Gospel," manifest their desire for his continuance "to be a Pastor & Watchman over our soules and the soules of ours," and ask the countenance of the General Court to their settlement in Gospel order. Mr. Stow and Mr. Humphrey were chosen by the town to present the petition to the Court.

† See page 83. A patent was granted to the township of Bedford, May, 1697. (Col. Rec. of Deeds &c. II. 254.) This township, "twelve miles north of Stamford," now in Westchester county, N. Y., must not be confounded with another Bedford, between Simsbury north bounds and the Massachusetts line,—now in Granby.

ard Olmstead, Mr. Tho. Fitch, Mr. Rich^d Lawe, L^{nt} Jonath. Bell, L^{nt} Joseph Horton.

Mr. Mathew Griswold is appoynted to administer the oath of an Assistant to Captⁿ Rob^t Chapman; and Capt. Avery is to admister the com^{rs} oath to Mr. Witherell, to L^{nt} Sam^l Mason, and to L^{nt} Tho. Minor.

And Mr. Andrew Leete is appoynted to administer the oath of an Assistant to Capt. Tho. Topping.

Vpon the motion of Mr. Simon Rothom,* this Court doe recommend it to the towne of Farmington to apprise the land they have granted to sayd Rutham, one acre, or two at the most, as house lott,—the other, to goe at the price of other upland feilds, when he improves it.

[135] This Court doth grant John Ogden of Rye, twenty acres of land to make a pasture, provided he take it up where it may not prejudice the colony's interest nor any perticuler persons former grant.

18. This Court as an addition to the law, title *Guards at Meeting*, fo: 27, doe order that if any souldier of the Guard shall willfully neglect attending the sayd guard according to order, with his armes and ammunition according to law, he shall forfeit for every neglect, being duly convicted thereof, two shillings and sixpence p day: and if the sarj^t of the Guard neglect his duty in seeing that y^e Guard attend as afoar-sayd, he shall forfeit for every such neglect, being convicted thereof, two shillings sixpence; all which forfeitures shall be returned to the selectmen for the towne's use.

Whereas there is a difference between the Indians of Potatuck &c. and Woodbury men about some lands at Woodbury and some purchases of land that were made by Woodbury men, not satisfying to the Indians, This Court doth appoynt and desired the Honord Dept. Gov^r, Major Nathan Gold and Mr. Jehu Burr to hear and issue those matters of differences and to make reporte to the Court in October next.

Capt. John Allyn, Mr. James Bishop, Captⁿ James Fitch and Mr. John Banckes are appoynted to audite the acco^{ts} of the country's.

* Wrotham.

Mr. W^m Joanes, Mr. James Bishop, Major Edward Palmes, Mr. John Banckes and Captⁿ John Allyn are appoynted a committee in the behalfe of the country to audite the accot^s between the colony and Hartford county, and to make reporte how they finde it.

Whereas Mamohoe complains of a Narrogancett Indian that lived amongst the Pequots under Mamohoe's government, hath killed an Indian, one of his people, and is now sayd to be fled to the Sunck Squa,* This Court doth appoynt Mr. John Stanton forthwith to repayre to the sayd Sunck Squa and in the name and by the order of this Court to require her that she doe deliver him up to the authority at Stoneington, to be sent to the comon goale at Hartford for a tryall according to law; and if she refuse to deliver him up, he is to acquaint her that if it doth appeare that he be hid by her or her men, this Court must take farther consideration how to bring him, her or them to justice. And in the mean while, if Mamohoe or any of his men can by diligent search ^ with the supposed murtherer, they may use all just meanes to secure him for a triall, but are not allowed to take reveng upon any of the relations, for the murther.

This Court desire and appoynt the Honord Dept. Gov^r and Major John Tallcott to take some paynes to gayne a certain knowledg of the conquer'd lands that doe belong to the English, as also what is claimed by Vncass; and to endeavoure to setle the difference between Vncass and the people of Lyme; and to make reporte thereof to the Court in October next for a farther settlement.

The letter and protest to Mr. Fillips, Mr. Theale is to publish and post up.

This Court doe remitt to Mr. Joanes what remaynes due of his rate that yeare that Mr. Morrice was constable, it being three or foure pownds.

This Court doe allow Steven Bracey fower pownds, to be payd him by the Treasu^r, for an horss of his which was formerly prest from him and lost in the country service.

Daniel Garrett having been a long time in the country ser-

* The daughter and successor of Ninigret, sachem of the eastern Nianticks.

vice, This Court in regard of his poverty doe allow him five pownds p annum out of the country rates for two yeares. The Magistrates of Hartford county are appoynted and desired to provide and put in a new goaler into the prison.

Vpon application made by the church in Windsor* respecting the difficulties they meet with in the settlement of Mr. Mather, all former orders and endeavours not being effectually to remove the impediment that lyes still in the way, that the matter of union may be plainly stated, which is now mainly impeding unto them, the Court see cause to declare their ready owning of the sayd church in the quiet practice of their professed principles in point of order; and so that the forementioned union be carryd on in manner following (viz.) that Mr. Mather being in due time called and settled in office by the church of Windsor, thereupon such of the second society as desire fellowship with them in all ordinances (excepting those that were formerly in full communion with that church, that are returned or to return to the same standing in it,) address themselves to Mr. Mather, and haveing satisfied him about their experimentall knowledg and the ground of that satisfaction by him declared to the church unto their acceptance, with encouraging testimonie given in reference to their conversation, they be thereupon admitted; in the attendance of which expedience for the settlement of peace in Windsor, tis expected that no trouble be given by any person or persons there, but that all people quietly attend Mr. Mather's ministry and proportionably comuncate to his honnerable mayntenance and encouragement in the worke of Christ there.

This Court doe see just reason to appoynt the last Thursday in this moneth to be solemnly kept throughout this colony, a

* Ecclesiastical, I. 78. The two churches of Windsor, lately under the charge of Rev. Nathaniel Chauncy and Rev. Benjamin Woodbridge, were, by the order of the Court, Oct., 1680, to be re-united in one. A majority of both parties in Windsor were in favor of settling the Rev. Samuel Mather, who had been preaching there to general acceptance. There was yet some controversy as to the conditions of membership, or rather as to the mode of admission to the new church of former members of the second or withdrawing church (Mr. Woodbridge's.) The General Court, in the order now made, followed the counsel of the Rev. Messrs. Whiting, Collins, Israel Chauncey, Samuel Hooker and Tho. Buckingham, who, at the Court's request, communicated their "present thoughts, in the case of Windsor." (Ecles. I. 79).

day of publique humiliation, to humble o^r soules before the Lord for all those provoakeing evils that are yet found amongst [136] us, || and to implore the Lord to grant vnto us his p^rsence, that it may be with this yeare from the begining to the end thereof, blessing us in the fruits of the feild and of the trees and in all the labours of our hands; and to continue unto us o^r priviledges civill and sacred; and to beg the downe powerings of the Spirit of the Lord, that it may be granted to us and o^r offspring, that we may become an humble, an holy people, that the Lord may continue to be o^r defence and the glory in the midst of us; as also that the Lord would have mercy upon our widdowed churches, and send forth labourers into his harvest, and set up suitable lights in all his candlesticks; and also to lift up a prayer in [*behalf of*] the people of God abroad in the world, that God would graciously be pleased to own them, vndertake for them and doe for them as matter shall require; and in speciall, that God would bless o^r lord the King, and preserve him and o^r nation, and grant that true religion and peace may flourish throughout his Maties Dominions.

The Court is adjourned till the Gov^r or Dep^t Gov^r doe see cause to call them againe together.

A GENERALL COURT HELD AT HARTFORD, OCTOBER 12, 1682.*

W^m Leete Esq^r, Gov^r.

Major Rob^t Treat, Dept. Gov^r.

Major John Tallcott,

Mr. Andr. Leete,

Captⁿ John Allyn,

Captⁿ Rob^t Chapman,

Cap^t John Nash,

Mr. James Fitch.

Deputies.

Mr. Rich^d Lord, Ens. Nath. Standly; for Hartford.

Capt. Benj. Newbery, Mr. John Loomys; for Windsor.

Major Edw. Palmes, Capt. James Avery; for N. London.

* For correspondence of the Governor and Council, &c., since the May Court, see Appendix, Nos. XLI-XLIV.

Capt. Sam^l Tallcott, L^{nt} James Treete ; for Weathersfeild.
 Captⁿ Tho. Munson, Captⁿ Moses Mansfeild ; for N. Haven.
 L^{nt} Jn^o Bankes, Sarjt Jn^o Wheeler ; for Fayrefeild.
 Captⁿ Jn^o Beard, L^{nt} Sam^l Eales ; for Milford.
 L^{nt} Jonath. Bell, Joshua Hoyte ; for Standford.
 Sarjt W^m Parker, W^m Dudley ; for Saybrook.
 Mr. W^m Leete, Ens. Jn^o Grave ; for Guilford.
 Sarjt John Platt, Sarjt John Bowton ; for Norwalk.
 Timothy Napp ; for Rye.
 Capt. George Denison, L^{nt} Sam^l Mason ; for Stonington.
 Mr. Jn^o Mosse, Mr. Jn^o Brockett ; for Wallingford.
 Sam^l Pond, Eliez. Stint ; for Brandford.
 Georg Gates ; for Haddum.
 L^{nt} Tho. Leffingwell, L^{nt} Tho. Tracey ; for Norwich.
 Mr. Edw. Griswold ; for Kenilworth.
 Capt. W^m Curtice, Mr. Jos. Hawley ; for Stratford.
 L^{nt} Abram Brunson ; for Lyme.
 Mr. Giles Hamlin, L^{nt} Nath. White ; for Midleton.
 Capt. W^m Lewes, Capt. Jno. Standly ; for Farmington.
 John Hubbyes ; for Greenwich.

A List of the Persons and Estates of the Colony.

[Persons.]	L.	sh.	d.
243 Hartford persons & estates,	16969	00	00
233 Windsor persons & estates,	14011	00	00
190 Weathersfeild persons & estates,	12643	00	00
097 Farmington persons & estates,	06108	00	00
117 Midleton persons & estates,	05345	00	00
040 Haddum persons & estates,	01885	00	00
174 New London persons & estates,	09758	00	00
097 Saybrook persons & estates,	05364	00	00
098 Norwich persons & estates,	06116	00	00
055 Lyme persons & estates,	03450	00	00
059 Stoneington persons & estates,	04681	00	00
044 Kenilworth persons & estates,	02513	00	00
238 New Haven persons & estates,	12367	00	00
160 Milford persons & estates,	09093	00	00
100 Guilford persons & estates,	06471	00	00
051 Brandford persons & estates,	02809	00	00

055 Wallingford persons & estates,	02645 00 00
172 Fayrefeild persons & estates,	11067 00 00
102 Stratford persons & estates,	07807 00 00
094 Standford persons & estates,	05175 00 00
092 Norwalke persons & estates,	05540 00 00
048 Greenwich persons & estates,	02388 00 00
050 Rye persons & estates,	02612 00 00
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Whereas there hath been a difference between John Wheeler and Lawrence Codner,* and an action having been commenced by sayd Codner against sayd Wheeler, the last Court of Assistants, for the issue of all differences that have been between them, which formerly have been heard by Thomas Wheeler, the sayd Lawrence Codner and Mr. Rich^d Lord in behalfe of John Wheeler doe referre the issue and determination of all such differences as were heard by the afoarsayd Thomas Wheeler, vnto Captⁿ James Avery and L^{nt} Tho. Leffingwell, and whatsoever they shall return as their issue, under their hands, between this and the *and the* 6th of November next, Major Palmes in behalfe of John Wheeler and Lawrence Codner in behalfe of himselfe, doe bind themselves to stand to and abide by and fullfill the same. And in case the afoarsayd arbitrators cannot agree, they doe impower the sayd arbitrators to chuse a third man to be an vmpire in the case, and what soever they or any two of them doe agree to, they doe oblidg themselves to abide by and fulfill the same. And Tho. Wheeler is appoynted to deliver all papers to the arbitrators that concern the afoarsayd differences.

Although we have great cause to be humbled under God's mighty hand that hath been lifted up against vs in the late [137] sore sickness || and deaths that have been in sundry of our plantations, yet this Court see abundant cause to bless and prayse the Lord for his mercy to vs in that he hath afflicted us less than we have deserved, and hath been pleased to continue to vs another yeares peace and the gossell of peace, or liberties civill and sacred, hath blessed vs in the fruites of [*the*

* Records of Court of Assistants, I. 43.

field] and of the trees in a plentiful maner, hath abated the sickness, and in that respect healed o^r land, preserved o^r lord the King and continued peace in o^r nation; upon these considerations, this Court doe order and appoynt that the first Wednesday in November next be solemnly kept, throughout this colony, a day of Thankesgiving, to bless and prayse the Lord for his goodness and mercy so manifested to us, a sinfull and unworthy people, and to beg for the continuance of God's presence and blessing upon us, that judgments may be averted, and that we all may be helped by the grace and spirit of God to shew forth our thankfullness for mercys received, in o^r future conversation.

Whereas Joseph Trueman hath complained to this Court that he is greatly prejudiced by an execution that was served upon John Higly,* for a judgment of court he recovered against him at New London, September 20th, '81, for 26 gallons of Ru^me and cost of court, one p^ound ten shillings and sixpence, the execution being levyed upon two hundred seventy one y^ardes of old statute lace,† and apprized to answer the judgment,—The Court haveing veiwed the execution and the lace cannot judg it of a quarter of the value of the judgment, and therefore that righteousness may be attended in this case doe order that the Marshall doe return the lace to the sayd Higly, and that he demand him to p^resent the estate granted by judgment, and in defect or want of that estate some other good and pasable estate he is to present for execution, and if he doe refuse to make such presentation, the Marshall is to levy the execution upon the body of the sayd Higly; and this Court appoynts Mr. John Loomys and Tho. Stoton and Mr. John Fyler to be apprizers of what shall be seized by execution.

Whereas complaint is made that a parcell of land that was apprized upon execution for the administrators of the estate of Joseph Green have, as is judged, over prized, and layd out

* See Records of Court of Assistants, I. 59.

† So called, probably, because of English manufacture and protected by statute. Charles I., in 1635, prohibited the importation of foreign "purles, cut works, bone laces," &c. (Rymer, XIX. 690), and one or two similar enactments had been more recently made.

the land in such an ill form that they have made [*it*] altogether vnusefull to the creditors and a meer charge to him should they receive it as at present layd out, This Court therefore doe order the Marshall demande of sayd Butlar according to the judgment he acknowledged against himselfe; and if he neglect or refuse to make payment according to order, this Court appoyntes the Marshall to serve the execution upon the lands of sayd Nath. Butlar, and L^t Sam^l Steele, Mr. Sam^l Woolcott and Daniel Rose are appoynted to apprize the estate of land layd out for the execution, and to lay it out so that it may be capeable to be improved by the creditors to advantage, and not to loss as now it will be vnavoydably in the posture it was formerly layd out.

This Court orders that the executors of Thomas Whitmore's will and the administrators of Andrew Warner's estate doe signe the respective deeds of land that were given to John Whitmore by Thomas Whitmore, and that land was given by Andrew Warner to John Whitmore: they both deceasing before the deeds which were made by their order for the settlement of those lands, were signed.*

That justice and righteousness may have free passage amongst us, it is ordered by this Court that all debts shall be paid in *specia* according to contract.†

It is ordered by this Court and authority thereof, that when any judgment is recovered by the creditors against the debtors, or by the debtor acknowledged against himselfe for the creditor, and execution be to pass for the same, the Marshall or

* Rebecca, widow of Andrew Warner, Sen., of Middletown, testified that at her husband's request, some time before his decease, she had written a deed of gift of a parcel of meadow and swamp, to his son in law, John Wetmore; but that he died before executing it. Catherine, widow of Thomas Wetmore, testified that her husband intended to perfect a deed of gift, written but not signed, to his son John Wetmore, of certain lands. Priv. Controv. II. 49.

† Here, as elsewhere in the records, we have the word *specia*, or *specie*, used in its primary sense; 'payment in *specie*' was payment in *specified* commodities,—of the kind or *species* agreed upon by the parties, or, when "no *specia* is engaged," i. e. no special agreement was made, in such articles as were received in payment of rates at prices regulated by the Court. *Specie* payment might be made in wheat, rye or pease, as well as in coin or bullion; and the term was not restricted to gold and silver until these had been made the only legal tender in payment of debts. (Secretary Allyn writes '*specia*' and sometimes '*speciæ*,' for '*species*,' in the plural.)

constable whoe is to serve the execution shall repayre to the place of the debtor's usuall residence, if within this colony, and demande the debt in the specia according to contract of the debtor, and in case of non-delivery of the full debt with necessary charges for transportation to the place of the creditor's aboade or other place agreed upon, or where the debt was contracted, or according to custom of payments in that place where the execution is to be served, the Marshall or constable shall levy the execution upon any part of his estate not exempted by the law, and shall sell the same at an outcry to purchass the specia *the specia* due. And in case the debtor will redeem the sayd estate so levied by execution, by paying his debt according to contract, within sixty dayes after the execution is served, it shall be in his liberty so to doe, and the estate shall be returned to the debtor, he paying to the officer his necessary charge for what he hath done.

It is farther ordered by this Court, that when a person falls into debt to his neighbour merchant or other, for goods or ware or labour he hath received of him, and no specia is ingaged for payment thereof, such debts and engagements for the future shall be answered in corn at country price.

It is also ordered by this Court, that no execution shall pass upon any person's lands so long as he hath personall estate sufficient upon which execution may be levied.

It is also ordered by this Court, that for the future no execution for debts shall be served upon any person or persons or their estates but such as are removing their persons or estates out of this colony or transient persons, at any time from the first of May till the first of November annually.

It is farther ordered by this Court, that when any estate is to be sold upon distress or execution, by an outcry, the officer shall give publique notice by setting up a paper in the publique *in the publique* place in the town where the execution is served, at least eight dayes before the sale of the goods, and therein declare what estate it is that is to be sold, and for what specia, and at what day and time of the day he will attend the same; and imediately before he attends his sayd [138] worke he shall cause a drum || *a drum* to be beat to

give notice that he is about his worke, and to invite customers to buy such goods or estate as shall then be to be sold.

It is also ordered by this Court, near the center of every town in this colony there shall be a signe post set up at the towne's charge, where proclamations that shall be sent forth, or notice that are to be given of sales of houses or lands or any other occasion, shall be sett up to be read.

This Court grants a rate of a penny halfe penny upon the pownd of all the rateable estate of this colony, to defray the country's charge and debts; to be payd in wheat, pease, Indian corn and rye, viz. one third in wheat, winter wheat at fower shillings sixpence p bush., sumer wheat at fower shillings p bushell; and one 3d in pease or rye, the pease at three shillings p bush. and rye at three and sixpence p bush.; and one third in Indian corn or porck, Indian corne at two shillings sixpence p bushell, and porck at three pounds five shillings p barell, well repact by the sworn packer. And if any will pay the one halfe in wheat and the other halfe in Indian corn, they have liberty so to doe. All sorts of payment to be good and merchantable.

This Court orders that it shall be aded to the Sarjt Major's oath, where it is expressed that he shall attend "such commands and directions as you have and shall receive from time to time from the Generall Court, Governour and Councill and according to the lawes and orders by this Court made and established in this behalfe," as followeth, viz. according to the tenor of our Charter.

Whereas sundry persons of an ungoverned conversation thrust themselves into our townships and by some underhand wayes, either by pretence of being hired servants or of hiring of land or houses, become inhabitants in our townships, whereby much inconveniency doth arise to such places, such persons often proveing vicious and burthensome and chargeable to the places where they come, for the prevention thereof, it is ordered by this Court, that for the future no persons shall be allowed to reside and make their aboade in any township in this colony (prentices under age or servants bought for hire excepted) upon pretence of hireing or being hyred, or tenant-

ship, or inmates, without the approbation of the authority and townsmen, upon the penalty of twenty shillings p weeke for any such as shall transgress this law by so entreteining or hyreing such a stranger or transient person, except they give good standing security to the acceptation of the selectmen and authority, to secure the plantation from being burthened or charged by them or any of them: and the authority, as often as there shall be occasion, in each plantation, shall order any vagrant or suspected person or persons to be sent from constable to constable to the place from whence they com, unless they produce good certificate that they are persons of good behaviour, and free from all engagements, and at liberty to remove themselves where they may best advantage themselves.

In those two actions of appeales, wherein Mr. John Blackleach was plaintife by way of appeale from the judgment of the Court of Assistants, May 30th, 82, and Mr. Richard Lord defn^t,* This Court in those two actions find for the plntf. the confirmation of the two former verdicts and judgment of the Court of Assistants and cost of court, five powns sixteen and sixpence. Execu. dd, October 25, 1682.

In the action wherein Mr. Rich^d Lord was plntf. by way of appeale from the judgment of the Court of Assistants in May 30th, 82, which was for not rectifying errors in acco^t &c. and Mr. John Blackleach defn^t, the Court found for the defendant cost of court and confirmation of the former verdict of the Court of Assistants. Cost allowed, six shillings.

Those appoynted for nomination in May next are,—Capt. Benj. Newbery, Mr. Giles Hamlin, L^{nt} Sam^{ll} Mason, Mr. Jehue Burr, Captⁿ W^m Curtice, L^{nt} Sam^{ll} Mason, Mr. Jehu Burr, Captⁿ W^m Curtice, L^{nt} Sam^{ll} Eales, Captⁿ Sam^{ll} Tallcott, Capt. Tho. Bull, Captⁿ Moses Mansfeild.

Stoneington listers haveing neglected to p^rsent their list to this Court according to law, the listers are fined according to law, forty shillings, and they are by this Court appoynted to

* Priv. Controv. II. 34-45: Court of Assists., I. 35, 40. These were actions of account, growing out of voyages to Barbadoes and other commercial ventures in which the parties were jointly concerned.

send up the list to the Secretary, some time between this and the 4th of November next. John Baldwin, Steven Richeson and John Coale are the listers.

This Court in the intervalles of the Gen^l Court doe desire and impower the Govern^r and Assistants, so many as shall convene upon any necessary occasion by call from the Gov^r, or in his absence and sickness by the Deputy Govern^r, to be a Councill to order and transact such necessary occasions [139] or concernes as shall be to be attended in the sayd intervalls of the Generall Court. This to stand till May next.

Vpon the petition of Mr. Tho. Robinson whoe complains against W^m Stone for some unjust and hard dealing with him, this Court doth order that sayd Robinson shall have a hearing of his case at the Generall Court in May next, and W^m Stone is then to appeare at the sayd Court to make answer to the complainte.

Vpon the petition of Major Edward Palmes in behalfe of Alexander Pyggan,* sheweing that the estate of one James Kelly, mortgaged to sayd Alex. Pygan for security for a debt owing to him, which mortgage was presented to the court at New London, Sept^r last, and to this Court at this time, which notwithstanding John Plumbe hath procured a judgment of court against sayd Kelly, and execution hath been served upon the foresayd estate to the great damage of the sayd Piggan; and therefore this Court doe order that that estate that was taken by execution, which was mortgaged to sayd Piggon be returned to him, and in case there be any overpluss when Piggon's sayd debt is payd, then Mr. Plumb's execution may take place upon the overpluss.

It is ordered by this Court, that for the future no swine, great or small, shall goe upon the com̄ons at any time from the first of March to the first of October annually, without being ringed and yoaked, upon the penalty of twelve pence p

* Priv. Controv. II. 28-31. The mortgage was on personal property, (hides, leather and tan-rats,) which was left in the possession of Nehemiah Smith, of New London (Groton). Mr. Plumb attached part of this property, obtained a judgment against Kelly, and levied execution. The Court, it appears, held the mortgage to Pygan, to be good.

head for every swine that shall be taken and found on the commons not so ringed and yoaked; and all such swine at any time found damage feazant shall pay all damages that they have don in any corn feild or grass land, if the fence be sufficient to keep out cattell.

This Courts grants the Dept. Gov^r forty pownd salary for this year, and the Secret^ry 25^{li}, and the Treasurer twenty-five pownds.

The Court's adjourned till the Gov^r or Dept. Gov^r see occasion to call it.

A COURT OF ELECTION HELD AT HARTFORD, MAY 10th, 1683.

These were nominated to stand for election: Major Rob^t Treat Esq^r, Mr. Samuel Willys, Major Nathan Gold, Major John Tallcott, Capt. John Allyn, Mr. W^m Joanes, Mr. James Bishop, Capt. John Nash, Capt. Tho. Topping, Mr. Andrew Leet, Mr. John Wadsworth, Capt. Rob^t Chapman, Capt. James Fitch, Capt. Benj. Newbery, Mr. Giles Hamlin, L^{nt} Sam^l Mason, Mr. Jehue Burr, Captⁿ W^m Curtice, L^{nt} Sam^l Eales, Capt. Sam^l Tallcott, Capt. Tho. Bull, Capt. Moses Mansfeild.

These were elected:

Major Rob. Treat, Gov^r.*

Mr. James Bishop, Dep^t Gov^r.

Assistants.

Mr. Sam ^l Willys,	Capt. Tho. Topping,
Major Nathan Gold,	Mr. Andrew Leete,
Major John Tallcott,	Mr. John Wadsworth,
Capt. John Allyn, & Secret ^r y,	Capt. Rob ^t Chapman,
Mr. W ^m Joanes,	Capt. James Fitch,
Capt. John Nash,	L ^{nt} Sam ^l Mason.†

* Gov. Leete died, at Hartford, April 16, 1683. Major Treat, now elected governor, was first chosen an assistant in May, 1673: deputy governor, May, 1676. He was now about sixty years of age.

† Lieut. Samuel Mason, of Stonington, now first elected an Assistant, was the eldest son of Major John Mason. He had been a deputy in the General Court, from Stonington, in one or both annual sessions, since May, 1678: and was first placed in nomination for the magistracy, in 1680.

Mr. Joseph Whiting, *Treasur.*

The Deputies of this Court are:—

Mr. W^m Pitkin, Mr. Ciprian Nicolls; for Hartford.
 Captⁿ Sam^l Tallcott, Capt. John Chester; for Weathersfeild.
 Captⁿ W^m Curtice, Mr. Jos. Hawly; for Stratford.
 L^{nt} Tho. Tracey, L^{nt} Tho. Leffingwell; for Norwich.
 Sarj^t W^m Parker, Mr. W^m Dudley; for Saybrook.
 Mr. Giles Hamlin, L^{nt} Nath. White; for Midleton.
 Major Edw. Palmes, Capt. James Avery; for New London.
 Mr. W^m Bradley, Mr. Abram Dickerman; for N. Haven.
 Capt. John Beard, L^{nt} Sam^l Eales; for Milford.
 Mr. Josi. Rosseter, L^{nt} W^m Seward; for Guilford.
 Ens. Jarad Spencer, Georg Gates; for Hadam.
 Mr. Math. Griswold, Mr. W^m Measure; for Lyme.
 Capt. Benj. Newbery, Mr. John Loomys; for Windsor.
 Mr. Jehu Bur, Mr. John Bankes; for Fayrefeild.
 Sarj^t Jn^o Platt, Sarj^t Jn^o Bowten; for Norwalk.
 Mr. John Moss, L^{nt} Nath. Merryman; for Wallingford.
 L^{nt} Henry Crane, for Kenilworth.
 Capt. W^m Lewes, Capt. Jn^o Standly; for Farmington.
 [140] Capt. Georg Denison, for Stoneington.
 L^{nt} Jonath. Lockwood, for Greenwich.
 Sarj^{nt} Eliez. Stint, Sam^l Pond; for Brandford.
 Capt. Jonathan Sellick, L^{nt} Jonathan Bell; for Standford.

These were chosen Commissioners for the year ensuing:

Capt Benj. Newbery, for Windsor & Simsbury.
 Capt. Sam^l Tallcott, Captⁿ Jn^o Chester, for Weathersfeild.
 Capt. Giles Hamlin, L^{nt} Nath. White, for Midleton & Haddum.
 Captⁿ James Avery, Mr. Daniel Witherly, for New London.
 Mr. Jehu Burr, Mr. John Burr, for Fayrefeild.
 Mr. Rich^d Lawes, Mr. Jonath. Bell, for Standford & Greenwich.
 Capt. John Minor, for Woodbury.
 Mr. Mathew Griswold, for Lyme.
 Mr. Sam^l Sherman, Capt. W^m Curtice, Mr. Joseph Hawley,
 for Stratford.
 Mr. Tho. Fitch, Capt. Rich. Olmsted, for Norwalke.
 L^{nt} Jos. Horton, for Rye.
 Capt. Sam^l Eales, Capt. John Beard, for Milford.

Major John Tallcott and Capt. John Allyn are chosen Comm^{rs} for the Vnited Colonyes for this yeare ensueing.

Samuel Andrews is confirmed Ensigne of Wallingford Traine Band.

Samuel Eales is confirmed Ensigne of Milford Traine Band. Samuel Burwell is confirmed Livetenant of sayd Band. Samuel Newton is confirmed Ensign of s^d Band.

Whereas the holy Providence of God hath bereaved us of o^r late Governo^r, and some question ariseing whither the commissions granted by this Court to millitary officers and signed by o^r late Governo^{rs} be of force now they are deceased, This Court have thereupon thought meet to declare that they are of force; and doe order that for the future all commissions granted to millitary officers shall be and continue of full force to the persons to whom they are granted till this Court doth see reason to call them in or order otherwise, although the Governo^r that signed them be deceased.

Propownded for freemen: Mr. Jos. Woolcott, John Higly, John Porter Jun^r, Thomas Newbery, Joseph Phelps, Daniel Griswould, James Porter, Michael Tayntor, Nath. Loomys Jun^r, Dan^{ll} Marcum.

Thomas Smith informeing this Court that the grant of land granted to Edward Patteson, made by this Court formerly, he hath procured Mr. John Brocket and Tho. Yale to lay it out to him, on the west side of Blew Hills, as appears by a writing under John Brockett and Thomas Yale's hands, the Court doth approve of the laying of it out to sayd Smith, he being the heire of sayd Patteson.

Mr. Tho. Robinson and W^m Stone were called to appeare in Court, three times, to prosecute the case they were ordered to appear to attend now, but neither appeared according to the sayd order.

This Court doe desire and appoynt the Governo^r and Assistants, so many of them as can conveen together, to be the standing councill of this colony, to answer and transact all such publique necessary occasions or concerns as shall be to be attended in the intervalls of the Generall Court; and in the absence or by reason of sickness of the Gov^r, the Dept. Gov-

erno^r and Assistants as afoarsayd are commissioned: and this to stand till the Generall Court in October next.

This Court desire and appoynt the Hono^rd Gov^r and Major John Tallcott to be a committee in behalfe of this Court, to endeavoure to setle the bownds between Vncass and the plantations to which his lands adjoyne, and to compose the differences between Lyme and Vncass, and all other differences that [141] he shall desire to refer to them; and that what || they doe, they are to make return thereof to the Court.

This Court doth appoynt Captⁿ James Fitch, Captⁿ James Avery and L^{nt} Tho. Leffingwell to be a committee in behalfe of this Court to move the people of Stoneington to lay out to the Pequots under Mawmohoe's goverment a suitable tract of land that may be sufficient for them to plant upon; and if they neglect to doe it, the sayd committee are hereby ordered to use utmost endeavoures to suit them with a sufficient tract of land, which if they can procure by exchang of countrey lands they may, or by setleing them on some country land, or on some unimproved land in Stoneington if no other provision of land can be procured for them, the law requireing every towne to provide for their own Indians. If any perticular persons propriety should through the necessity of the case be improved for their supply, he shall be repayred out of the country lands or by the towne of Stoneington.*

This Court having heard what Mr. Robinson hath p^rsented unto them concerning wrong he complaines he rece^d by W^m Stone, in a bargaine about a house and land and rent for purchass money, and allso what W^m Stone hath given in answer by his attourney, Mr. James Steele, upon the whole this Court finde, by a writeing or agreement made by the Hono^rd our late Gov^r W^m Leete Esq^r, between sayd Robinson and Stone, which was owned by them to be their agreement before L^{nt}

* The "utmost endeavors" of this committee were crowned with success, and the miserable remnant of the Pequots and eastern Nianticks, under Mamoho's government, at last found a resting place. The committee's report will be found in Col. Records of Deeds &c. II. 228. In exchange for a grant of five hundred acres of colony land, Isaac Wheeler, of Stonington, conveyed to the committee, for the use of Mamoho and the Indians under him, a tract of two hundred and eighty acres in (North) Stonington, south of Lantern hill. Towns & Lands, I. 210. See Record of October session, page 125, *post*.

Seward, as he affirmed in Court, that for the purchass money which was thirty five pownd, he should pay three pownds a yeare and three bush. of peares, judged at ten shillings, which makes three pownds ten p annum; which interest is judged to be above the law, one pownd eight shillings p annum. This Court therefore doe order that sayd Stone shall pay unto the sayd Robinson the sum of fifteen pownds eight shillings in current country pay, within the space of three moneths after the date hereof. Execution dd, January 12, 1683.

In answer to Mr. John Plumbe's petition, this Court doe grant that he shall have a heareing of those two actions that were tryed at the Court of Assistants, October last, between him and Mr. Sam^{ll} Collins, provided he prosecute by way of appeale to the Generall Court, October next.

In answer to John Higley's request, This Court haveing, October last, ordered a new execution to goe out against Higley's estate, to answer a judgment of court Joseph Trueman obteyned against Mr. Higley at New London court, Sept^r 20, 1681, This Court doe now see reason to repeale the former order for a new execution and doe grant Joseph Trueman liberty to prosecute his case against John Higley, by way of appeale, at the Court of Assistants, October next.

In answer to the petition of Mr. Sam^{ll} Stone that this Court would determine whither he ought to have the one halfe of the lands that by his father's will were to fall to him upon the deceass of his mother, at that price it was apprized in his father's inventory, or his mother's inventory, or some other price, This Court haveing considered the petitioner's pleas, with what hath been objected against the same by Mrs. Roberts the executrix of Mrs. Gardner's will,* doe see reason to order that Mr. Sam^{ll} Stone shall, upon the receipt of the sayd halfe of the land, pay unto the legatees of Mrs. Gardner, for the sayd lands, the full value as they were prized in Mr. Samuel Stone's inventory, and no other way.

* The widow of Rev. Samuel Stone marr. George Gardner, of Salem, Mass. She died, at Hartford, 1681. Her daughter, Elizabeth Stone marr. (1) William, son of Gen. Robert Sedgwick, and (2) John Roberts of Hartford, afterwards of New Jersey. Goodwin's Geneal. Notes, 212, 177.

Capt. John Nash is chosen Sarj^t Major for the county of New Haven, and is to be commissioned accordingly.

This Court seeing it necessary that the Forte at Saybrook be kept tenable, and suitable persons employed to take the care and charge thereof, doe order, appoynt and impower Major John Tallcott and Capt. Rob^t Chapman to be a committee in behalfe of this Court to order that what necessary repayrations are to be made, that they appoynt how it shall be done and by whom, and to order the way and maner thereof, and to take sufficient order that a suitable person or persons be there settled in the Forte house, and by them commissioned and instructed to attend such duty as is necessary to be attended by them: all to be at the country charge.

[142] Mr. W^m Maulbey, Noah Rogers, Benj. Lewes, Benj. Curtice, John Booth, Ambross Tompson, are admitted freemen of this corporation.

This Court being willing to encourage the bringing in of money into this colony and the increase of trade, doe order that for the future all peices of eight, Mexicoe, pillor and Civill peices shall pass at six shillings apeice, and halfe peices and quarter peices to be rated proportionably according to their sayd value, and all good peices of Perue are to pass at five shillings apeice and so accordingly all lesser peices to be valued by proportion in leiw of New England money.*

In the action of appeal from the Court of Assistants wherein Joshua Willys was plaintife and Nicholas Buckland is defendant,† this Courte find for the plaintife, eighteen pownds, and each one to beare his own charg of courts. *This judgment Joshua Willys acknowledged sattisfyed by Nich. Buckland, by a writing under his hand, dated May 5, 1684, and witnessed*

* The Massachusetts Court of October, 1682, had ordered that "all pieces of eight, as pillar, Seville and Mexico, that are good silver" should be "paid and received at six shillings and eight pence per ounce Troy weight." Mass. Rec. V. 373.

† Court of Assistants, I. 39,—where the name of the plaintiff (in appeal) is written Wells; elsewhere, Wills; by himself (Priv. Controv. III. 147), Willes. He marr. a daughter of Thomas and Temperance [Denslow] Buckland, of Windsor. This suit, against his brother-in-law, Nicholas Buckland, was brought to recover his wife's portion of the estate of her grandmother, Elizabeth, [widow of Nicholas] Denslow, of Windsor,—whose will see, in Priv. Controv. III. 143.

by John Bissell and Nathan Gillet, which by his request is entered, June 16, 1684, p^r me, John Allyn, Sec^ry.

This Court do impower the Administratrix of Andrew Warner's estate to grant and make a deed of sale to David Sage, of a parcell of land her husband sold to him in his life time, he dyeing before he had perfected it.

This Court doth impower the executor of Mr. Haines his last will and testament, to confirm the deed of sale of a parcell of land sold by Mr. Haines unto Thomas Newell, which Mr. Haines made and did not acknowledg in his life time, as appears by his deed dated Feb. 6, 77.

Mr. Jehu Burr presenting to this Court an order of the county court of Fayrefield, November 30, 1681, wherein it is expressed that the court did see good reason to part wth some parcells of land that belonged to the estate of Ebenezer Hawley of Stratford, to procure sixteen pownds worth of estate for the payment of debts due from the sayd estate, which accordingly hath been done, This Court see reason, being desired thereto, to declare that they alowe and confirm the same.

This Court doe appoynt Mr. Ciprianⁿ Niccols, Mr. James Steele and Ens. Nath. Standley, they or any two of them are by this Court appoynted to lay out to Simsbury their bownd, according to the grant of this Court, as speedily as may be.*

Nath. Beebe, constable of Stoneington, for the year 1678, haveing not perfected his account wth the Treasurer for this yeare, this Court orders the Treasurer to forbear prosecuting of him till farther order.

Mr. Bishop, Captⁿ Allyn, Captⁿ Fitch and Mr. Banckes are appoynted to audite the Treasurer's account with the country.†

* Their report is in Towns & Lands, II. 196.

† The record of this session was not completed in the usual form, and there may have been other omissions than that of the following order,—of which a copy is preserved in Priv. Controversies, II. 148.

“ At a Generall Court held at Hartford, May 10th, 1683. In answer to the petition of John Morgan, This Court grant that he shall have a heareing of that case which was tryed between him and Mr. Cary Latham, October last, by way of appeale, at the Generall Court in October next.

Extracted out of the Court Records, per me

John Allyn, Sec^ry.”

Mr. Allyn's copy was probably taken from his original minutes, which he omitted subsequently to record.

[143] A GENERAL COURT HELD AT HARTFORD, OCTOBER
11th, 1683.

Major Rob^t Treat, Gov^r.

James Bishop Esq^r, Dep^t Gov^r.

Major John Tallcott,

Major John Nash,

Captⁿ John Allyn,

Mr. John Wadsworth,

Mr. W^m Joanes.

Capt. James Fitch.

[*Deputies.*]

Mr. W^m Pitkin, Mr. Caleb Standly ; for Hartford.

Capt. Benj. Newbery, Mr. John Loomys ; for Windsor.

Capt. Sam^l Tallcot, L^{nt} James Treat ; for Weathersfeild.

Mr. Dan^l Witherell, Mr. Christo. Christophers ; for N.
London.

Capt. Moses Mansfeild, L^{nt} Abram Dickerman ; for N. Haven.

Mr. Jehu Burr, Mr. John Banckes ; for Fayrefeild.

Sarj^t Tho. Canfeild, Sarj^t Tho. Clarke ; for Milford.

Sarj^t Jn^o Platt, Dan^l Kellog ; for Norwalke.

Mr. John Moss, Abram Doelitle ; for Wallingford.

Sarj. Jn^o Chapman, Mr. W^m Dudley ; for Saybrooke.

Timothy Knap, for Rye.

Capt. Georg Denison, Mr. Tho. Stanton ; for Stonington.

L^{nt} Lefingwell, Ens. Baccuss ; for Norwich.

Sarj^t Jehiel Preston, Mr. Sam^l Sherman ; for Stratford.

Mr. W^m Leete, L^{nt} W^m Seward ; for Guilford.

Eliez. Stint, Sam^l Pond ; for Brandford.

L^{nt} Johnath. Bell, Josh. Hoyt ; for Standford.

Mr. Edw. Griswold, Sarj. Tho Stevens ; for Kellingworth.

Mr. Math. Griswold, for Lyme.

Ens. Spencer, Georg Gates ; for Hadum.

Capt. Jn^o Standly, John Laneton ; for Farmington.

Jos. Theale, for Greenwich.

Mr. Hamlin, L^{nt} White ; for Midleton.

Mrs. Sarah Richards is plntf., Mr. Joseph Whiteing is defendant, by way of appeale from the judgment of the Court of Assistants, May 28, last,* which action was first entered by

* Court of Assistants, I. 45: Private Controversies, II. 107-112.

Joseph Whitting an action of the case, for not resting in a line run between sayd Whiteing's land and sayd Mr. Richards land, according to agreement made by sayd M^{rs} Richards with sayd Whiteing, and neglecting or refusing to take off her part of the fence, according to law, and setleing of the divideing fence between her land and sayd Whitting's, with tenn poulds damage. In which action the Court of Assistants found for the defendant the line runn and staked out according to agreement, and cost of court. In this action the Generall Court find for the defendant cost of courts, and confirm the former judgment of the Court of Assistants to the defendant, and they doe also grant the defendant eighteen shillings for his attendance in the sayd courts. They doe also grant M^{rs} Richards liberty to remove her fence off s^d Whiting's land, provided it be done by the last of Aprill next.

Josiah Clarke is plntf. by way of appeale from the judgment of the Court of Assistants, May 28, 1683, Andrew Hillier defend^{nt};* which action was an action of the case for debt due from sayd Clark to the sayd Hillier, partly for keeping of Mary Crow,† and partly for sundry payments made to him, and the ballance of acco^t about farming for which he hath noe credit on a bill he was indebted, wth damage, all to the value of thirty poulds: In which action the Court of Assistants fownd for the defendant seventeen poulds, thirteen shillings and eight pence, besides fifty nine poulds five pence endorced on the bill, and cost of court. Josiah Clark and Andrew Hillier by joynt consent wthdrew their action, and referred the consideration and determination of it to Capt. Clarke, Capt. Sam^l. Tallcott and Mr. W^m Pitkin, and what they or any two of them shall agree and give under their hands as their issue, they binde themselves in the sum of twenty poulds to abide by and stand by their issue and determination; and he that refuseth to abide by the issue shall pay twenty poulds to him that shall stand by the sayd issue as shall be made upon the case.

* Court of Assistants, I. 43, 46: Private Controv., II. 63-70.

† Margaret Crow (as the name is correctly given in the files,) was a daughter of Christopher Crow, of Windsor, deceased, whose widow, now the wife of Josiah Clark, of Windsor, was a sister of Hannah, wife of Andrew Hillyer, of Simsbury.

James Newton, as attourney to his brother Iserell Newton, plantife, Rob^t Beachem, defend^{nt}, by way of appeale from the judgment of the Court of Assistants, May 28, 1683,* which a^{ct}ion was an action of trespasse on the case for illegally restraining and keeping possession of the lands and priviledges of his father, Thomas Newton, deceased, which now of right belongs to sayd Iserell, lyeing and being in a place called Maximus, now Banckside, whereby the plntf. is damnified by being kept from his inheritance in the estate of his father's to his damage five hundred pownds. In which action the jury found for the defendant, that the plantife pay him costs of court. Withdrawn.

In answer to the petition of Tho. Butlar, Steven Bracey, John Day, who pretend themselves creditors to Mr. Samuel Stone's *Stone's* estate, this Court grant them liberty to appoynt an attourney in behalfe of themselves, and the rest of the creditors of that estate accordingly to defend the judgment of Court of Assistants appealed from, and that it pass on to a tryall forthwth, this Court.

[144] Benj. Hills is plntf., Sarj^t W^m Buckland defend^{nt}, by way of appeale from the judgm^t of the Court of Assist^{ts}, May 28, 1683, in a case concerning a parcell of hoggs.† This Court find for the defendant cost of court, and confirm the former judgment of the court, Aprill last, which was that the hogs should be divided between plntf. and defendant. The cost allowed for witnesses was one pownd nine and sixpence. The Generall Court haveing heard what hath been alledged by plantife and defend^{nt}: doe see reason to confirm the judgment of the Court of Assistants; every one to beare his owne charge. Execution dd, Nov^r 2d, 1683.

Capt. George Denison is plntf. by way of appeale from the judgment of the Court of Assistants, May 28, 1683, John Gallop defendant; which action was an action of the case, respecting a parcell of land layd out to the sayd Denison by

* Court of Assistants, I. 46; by appeal from Fairfield County Court. Thomas Newton was one of the five original planters at Maxamus, or Bankside. See Vol. II. p. 58, note.

† Court of Assistants, I. 47.

the surveyors, which sayd Gallop did lay claim to.* In which action the Court of Assistants fownd for the sayd Gallop the land in controversy according as it was layd out to him by the surveyor, and cost of court. Capt. Georg Denison and Mr. John Gallop wthdrew there action, and referred the consideration and determination of it to Captⁿ Daniel Clark, Captⁿ Sam^l Tallcott and Mr. W^m Pitkin, and what they or any two of them shall agree and give under their hands, as their issue, they binde themselves in the sune of twenty [*pounds*] to abide by their issue and determination; and he that refuseth to abide by the issue shall pay twenty pownds to him that shall stand by the issue as shall be made upon the case.

M^{rs} Abygail Olcott and Mr. Tho. Olcott, executors to the last will and testament of Mr. Thomas Olcott deceased, plain-tifes, by way of appeale from the the judgment of the Court of Assistants, the 4th instant, contra Thomas Wright, James Wright, Joseph Wright and Jonathan Smith, defendants; which action was an action of the case for that the s^d Wright's and Smith did illegally possesse and detaine certain parcells of land lying upon the Island commonly called the great Island, which land belongs to the estate of Mr. Thomas Olcott deceased; to the surrender of the lands with a hundred pownds damage: In which action the jury fownd that the s^d Olcotts should pay to the s^d Wrights and Smith costs of courts. In this action the Generall Court find for the defendants cost of court.

This Court remitts the forty shillings fine that was imposed upon Stoneington listers, October last.

Mr. John Roberts is plntfe by way of appeale from the judgment of the Court of Assistants, October 4th instant, Mr. Sam^l Stone defendant; which action was an action of the case for unjust detaining from him the produce of a certain booke or catechisme bequeathed him by his father Mr. Sam^l Stone, and sold by his mother, M^{rs} Elizabeth Gardner, to the value of sixty pownds, and twenty pownds for not rendering it in due time: † In which action the jury fownd that

* Records of Court of Assistants, I. 44, 48. Priv. Controv. III. 95-113.

† Court of Assistants, I. 49. This catechism, "a 4to MS. of 540 pages," is now in the library of the Massachusetts Historical Society. (Mr. Savage, in note to Winth. Jour. I. 108.)

the sayd Roberts should pay to the sayd Stone sixty pownd, twenty pownds in cash and forty pownd in currant pay, and cost of court. In this action the Court find for the plaintife cost of court.

Upon the petition of Mr. Steven Richardson that he might have liberty to appeale from the judgment of the county court at New London, June last, wherein Joseph Trueman was plntf. against him, This Court haveing considered the petition of Mr. Richardson, and findeing that that Court where Mr. Richardson did reveiw to, fell, by the providence of God,* This Court grants that Mr. Richardson should have liberty to appeale from the afoars^d judgment of the court, to the next [145] Court of Assistants || in May, provided he enter his appeale in the records of the court of New London and give the sayd^t Trueman timely notice thereof.

Capt. Fitch, Captⁿ James Avery and L^{nt} Tho. Leffingwell being appoynted to procure some lands for Mamohoe and his company, by this Court, May last, returned a writeing or deed of two hundred and eighty acres of land which they bought of Isack Wheeler, for the use of Mamohoe and his company &c. which deed is recorded in the records of the towne of Stoneington, and lyeth sowtherly from Lanthorn Hill, which northwest corner abutts upon a birch tree upon a ledge of rocks below Lanthorn Hill; from thence the lyne [*runs*] two hundred rod [*east*], nearest, to a white oak tree marked M; and from thence the lyne runeth sowtherly two hundred and fifty rods to a black oake; from thence, west neerest, seven score rod, to Mistick river, which is the westerly bownds; as p the deed of sale on file† will appeare: and this Court doth approve of the sayd deed, and grant that the land shall be for the use of Mamohoe and his company dureing the Court's pleasure.

A List of the persons and estates of the severall townes in the Colony :

* "It hath pleased God to visit the magistracy of New London county, that there were not so many as to constitute a Court at the usual time." Priv. Controv. II. 100.

† Towns & Lands, I. 210 (original deed). The land was conveyed to "Capt. James Avery and Lieut. Thomas Leffingwell, a committee in behalf of the General Court, it being for the use of Momoho and the Indians under him;" May 24, 1683.

<i>Persons.</i>	<i>Li.</i>	<i>sh.</i>	<i>d.</i>
246 Hartford persons and estates,	17105	00	00
248 New Haven,	12467	00	00
064 Lyme,	03917	00	00
100 Guilford,	06230	00	00
050 Brandford,	02714	00	00
080 Saybrooke,	05218	00	00
036 Haddum,	01798	00	00
201 New London,	10282	00	00
055 Greenwich,	01950	00	00
126 Midleton,	05352	00	00
122 Stratford,	08173	00	00
101 Farmington,	06232	00	00
240 Windsor,	14149	00	00
111 Norwich,	06341	00	00
147 Milford,	08925	00	00
092 Norwalke,	05099	00	00
076 Stoneington,	05018	00	00
052 Wallingford,	02718	00	00
044 Kenilworth,	02353	00	00
181 Fayrefeild,	10693	00	00
205 Weathersfeild,	12832	00	00
090 Standford,	04928	00	00
047 Rye,	02339	00	00
062 Woodbury,	02552	00	00

Total of persons is 2735. Total of estates is 159385 pownds

The Traine band of Stratford haveing, both the last Court and this Court presented John Beardsley as chosen by them to be their Liuetenant, and the former Court haveing advised Captain Curtice, for some reasons presented to them, to goe to a new choyse, This Court doe not see reason to confirm their choyse, but doe order that they the sayd Traine band do proceed to a new choyse of a L^{nt}, wherein all concerned may be warned to attend the same.*

Caleb Standly is confirmed and approved to be L^{nt} of the Train Band in Hartford.†

* Militia, I. 9, 10.

† Id. I. 8.

Moses Mansfeild is confirmed and approved to be Captain of N. Haven Traine band. Abram Dickerman is confirmed and approved to be L^{nt} of N. Haven Traine band.*

Eliezer Stint is confirmed Liuetenant of Brandford Traine band.†

Vpon the petition of Deacon Richard Butlar,‡ this Court doe see cause to grant him two hundred acres of land, provided he take it up where it may not prejudice any former grant to any plantation or perticular person.

Mr. John Plumbe is plnf., Mr. Sam^l Collins defendant, by way of appeale from the judgment of the Court of Assistants in October 5, 1682;§ which action was for unjust molesting of him, with damage ten pownds; in which action the jury find for the defendant confirmation of the judgment of the court at N. London, 15^{sh}. and cost of court, allowed 4^{sh}. The Generall Court haveing heard and considered the case, find for the defendant cost of court.

This Court grant the Treasurer fifteen pownds for his extraordinary service in cleareing of the old acco^{ts}.

Mr. John Plumbe is plntf. by way of appeale from the judgment of the Court of Assistants, October 5, 1682, Edward Turner defendant, for unjust molesting of him, to the damage of ten pownds: in which action the jury found for the defnt confirmation of the judgment of the court at New London, which was fifteen shillings, and cost of court allowed 4^{sh}. Mr. Pitkin refused to prosecute the appeale and engaged it should be an issue and no farther prosecution about it.

* Militia, I. 12.

†Id. I. 11.

‡ Towns & Lands, I. 209 The petition "sheweth, That whereas it hath pleased God to preserve your Petitioner unto his old age from his first comeing into this Colony, which was at or near the first settlement of the English in Hartford, and that it hath been his desire and indeaour to be in some measure as hee hopeth seruiceable according to his capacity to the publique whereof hee is a member, and haueing many children, especially sons, and they beeing al long since married, my age hath not that support either from its self, my children or estate, as formerly," &c. Deacon Butler died in 1684. This grant was assigned, Jan. 1711, by Joseph Butler, of Wethersfield, to Thomas Kimberly, of Glastenbury, and by the latter to Daniel Bissell Jr. and Samuel Chapman, of Windsor, to whom it was laid out, in what is now the northeast part of Ellington, in 1719. Col. Rec. of Deeds, &c. III. 329-331.

§ Court of Assistants, I. 44. Mr. Collins's version of the case, or rather, his "short digression from the essence of his case" to "give light to the Honored Court who is the wronged party," will be found in Priv. Controversies, III. 93.

[146] Sam^{ll} Rogers, Eliez. Peck, Sam^{ll} Hall, Joseph Tomson, John Merryman, Joseph Benham, John Atwater, are propounded for freemen; they are of Wallingford: John Bidwell, John Bunce, Jonath. Ashley, Jarrad Spencer, Daniel Butlar, Jos. Olmstead, Edward Cadwell, Steven Calsey, Richard Burnham, Rob^t Sandford, Samuel Steele, Rog^r Pitkin.

Those May last propounded for freemen are now accepted by this Court.

Vpon the motion of Job Drake and Georg Griswould that this Court would pass by their fine imposed upon them by this Court, October, '80, they manifiasting the sence of their evill for which they were fined and promising amendment for the future, This Court remitts their fine, with the fine of John Moses and Timothy Thrall who were fined at the same time with them.

Whereas the Gentⁿ of New London have declared their intents to hold a county court at New London, Nov^r 20 next, haveing been by the providence of God forced to let fall their Sept^r court, This Court approves the same, and doe authorize them the Assistants and com^{rs} to keep a court, the time prefixed, according to law.

Vpon petition of Mr. Steven Richeson,* This Court doe apoynt the executors stated in Mr. Richardson's will to administer upon the estate of Mr. Richeson and Mrs. Richardson, in doing what at p^rsent is necessary to be done for the preserving, dissposeing and secureing the estate, and that they doe give an acco^t of what they shall doe to the next county court at New London, the 20th of November next; and that there they exhibit their the s^d Mr. Richeson and M^{rs} Richeson's last will and testaments, with the inventoryes of their estates; and that all those concernes be setled according to law at s^d court.

This Court doe remitt to Timothy Knap, the fine imposed

* Priv. Controv. II. 100. Mr. Amos Richardson of Stonington, died Aug. 5, 1683; his widow, in September, of the same year. Mrs. Richardson's will constituted her sons Stephen and Samuel, executors. They would have proved the wills of both parents, at the next (September) Court at New London, but it "pleased God so to visit the magistracy of New London county" that there were not a sufficient number present to hold a court, at the stated time.

upon him for not making up the payment of his country rate with the Treasurer according to law, he paying the Marshall's fees.

This Court doe in like maner remit Joshua Hoyt's fine upon the same tearmes, he payeing the Marshall's fees.

The like favoure upon the same tearmes is granted to Caleb Hyat of Rye, Joseph Meed of Greenwich, John Sturg, Rob^t Turney of Fayrefeild, John Hull of Kenilworth, John Jordan and John Curtland of Saybrooke, Isack Waterhouse of Lyme, John Hollibutt of Midleton, John Searle of Stonington, and Thomas Dunck of Saybrooke.

This Court grants that Woodbury bownds shall be seven miles due west from Mattatuck west bownds, which is eastward of the pond about eighty rods from the sayd pond at the road; and the Court grants them eight miles from the north bownds of Derby, where the line runns between Woodbury and Derby.

This Court findeing by experience that former orders doe not give due recompence for tryalls of actions, doe now order that juryes in all courts of tryalls shall have nine shillings for every action they trye; and the county courts, for every action is tryed by a jury before them, shall receive nine shillings.

This Court orders that all appeales to the Gen^l Court shall pay to the pub. treasury the sume of three pownds apeice.

Those propownded for nomination in May next are Capt. Benj. Newbery, Captⁿ Giles Hamlin, Mr. Jehu Burr, Mr. Sam^l Tallcott, Mr. Daniel Witherly, Captⁿ Sam^l Eales, Captⁿ Tho. Bull, Captⁿ Moses Mansfeild.

[147] This Court grants the Governo^{rs} salary to be eighty pownds for the yeare comeing.

This Court grants the Dept. Governo^{rs} salary to be forty pownds.

This Court grants the Secretary's salary to be twenty five pownds, and the Treasurer's twenty five pownds.

This Court grants a country rate of one penny halfe penny upon the pownd of all the rateable estate in the colony; to be payd one third in wheat, winter wheat at fower shillings sixpence p bushell, sumer wheat 4^{sh} p bush.; one third in pease or rye, pease 3^{sh} p bush., rye 3^{sh} 6^d; and one third in Indian

corn or porck, Indian corn at two shillings sixpence p bush. and porck at 3^{li} 5^{sh} 0^d p barrell. And if any one will pay their rate one halfe in wheat and the other halfe in Indian corn, they have liberty so to doe. All sorts of pay to be good and merchantable.

Whereas James Kingsnorth deceased and had made two deeds of sale of certain lands to Thomas Cooke Sen^r and Tho. Cooke Jun^r, and signed and witnessed the same, but did not acknowledg them before any assistant, before his death, This Court appoynts Mr. John Collins of Guilford, who is administrator to his estate, to acknowledg the sayd deed before an assistant, in behalfe of the sayd Kingsnorth.

Upon an address to this Court by Samuel Rogers of New London, respecting a judgment past against him on behalfe of his wife (as things did then appeare,)* and the same not being only to the great damage of the s^d Rogers but allso the disreputation of his s^d wife, the sayd Rodgers haveing submitted the whole case to this Court's consideration and finall issue, This Court upon such farther discoveries as have been made to them, for the vindication of his wive's innocency and his reparation, doe grant unto him his heires and assignes, three hundred acres of land, provided he take it up where it may not prejudice any former grant to any plantation or perticular person, and seventy pownd to be payd to him or his order out of this present rate, and doe order that the judgment on record against him in New London court is hereby made voyd and null and to all intents and purposes whatsoever and forever, and that this order be entered in the records of the sayd court of New London.

Whereas John Morgan appeared in this Court to prosecute his appeale against Mr. Cary Latham* according to the grant of the Generall Court, May last, and Mr. Cary Latham appeared not, but Major Palmes haveing, in behalfe of Mr. Cary

* Priv. Controv. II. 106. He had satisfied the judgment obtained against him, in behalf of his wife, for £62. 13. 4, on a prosecution instituted by "Capt. Martin Van de Dilliman," in 1679; and had since expended above £45, in silver, "for the endeavoring for the clearing of his wife's name," besides other charges and time spent. See page 41, *ante*.

† Priv. Controv. II. 138-151.

Latham, desired a forbearance of prosecution till the next Court, the Court *the Court* grants the same, and then the charge of Morgan's present attendance is to be issued.

This Court doe desire and impower the Governo^r, Dept. Governo^r and Councill so many of them as can conveen, to be a councill to hear, order, issue and transact all such publike concernes as shall be necessary to be attended in the intervalls of the Generall Court, allwayes provided the Governo^r or Dept. Gov^r be one of the sayd Councill; and this to stand till the General Court in May next.

This Court doe approve of the letter drawn up by this Court to Colonel Dongan,* and doe order that the Secretary draw up the letter fayre, and signe it in the name of the Court, and send it to the sayd Governo^r.

Mr. Thomas Dunham and Mr. Caleb Watson are accepted for freemen.

This Court considering the goodness of God towards his people in this Colony, in that he hath remembered his poore people in their lowe estate and condition, because his mercy endureth for ever, hath abatted the sore sickness, recovered many that were brought low, and spared so much of the fruits of the feild and trees as we enjoy, and continued peace in o^r habitations with our liberties & priviledges civill and ecclesiasticall hitherto, do order and appoynt that the last Wednesday in this month be kept a day of publike Thankes-giving throughout this colony, to prays God for his mercy and goodness to vs in those forementioned respects and to beg that the continuance of God's presence may be granted vnto us and we inabled to an humble, holy, thankfull walkeing before God under all o^r injoyments.

Whereas it is evident to all whoe observe the footsteps of Divine providence that the dispensation of God towards his poore wilderness people have been very solemne, awfull and speakeing for many yeares past, and perticularly towards o^rselves in this colony this present yeare, by reason of

* Colonial Bounds., II. 42,—and Appendix, Nos. XLIX-LII. Col. Thomas Dongan, commissioned governor of New York, by the Duke of York, September 30, 1682, arrived, Aug. 27, 1683.

[148] generall sickness in most places and more than ordinary mortality in some,* as allso excessive raines and floods in severall plantations,† shortening vs in our outward enjoyments; and considering allso the holy hand of God in be-reaveing so many churches and congregations of a settled ministry, whereby they are left, and have been some of them long, as sheep wthout a shepherd,‡ as if the Lord intended for o^r sins to quench the light of o^r Israell, viz. o^r great unprofitableness, impenatency and great unreformedness under convinceing light and awaking judgments, with too generall neglect of great salvation, and many other sinns abounding amongst us; we have great cause to fear the Lord, who is a jealous God in the midst of his people, may com forth against us in farther tokens of his displeasure than ever yet; therefore, this Court doth order and appoynt that the last Wednesday in November next be solemnly kept throughout this colony, a day of fasting and prayer, to humble and afflict o^r soules before the Lord and beg mercy in Christ Jesus that he would see o^r wayes and heall vs for his own soveraigne grace, that yet we may become an humble and reformed people; that he would continue our peace and priviledges civill and sacred, remove his judgments, and heale o^r land, bless o^r lord the King and preserve him and the protestant religion and the

* The last entry in Rev. Simon Bradstreet's Journal, under date of Aug. 10, 1683, records the death of two members of his church in New London, by "a malignant feaver w^{ch} was very severe thro this Colony" (N. E. Geneal. Reg. IX. 51). In the town of Windsor alone, fifteen deaths were recorded in the month of August, 1683, eight of which were of adult males.

† Mr. Wakeman, in his Election Sermon of 1685, notes among other remarkable Providences, instancing God's displeasure, a "second and sorer flood that was upon this River, not two years since," falling out upon the very day appointed for public fasting. (p. 31.)

‡ Rev. Joseph Haynes, minister of the first church in Hartford, died in 1679, and his successor, Rev. Isaac Foster, in August, 1682,—whose death, writes Mr. Bradstreet, "hath made a breach that will not easily be made up" (Bradstreet's Journal). The church was without a settled pastor until the ordination of Rev. Timothy Woodbridge, Nov. 18, 1685. The New Haven church had not succeeded in procuring a minister,—though more than nine years had elapsed since the death of Mr. Street. Mr. Pierson had no successor at Branford, yet,—nor until the settlement of Rev. Samuel Russell, in 1687. The removal of Rev. Nicholas Noyes to Salem, Mass. had left the pulpit of the Haddam church vacant. Simsbury and Mattatuck (Waterbury) were without settled pastors. Rev. Simon Bradstreet, of New London, died in the autumn of 1683.

suffering people of God everywhere, and continue his presence and blessing with vs in this wilderness, from one generation to another.

The Court is adjourned till the Gov^r or Dept. Gov^r see cause to call them againe.

A GENERALL COURT HELD AT HARTFORD, NOV^r 14, 1683.
BY SPECIALL ORDER OF THE GOV^r.

Major Rob. Treat, Gov^r.

Mr. James Bishop, Dept. Gov^r.

Major Nathan Gold,

Major John Tallcott,

Capt. John Allyn,

Mr. W^m Joanes,

Major John Nash,

Mr. John Wadsworth,

Capt. Rob^t Chapman,

Capt. James Fitch.

The Deputies are,—

Mr. W^m Pitkin,

L^{nt} Caleb Standly,

Capt. Benj. Newbery,

Mr. John Loomys,

Capt. Moses Mansfeild,

L^{nt} Abram Dickerman,

Mr. Giles Hamlin,

L^{nt} Nath. White,

Mr. Tho. Clarke,

Sarj^t Tho. Campfeild,

Sarj^t Jehiel Preston,

Mr. Sam^l Sherman,

L^{nt} Tho. Leffingwell,

Ens. W^m Baccus,

Capt. Sam^l Tallcott,

The Court being mett, the Gov^r informed the Court that he thought it might be necessary, seeing Colonell Dungan was entered into the Government of New Yorke, that some Gentⁿ might be appoynted to congratulate his safe arrivall, and entrance into the government of his royall highnesse his Territories in these parts; as also that there seemed to be a dissatisfaction taken by the Honourable Col. Dungan about the settlement of the line between his Mat^{ies} Colony of Connecticut and his Royall Highness Colony of New Yorke, made by his Mat^{ies} Honourable Commissioners; * and desired the Court to consider of the same, and give their advice what was to be done. The Court having considered the premises declared by their unanimous vote that they judged it convenient that a com-

* See Governor Dongan's letter of Nov. 5th, in Appendix, No. LII.

Mr. James Treat,
 Mr. John Moss,
 Mr. Abram Doelittle,
 Mr. W^m Leete,
 L^{nt} W^m Seward,
 Mr. John Platt,
 Mr. W^m Dudley,
 Sarj^t Tho. Stevens,
 Sarj^t Sam^l Pond,
 Capt. John Minor,
 Capt. John Standly,
 Deacon John Lancton,
 Joshua Hoyte.

mittee be chosen and impowered by this Court to attend the premises as soone as may be, according to such commission and instructions as they shall receive from this Court.

This Court made choyse of the Gov^r, Major Nathan Gold, Capt. John Allyn and Mr. W^m Pitkin to attend the service afoarsayd.

To the Honnoured Robt Treat Esq^r Gov^r, Major Nathan Gold, Capt. John Allyn Esq^{rs}, Assistants, and Mr. W^m Pitkin. Gentⁿ. The Generall Assembly of his Mat^{ies} Colony of Connecticutt, at their present session, the 14th day of || of November, 1683, doe hereby nominate, commissioneate and fully impower as allso desire you to take your first opportunity to travill to the city of New Yorke, where you are to visitt the Hon^{ble} Thomas Dungan Esq^r, Gov^r of his Royall Highness the Duke of Yorke his Territories in Americah, and to congratulate his Honor^s safe arrivall to New England and his Highness' Territories; and to manifiast to him this Court's gratefull resentment of his Honor^s profession, by his letters, of his desire to be in good amitie wth us; and to assure his Honour that we shall study and endeavour as we may by all good wayes and means to shew our selves as amicable and serviceable to his Royall Highness and his Honour, as we are capeable of, and to that end we shall endeavoure to remove all obstruction and doe what is in our compasse to setle and mayntaine a good and neighbourly correspondence with him for our mutuall advantage.

Allso, whereas his Honor hath been pleased in his letters to signifie to vs that he is not satisfiyed with the former stated bownds between this Colony and his Royall Highnesse Territories, and hath moved for a treaty and settlement of what is or may be matter of difference between his Highness claimes and o^{rs} in that respect, you or any three of you are hereby fully commissioneated and impowered to treat with his Honour thereabout, or such as he shall please to appoynt; and if you shall see just reason to vary any thing from the former settlements of the bownds between his Royall Highnesse Territories and this his Mat^{ies} Colony, by his Mat^{ies} Commissioners there-

unto by his Mat^{ie} especially appoynted and a committee from this Colony, farther towards the east then was agreed on and hath been since approved by his Majesty, you have hereby full power and authority to doe and agree therein with the sayd Govern^r Dungan or those he shall appoynt for a finall issue and settlement, according to your best judgment, provided that his Mat^{ie} and Royall Highness approve of and confirm the same.

Instructions for the Honrd Rob^t Treat Esq^r, Gov^r, the Worp^l Major Nathan Gold and Captⁿ John Allyn, Assistants, and Mr. W^m Pitkin.

Gentⁿ. You are to take by order of this Court o^r commission given to yourselves to congratulate the Hon^{ble} Col. Tho. Dungan Esq^r, Gov^r of his Highness the Duke of Yorke's Territories, his safe arrivall into these partes, and to treat with him as therein mentioned; as also an attested cobby of the former settlement of our westward bownds by his Mat^{ies} Commissioners, with a cobby of Col. Nicholls commission empowering him and the other with him thereunto, and of the commission of o^r committee that concluded with them, as also of his Mat^{ies} gracious letter, wherein the same was confirmed, with what other papers you may thinke necessary; and as soon as God gives you opportunity, to goe to New Yorke, and there to vissent the Honrd Govern^r Tho. Dungan and to salute and congratulate him according to your commission, which you may shew him, and deliver him a cobby of it if you see cause.

2. As to your treating and concludeing with him about settling the bounds between that Territory and this Colony, you shall not exceed his demands of twenty miles eastward from Hudson's River, but get him to take up with as little as may be.

3. You are to see his power to treat and conclude, or if that appeare not to your satisfaction, then you must treat and conclude onely conditionally and with this proviso, that his Mat^{ie} and the Duke's Highnesse shall please to ratify it.

4. As to the rise of our line at Mamaronocke, you are to declare there could be no misstake between the Com^{rs} about that, and therefore endeavour to hold that bownd.

5. If you grant any parts of the land within any of the townships of this Colony, you are to endeavour to reserve those lands to the townes propriety, though as to jurisdiction they belong to his Highnesse.

6. You are to endeavour that the former line concluded on in all places shall take place, unless it be where it is neerer Hudson's River then such a disstance as you can agree on.

7. You are to remember all along to make his Honour sensible how firm and legall the former settlement was, and that our varying from it is to oblidg his Hono^r and promoate a perpetuall good corespondence between this his Mat^{ies} colony and his Royall Highness Territories and the successive Governo^{rs} of them both.

[150] This Court leave it to Major Tallcott, Capt. Allyn and Mr. Wadsworth, or any two of them, to return such answer to Mr. Randolph about Duke Hamilton's claimes* and other matters contained in his letter respecting this Colony, in suitable tearmes, so as may best tend to the preservation of o^r just rights and for our advantage: but if any difficulty arise in these concernes, that the Governo^r and Councill give such farther advice and direction in the premises as shall be needfull. And the afoarsayd Gent^u are allso to receive of the Secretary the Adresse to his Mat^{ie} from the Gen^l Court, and send it to Mr. Randall, and request him to present it to his Mat^{ie}; which address is to be signed by the Govero^r and Secretary, in the name of this Court.

Vpon the petition of John Wheeler, this Court remitts to him that part of his fine which was imposed upon him by the Court which is yet unpaid.

To the High and Mighty Charles the 2^d, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Fayth,—The most humble Petition of your

* See, in Appendix, No. LIV. an abstract of the documents relating to the Duke of Hamilton's claim,—now revived by Edward Randolph, who brought a letter of attorney from William and Ann, Duke and Duchess of Hamilton and their son, James, Earl of Aran, heirs of James, Marquis of Hamilton, (the patentee), to sue for and recover their right, and represent their interest in lands in New England, (Miscell. I. 62.)

Maties loyall subjects, The Gov^r and Generall Assembly of his Maties Colony of Conecticut in New England, humbly sheweth :

Most dread Sovereigne, We humbly beseech your Matie to cast a favourable aspect vpon vs and to take notice of the breathing of our loyall affections towards your Matie, although they come from us not trimmed with quaintness of language, but in a plaine habbit, according to the maner of a poore wilderness people whoe study realities and not flatteries: and in the words of truth and sobernesse, as becometh loyall subjects, we have sayd, we doe and will say, God save the King.

What the principles and practices of o^r fathers were, for the sake of which, after they had obtayned leave of their and o^r sovereigne, Charles the first of happy memory, they removed themselves with great hazard and cost into this desert wilderness, and how the Lord prospered them and built them up under his shaddow, and what we their unworthy posterity doe professe, is known to the world and we dare not deny the same; but since for these many yeares we have, under the shaddow of your royall favoure, injoyed civill and sacred liberties, we render religious prayes to the Most High, and humble and hearty thanks to your Matie as o^r Supream, nextly under the King of Kings and Lord of Lords, for the same.

And whereas we have, both formerly and of late, especially by your Maties declaration bearing date 28 of July, 1683, which we rece^d from Edward Randolph Esq^r (by whome we present this to your Matie) been informed of some horrible complotments against your Maties person, his Royall Highness and the Government,* we doe abhorr and detest the same,

* "In matters of religion, the Dissenters bore all the odium of the late conspiracy and were not only branded for Rebels and Villians, in multitude of Addresses presented to the King, but were likewise severely arraigned by the King himself in a solemn form of "Declaration to all his loving subjects concerning the Treasonable Conspiracy against his sacred Person and Government, lately discover'd; appointed to be read in all Churches and Chappels within this Kingdom, as well on Sunday the 2d of September, as upon a Day of Publick Thanksgiving." * * The Dissenters were now marked out for hatred and prosecution." Kennett's Hist. of Engl. III. 408-410. For this renewal of persecution, the pretended Rye-House plot, or "Fanatick Plot" (as it was sometimes called), for the murder of the King and Duke of York, furnished the pretext and occasion.

and shall make it manifest by o^r words and workes, prayers and practices, that we are men of other principles, and doe heartily returne thanks to Almighty God for the preservation he hath granted your Mat^{ie} and Government, and doe acco^t it o^r duty to make supplications, prayers, intercession, for Kings, especially your Mat^{ie}, and all in authority, that under them we may leade a quiet and peaceable life in all godlyness and honesty; and that we feare God and hono^r the King, not meddling with those whoe are given to changes; and doe utterly protest against all such whoe under pretence of exalting Christ's kingdom and provideing for Gospell or civill liberties, or under what pretences soever, shall stir up tumults or rebellions; and as loyall subjects, we doe profess our hands shall not be against but for your Mat^{ie}, the Lord's anoynted.

[151] Most dread Sovereigne, we humbly pray the continuance of your grace and favour, in the full injoyment of those former priviledges and liberties you have out of your princely grace and bounty bestowed upon us in your Royall Charter granted this corporation, that o^r poore beginnings may prosper under your shaddow to the glory of God and the inlargement of your Mat^{ies} dominion; and we shall implore that God by whom Kings reigne, to establish your throne in righteousness and peace. So, humbly beging your Mat^{ies} pardon, we subscribe o^rselves your Mat^{ies} loyall subjects,

The Governor and Generall Assembly of your Mat^{ies} Colony of Connecticut,

Hartford, November 14th, 1683.

Robert Treat, Governo^r.

In their name and by their order signed,

John Allyn, Secret^{ry}.

A COURT OF ELECTION HELD AT HARTFORD, MAY 8th, 1684.

These were nominated for election: Major Rob^t Treat Esq^r, James Bishop Esq^r, Sam^l Willys Esq^r, Major Nathan Gold Esq^r, Major John Tallcott Esq^r, Capt. John Allyn Esq^r, W^m Joanes Esq^r, Major John Nash Esq^r, Capt. Tho. Topping Esq^r, Andrew Leete Esq^r, John Wadsworth Esq^r, Capt. Rob^t Chap-

man Esqr, Capt. James Fitch Esqr, L^{nt} Sam^{ll} Mason Esqr,
 Capt. Benj. Newbery, Capt. Giles Hamlin, Mr. Jehue Burr,
 Capt. Sam^{ll} Tallcott, Mr. Dan^{ll} Witherle, Capt. Sam^{ll} Eales,
 Capt. Tho. Bull, Capt. Moses Mansfeild.

These were elected:

Robt Treat Esqr, Governo^r.
 James Bishop Esqr, Dept. Governo^r.

Assistants.

Samuel Willys Esqr,	Capt. Tho. Topping Esqr,
Major Nathan Gold Esqr,	Andrew Leete Esqr,
Major John Tallcott Esqr,	John Wadsworth Esqr,
Capt John Allyn Esqr, & <i>Secret^ry</i> ,	Capt. Robt Chapman Esqr,
W ^m Joanes Esqr,	Capt. James Fitch Esqr,
Major John Nash Esqr,	L ^{nt} Sam ^{ll} Mason Esqr.

Mr. Joseph Whitting, *Treasurer*.

The Deputies of the Court are,—

Mr. W^m Pitkin, L^{nt} Caleb Stanly; for Hartford.
 Capt. Benj. Newbery, Mr. Joseph Fitch, for Windsor.
 Capt. Sam^{ll} Tallcott, Capt. John Chester; for Weathersfeild.
 Capt. James Avery, Mr. Daneil Witherel; for New London.
 Sarj. John Chapman, Mr. W^m Dudley; for Saybrooke.
 Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Haven.
 Capt. W^m Curtice, Mr. Jos. Hawley; for Stratford.
 W^m Hoadley, Eliezer Stent; for Brandford.
 Capt. John Minor, L^{nt} Joseph Judson; for Woodbury.
 Mr. Math. Griswold, Mr. W^m Measure; for Lyme.
 Sarj. Tho. Campfeild, Mr. Tho. Clarke; for Milford.
 Mr. John Moss, Mr. Abram Doelittle; for Wallingford.
 Mr. Josi. Rosseter, Ens. John Grave; for Guilford.
 Capt. W^m Lewes, Capt. John Standly; for Farmington.
 Mr. Edw. Griswold, L^{nt} Henry Crane; for Kenilworth.
 Sarj. John Platt, Mark Sension; for Norwalke.
 Capt. Giles Hamlin, L^{nt} Nath. White; for Midleton.
 L^{nt} Tho. Tracey, Ens. W^m Baccus; for Norwich.
 Capt. Georg Denison, for Stoneington.
 L^{nt} Jona. Bell, Joshua Hoyte; for Standford.
 Mr. James Bates, for Haddum.
 Mr. Jehu Burr, Mr. John Fyler; for Fayrefeild.

The Commissioners for the severall Townes are,—

Capt. Benj. Newbery, for Simsbury & Windsor.

Captⁿ Tallcott & Capt. Chester, for Weathersfeild & Meriden.

Capt. Giles Hamlin, L^{nt} Nath. White, for Midleton, Haddum & Merriden.

L^{nt} Tho. Tracey, for Norwich.

Capt. James Avery, Mr. Dan^l Witherell, for New London.

Mr. Mathew Griswold, for Lyme.

Mr. Edward Griswold, for Kenilworth.

Mr. John Moss, for Wallingford & Meriden.

Capt. John Beard & Capt. Sam^l Eales, for Milford.

Mr. Sam^l Sherman, Capt. W^m Curtice, Mr. Jos. Hawley, for Stratford.

Mr. Jehu Burr & Mr. John Burr, for Fayrefeild.

Captⁿ Rich. Olmsted & Mr. Tho. Fitch, for Norwalke.

Mr. Richard Lawes & L^{nt} Jonath. Bell, for Standford & Greenwich.

Capt. John Minor & L^{nt} Joseph Judson, for Woodbury.

Propounded for Freemen:—Mr. Rob^t Treat, Timo. Baldwin, Roger Newton, Rob^t Plumbe, Sam^l Plumbe, Tho. Porter, Dan^l Andrews, Sam. Woodrofe, Benj. Andros, John Heart, Abram Chalker, Sam^l Pratt, Sam^l Bushnell y^e miller, Tho. Merill, Capt. Joseph Scill, Mr. Richard Lord, Aron Cook, Tho. Burr, Rich^d Goodman, Abram Fowler of Guilford.

[152] Upon the motion of Mr. Daniel Witherell in behalfe of Sam^l Rogers of New London, this Court appoynt Mr. John Bur, Mr. John Bankes and L^{nt} Cornelius Hull, to lay out to the sayd Rogers his grant of three hundred acres of land made the last session of this Court in October, according to the condition of his grant.*

This Court upon the information they have received that John Hollybutt hath purchased two parcellls of land of Andrew Warner, in Midleton, at a place commonly called Wongum, and one parcell by the towne which was sold to pay debts, which he hath received and recorded to sayd Hollybutt and deeds made but not signed by sayd Warner, doe order and impower the sayd administrator of the estate of the s^d Andrew

* Laid out, Sept. 30, 1687, "to the northward of New London bounds, upon a river called the Saw-mill river, alias, the Eight mile river." Col. Rec. of Lands, II. 195.

Warner to make, signe and acknowledg deeds for the sayd land, that so the sayd land may remayn firme to the sayd Hallebutt his heires and assignes forever.

W^m Hill Sen^r deceased haveing in his life time sold his West Division lott in Hartford to David Ensigne, and not made a legall deed to the sayd Ensigne for the land, this Court doe impower the executrix to make a legall deed and to accomplish the same according to law, by signeing, sealeing, acknowledging and delivering the sayd deed to sayd Ensigne, that the land may remayn firme to him, his heires and assignes forever.

Sarjt Samuel Joanes is confirmed by this Court L^{nt} of Saybrook Traine Band, and John Pratt Ensigne of the sayd Band.

This Court grants W^m Hill Jun^r the sune of twenty pownds towards the cure of his wovnds he received by the Indians in the last warr,* to be payd out of the publique treasury.

Major John Tallcott and Captⁿ Rob^t Chapman haveing presented to this Court an account of the agreement they have made with John Parker to be the gunner of the Forte at Saybrook and master of the great artillery, and of the commission that they gave him, with the instructions, all which bare date the 30th of November, 1683, and are signed by sayd Major Talcot and Captⁿ Chapman, the Court declared they approved of the same, and doe order sayd John Parker carefully to attend the place and office he is appoynted to, according to his commission afoarsayd.

John Minor is chosen Captain of Woodbury Traine Band, Joseph Judson Lieutenant, and John Wyatt Ensigne, and they are confirmed by this Court.

John Terry is chosen Ensigne of Simsbury, and confirmed by this Court.

Those propownded for freemen, October last, are now accepted to the place of freemen, by this court.

This Court haveing heard the agreement made by the com-

* War, I. 145 a. The petitioner "hath been, as it is well known, brought into a low and grievous afflicted condition by the sorrow which did befall him by the barbarous and murderous Indians at the time of the late much to be lamented Indian war:" his life was for a long time in danger, and his estate much expended before he was cured. See Vol. II. p. 472, where Menownieth testified that "Cohas and another Narragansett shot Wm. Hill."

mittee appoynted by this Court, November last, about the settling of bownds between this colony and New York, they approved of what was done, and appoynted Major Nathan Gold, one of the Councill, to attend the same, with Mr. Jehu Bur and Capt. Jon: Silleck, whoe are hereby commissioned to attend the service of layeing out the line between the province of New Yorke and Conecticut Colony, according to the agreement made the 28th of November, the 35 yeare of his Maties Reigne, 1683, at Forte James in New Yorke,* and Mr. Herryman Surveyor, with such other Gentlemen as shall be appoynted from New Yorke, and they are to meet at Standford on the first Wednesday in October next to attend the sayd service; and in case any of those appoynted by Providence should be disinabled to attend the service, the Governor is hereby desired to put and appoynt some suitable person or persons to supply and attend the service, in the room of him or them as shall be disinabled attendance.

[153] Mr. Jehu Bur, Mr. John Bur, Mr. Tho. Fitch, Mr. Tho. Benedict, are by this Court appoynted and impowered a committee for to order the planting of a Towne above Norwalke or Fayrefeild, and to receive in inhabitants to plant there; and what they, or any three of them, shall doe in the premises shall be good to all intents and purposes for the planting of Paquiage.

In answer to Thomas Orton's petition, this Court doth see no sufficient reason to make abatement of his son's fine.

Major John Tallcott and Capt. John Allyn are chosen Commissioners for the Vnited Colonys, for the yeare ensueing, and the Governor a reserve.

Whereas Rob^t Reeve† by his last will and testament gave his eldest son a double portion of his estate and the rest of his children single portions, and willed his lands to his sons, when the court came to distribute the estate to the legatees, the personall estate being not sufficient to answer the daughters' por-

* Appendix, No. LIII. The commissioners of the two colonies met, at Stamford, in October, and proceeded to lay out the line according to the agreement. Their report, dated Oct. 10th, is in Appendix, LVI.

† Robert Reeve, one of the first settlers of Hartford, died, February, 1681. (Goodwin's Geneal. Notes, 165.)

tions it was humbly requested by the two eldest daughters of the sayd Rob^t Reeve, they being growne of age, that they may receive their portions in land, what cannot be had in personall estate at present, and their sisters may have the like favoure with them, This Court heareing what hath been presented and findeing it a reality, doe see cause to grant their request, and order that what cannot be payd in other estate shall be paid to them in land according to the distribution that was made by Captⁿ John Allyn, Ens. Nat. Standly and John Skinner by order of the county court of Hartford: and the administrator Rich^d Edwards is impowered to give the particular persons deeds for the severall parcells of land as they are distributed by the afoarsayd Gentⁿ to them, when they come of age, except the sons or some other person for them will lay down the money due to the sisters for their portions when the daughters are of age to receive theire portions.

Propownded for freemen; Dan. Boreman, James Curtice, Sam. Curtice, Moses Goffe, Tho. Griswold, W^m Goodrich, Jos. Hills, John Hubbard, John Not, Jonath. Ryley, Nath. Stodard, Mr. Tho. Wells, Nath. Foot, John Belding, W^m Wickam.

John Morgan, by grant of the Generall Court, May, 83, is plantife by way of appeale from the Court of Assistants, October, 1682, and Mr. Cary Latham is defendant,* which action was an action of the case for neglecting or refuseing to give him an asurance of a parcel of land and frame of a house which you sold him and put into his possession about seventeen yeares since, to the damage of one hundred pownds. In this case the Court find for the plantife cost of court, both this Court and the Court of Assistants, and for his attendance last Court, twenty shillings. The cost of this Court is two pownds ten shillings. The charge of the Court of Assistants is three pownds seventeen shillings. *Execution delivered, October 24, 84, for seven pownds fower shillings.*

* Page 120, *ante*. Priv. Controv. II. 138-151: Court of Assistants, I. 44. The land in controversy adjoined the 'Ferry lot' in New London (now Groton). It was given by James Morgan Sen. to his son John, who agreed to convey the land, and frame of a house which he had begun to build upon it, to Cary Latham. Mr. Morgan Sen. subsequently denied the right of his son to make sale of the property or execute a valid deed.

Upon the request of Mr. Mathew Griswold and Elizabeth Pratt,* this Court (John Rogers continueing in his evill practices) doe see cause to grant that the sayd Mathew Griswold and Elizabeth power to order and disspose of John Rogers, the son of the sayd Elizabeth Pratt, and to put him to prentice to some honest man, that he may learne a good *a good* trade and be in a capacity to live honestly in the world.

There being severall debts due from the estate of Mr. Rob^t Webster, which the executrix cannot answer without disspose of some land for the answering of the same, this Court doth grant her request and impower her to make deeds for the same, provided she take the advice of her two eldest sons and Steven Hosmore in her disspose, and disspose no more then is necessary to answer the debts that canot otherwise be answered.

Obed of Niantick haveing complayned to this Court that some English have taken possession of some of their land, this Court orders that they shall not be dissposest of any of their lands without it be by course of law, and therefore they that have their lands vnder improvement doe forthwith deliver it up to the Indians whoe are sayd to be the owners of it.

[154] Whereas Cattapesett hath complayned to this Court and requested that he and his men may not be interrupted in planting and dwelling upon some lands in Stoneington that they have fenced in of Ephraim Minors and broke up, and allso he haveing complayned of Mamohoe for takeing and withdraweing his men from their obedience to him, Mamohoe not being present, this Court refers the heareing and issueing of this complaint to the [*county court*] at New London, June next.

Simon Rotham presenting a writeing to this Court which he calls a motion, which he as he hath alledged intended to procure a heareing of the matter between him and the church of Farmington, the Court haveing considered the writeing find

* Elizabeth, dau. of Mathew Griswold, of Lyme, divorced from her first husband, John Rogers, by the General Court in Oct. 1676, married Peter Pratt, Aug. 5, 1679. The two children of the first marriage, Elizabeth and John, had continued to reside with their father, at New London. Vol. II. 292: Court of Assists., I. 20. See Miss Caulkins's Hist of New London, (203-221) for an account of the Rogers family: and the petition of John Rogers to the October Court, 1683, in Ecclesiastical, I. 81.

it so unsuitable to the end propounded, that they rejected and give no answer to it.

This Court doth continue their order of October last concerning a councill in the intervalls of the Generall Court, to transact their pub: occasion, till October next.

Whereas Jonathan Gilbert hath by petition moved this Court for some adition to be made to his portion granted him by his father, Mr. Jonathan Gilbert,* for an issue to the case Mrs. Mary Gilbert freely granted that she would alowe and confirm to the sayd Jonathan Gilbert and his heires, the whole of her husband's interest on the east side of the great River in Haddum, the one halfe being given to him by his father's will; and the sayd Jonathan freely accepted the same, and engaged to discharge the estate and executrix, upon her confirming the same to him, he reserveing to himselfe what is or shall befall him by the death of any of his brothers or sisters.

This Court appoynts Mr. Hawley and Captⁿ Minor to lay out to Governo^r Treat his former grant of land according to his grant.

This Court appoynted Major John Tallcott, Capt. John Allyn and Mr. John Wadsworth to be a committee in behalfe of this Court to lett or sell the house and land which Jeremy Adams mortgaged and is befallen the country, according as they shall judg most advantageous for the country.†

* Priv. Controv. II. 129-137.

†Jan. 26, 1661-2, Jeremy Adams mortgaged "his house and homelot which he bought of John Morrice, with all other the buildings erected thereon since his purchase," to the Colony, as security for the payment of a debt. The boundaries of the lot were thus given, in 1651: "abutting on the highway [now Main street,] leading from the Bridge to the Pound hill on the west, and on a chase way leading to the Meeting house on the east, and on Mr. Goodwin's and Mr. Stone's land on the south, and on Mr. Clement Chaplin's land on the north." In March, 1662, the Generall Court granted a perpetual license for "the house that the said Jeremiah doth now possess and improve for an ordinary or house of common entertainment," to "be and remain for the same end and use and occupation for the future, both to the said Jeremie and his successors." In this Ordinary were held the Courts of Assistants, (and, probably, the General Courts,) as early at least as Sept. 1661, when a deposition alludes to the "Court Chamber" in "the house of Jeremiah Adams." The Committee of the General Court, on Indian affairs, in 1678, held their meetings at the same place; and it is often named as the place of appearance, in summons issued by the Governor and Council or Court of Assistants. The mortgage was foreclosed, Jan. 14, 1680-1, and the house and lot formally passed over by Mr. Adams to the Colony; and the transfer was acknowledged and confirmed by Nathaniel Willet, his executor or administrator, Nov. 28, 1684. Hartford Rec. of Lands, I. 223, 224: Col. Rec. of Lands, I. 378.

This Court granted Mr. John Brackett fifty acres of land, to be layd out to him where it may not prejudice any former grant to any plantation or perticular person.*

The Gov^r and Major Tallcott haveing p^resented to this Court what an accot they have gained of the bownds of the Moheag sachems lands, under their hands, the Court thankfully accepted their labour therein and ordered it to be recorded as their return.†

This Court grants that Woodbury sallery for their deputies shall be fifty shillings a session.

This Court considering the great unreformedness of the people of this Colony under so much meanes, so many mercyes and so great afflictions as it hath pleased the Lord to exercise us with, and after many solemne engagements and excitements to reformation, doe see reason to order and appoynt that the last Thursday in this moneth be solemnly kept throughout this Colony, a day of publique Fasting and prayer, to humble o^r soules before the Lord for all o^r sins, impenatence, unbeliefe, neglect of the salvation offered in the Gospell, and to beg that the Lord would graciously be pleased to show every one of us the plague of our own hearts, turn us from o^r iniquities, be gracious to vs, heal o^r land, stay his hand and bless us, make us fruitfull under all o^r enjoyments, continue o^r peace and tranquillity in the free injoyment of o^r privildges and liberties, civill and sacred ; bless us in the fruits of the feilds and trees, and crown the year throughout with [155] his goodness ; and that he would be pleased || to visit England with his saveing mercy, and doe for them as the matter requires ; that he would bless our lord the King, preserve and defend him, lengthen out his dayes in peace, and continue him to be a blessing to our nation, and that the protestant people and interest may be saved by the Lord, and defended against all anti-christian rage and malice.

For the quieting of men's estates and avoydeing of suits, it is ordered and enacted by this Court and the authority thereof, that no person or persons that now hath any right or title of

* Laid out, south of Farmington bounds, 28 Sept. 1686. Col. Rec. Lands, II, 6, 7.

† Pages 148-150, *post*.

entry into any lands, tenements or hereditaments within this colony now held from him or them, shall thereinto enter but within three yeares after the tenth of June next, or within fifteen yeares next after any other title of entery accrued ; and that no person or persons shall at any time hereafter make entery into any lands, tenements or hereditaments within this colony but within fifteen yeares next after his or their right or title which shall hereafter first dissend or accrue to the same ; and in default thereof such person so not entering and their heires shall be utterly excluded and disinabled from such entery after to be made.

And that all such persons as have had right or title of entery into or cause of action for any lands, tenements or hereditaments within this Colony hitherto detained from him or them since the ninth day of May, sixty seven past, and till the tenth day of June next, and neglected hitherto to make his or their entery to sue out to effect his or their sayd right or title, shall forever hereafter be utterly excluded and disinabled from such entery or suit to be made, any former law, useage or custom to the contrary notwithstanding. Provided nevertheless, that if any person or persons that is or shall be intituled to, or that hath or shall have such right or title of entery into any lands, teniments or hereditaments in this Colony, shall be at the time of the sayd right or title first desended, accrued, com or fallen, within the age of one and twenty yeares, femæ couert, non compos mentis, or beyond the seas, that then such person and persons, his and their heire and heires, shall or may, notwthstanding the sayd three yeares or the sayd fifteen yeares be expired, bring his [*action*] or make his entery as he might have don before this act, so as such person and persons or his or their heire or heires shall within five yeares next after his and their full age, discoverture or comeing of sownd minde, inlargement out of prison or comeing into this country of New England or Territory of Yorke, or death, take benefit of and sue forth the same, and at no time after the sayd five yeares.

Whereas this Court in the calamitous time of New England's distresse by the war with the Indians, in the yeares

seventy five and seventy six, were moved to make some lawes for the suppression of some provoakeing evils which were feared to be groweing up amongst vs,* as, viz. prophanation of the Sabbath; neglect of cattechiseing of children and servants, and famaly prayer; young persons shakeing of the goverment of parents or masters; boarders and inmates neglecting the worship of God in the famalyes where they reside; tipleing and drincking; uncleanness; oppression, in workemen and traders; which lawes (for want of due prosecution of offenders that are guilty of the breach of them) have litle prevayled to the suppressing of the growth of sayd evils amongst us, and not answered that expectation of reformation which this Court aymed at, It is therefore ordered by this Court that the selectmen, constables and grand jurymen in the severall plantations shall have a speciall care in their respective places to promoat the due and full attendance of those forementioned orders of this Court by the severall inhabitants of their respective townes; and the selectmen, constables and grand jurymen shall, at least once a moneth, make presentment of all breaches of sayd lawes as are come to their knowledg, to the next Assistant or Commissioner, under their hands; and if any selectman, constable or grand jury man shall neglect so to doe, and be convicted thereof before any Assistant or Com^r, he shall pay a fine of ten shillings for every neglect, the one halfe to be to the complayner and the other halfe to the pub: Tresury. It is allso ordered that the constables in the severall plantations shall, as soone as they may, at some publique meeting or lecture, publish againe all those orders, that formerly were made as above recited and made in May, 1676.

This Court is adjourned till the Governo^r or Deputy see cause to call it.

[156] An acco^t of the Moeheagan Sachems native boundaries and royalties as appeares by severall Court records and by information and testimonies of sundry Indians, both Pequots and Narragancetts; the greatest part of which lands within the sayd bowndes they have sold and alienated to severall

plantations and perticular persons, as appears by deeds, gifts and grants derived from the foresayd Mohegan Sachems.

The Mohegan west bownds are from Ashwawott to Wong-gunshoake, and from thence to Washiack, as appears by an agreement between Uncass sachem of Mohegen, and Arramamet and other Conecticut Indians, as country records doth make manifiast, May 17, 1666.*

In refference to what right Uncass had on the west side of Conecticut river and to Guilford, was alienated to Mr. Georg Fenwick and to the inhabitants of Saybrooke, excepting six acres at Homoscitt, as appears upon publique record bearing date, November 13, 1665.†

The Mohegan sowth bownds on the west side of Mohegan river begins at Massapeguotuck Soongapog, a cold spring, and from thence to Masenunckquock and then to Poodhumseck, and from thence to Pumpumbashunck, and runs on to Weegoschook, and so to Polhtaiyomsek, a great rock. The sowth bownds on the east side of Mohegan, are at Acomeques, as appears upon record bearing date October 20th, 1666.‡

The Mohegan East bownds

doe begin at Ayasupsuck pond, which is the sowth east corner, and from thence to Mamasuck, from thence to Sinuesutt, and then to Yoskowunganuck, and so to Chabinunggh, and from thence to Shawammuck; from thence to Majoman-suck, and so to Pouhtugwotchaug, and then to Majoh-pence, and from thence to Munhumsqueeg, and so on to the upper falls;§ and it appears that the Mohegan sachems had right on the east side Quinebaug River, as records shews, bearing date on the 13th of Nov. 1665, besides Indian testimonies.||

The north bownds of the Mohegan sachems appears to be run up to the Wabaquassut country, and from thence vp to Nipmug, haveing had right so far northerly ever since the Pequot war in 1637; at which time the Pequots makeing war with the English, the Indians on the east side of Quinebaug river above the falls turned off to the Narrogancetts, and those on the west side the sayd river fell to the Mohegans, and for about forty five yeares have payd tributt, acknowledgments, and white deer skinns and bear skinns and black wolfe skinns; and that he was their sachem till Owenecoe his son grew up, who was then appoynted by Vncass to be their sachem; and they being put under him, the Wabaquassuck chief men to rule

* Vol. II. 41.

† Id. 512, from Indians, I. 5.

‡ Indians, I. 6.

§ Of Quinebaug river; near Danielsonville.

|| Vol. II. 511; from Indians, I. 6.

in his absence. That Owenacoe was owned and acknowledged to be their sachem, was sufficiently known by many English, and allso acknowledged so to be by the Wabaquassutt Indian surrenderers, since the war, as appears by their testimonies before the Reverend Mr. James Fitch, minister in Norwich, May 5th, 1684.

The west bownds of the Wabaquassutt country, May 5th, 1684, are,—Mashenups, the sowth west corner, to Elat, so to Queghommatch, and so to Miscetchawog, and so to Wegquamisk, and so to Natick Hill, the northerly corner; and then up[on] an easterly line to a place called Cheekheek, and so to Pissoups, and so to Wishquagawans, and so to Paskkeegh, and so to Towcocks, and so to Monoposhke, and so to Pemenos, the sowth east† corner; and then upon a sowtherly lyne to a [157] place called || Poohunck, and so to Matush, and so to Anquet, [and so to Yeeompsky, and so to Gantuckkoyog, and so to Nashawag, and so to Sajus, and so to Quinibaug falls, which is the sowth east corner.*

Being desired by the Generall Court as their committee; having had the perusall of sundry Court records, and Indian declarations and testimonies, upon the foregoing considerations and assertions, gives vs underwritten the best light and advice that we can procure or attayne unto in refference to the sachems of Mohegan, their boundaries, and right of royalties within the sayd bownds.

May 13, 1684.

Robert Treat, Governo^r.

John Tallcott, Assistant.

Recorded January 27, 1684, and is a true copy of the original, as attests,

John Allyn, Secretary.

A GENERALL COURT HELD AT HARTFORD, BY SPECIALL ORDER
FROM THE GOVERNO^r, JULY THE 5th, 1684.

Major Rob ^t Treat Esq ^r , Gov ^r .	Whereas o ^r soveraigne lord
James Bishop Esq ^r , Dept. Gov ^r .	Charles the 2d, by the Grace of
Major John Tallcott,	God of England, Scotland,
Capt. John Allyn,	France and Ireland, King, De-
Mr. W ^m Joanes,	fender of the Fayth &c. by his
Major John Nash,	gracious letter dated March the
Capt. James Fitch.	8th, 1683-4, ‡ hath declared his

* See Oweneco's deed of the Wabaquassett and Nipmug country, to Capt James Fitch, 24 June, 1684, in Col. Rec. Deeds &c. II. 118, 119.

† This should be, *north* east.

‡ Appendix, No. LV.

Deputies.

Mr. W^m Pitkin,
 L^{nt} Caleb Stanly,
 Capt. Benj. Newbery,
 Mr. Jos. Fitch,
 Capt. John Stanly,
 L^{nt} Nath. White,
 Capt. Moses Mansfeild,
 L^{nt} Abram Dickerman,
 Sarj. Tho. Campfeild,
 Mr. Tho. Clarke,
 Capt. Georg Denison,
 Capt. James Avery,
 Mr. Dan^l Witherell,
 Mr. John Wheeler,
 Captⁿ W^m Curtice,
 Sarj^t Jn^o. Chapman,
 L^{nt} Tho. Tracy,
 L^{nt} Eliez. Stint,
 Mr. Josi. Rosseter,
 Mr. John Grave,
 L^{nt} Jona. Bell,
 Mr. Edw. Griswold,
 Mr. Abram Doelitle.

royall will and pleasure to be that a law be made in this Colony for the restraining and punishing privateers and pirates :*

This Court considering that nothing can more contribute to his sacred Mat^{ies} honour then that such articles as are concluded and agreed on in all treaties of peace should by all his Mat^{ies} subjects according to their duty be most inviolably preserved and kept in and over all his Mat^{ies} dominions and territories ; and whereas, not only against such treaties of peace made by his Mat^{ie} with his allies, but allso contrary to his Mat^{ies} Royall proclamations, some of his Mat^{ies} subjects of this colony have or may goe into forraigne princes service, and sayle under their commissions, contrary to their duty and good allegiance, and by

fair means cañot be restrayned from so doeing, be it therefore enacted, and it is hereby enacted by this Court and the authority thereof, that from and after the publication hereof it shall be felony for any person which now doth, or within fower years last past heretofore hath, or hereafter shall inhabit or belong to this Colony, to serve in Americah in an hostile mañer, under any forraign prince, state or potentate, or employed under any of them against any other forraigne

*A letter from Sir Leoline Jenkins, Secretary of State, Mar. 25, 1684, to the Governor and Council, enclosed a copy of an Act passed in Jamaica, which was referred to in the King's letter. (For. Corresp. I. 32). This act was adopted, with little alteration, by the General Court. The copy enclosed by Secretary Jenkins has been separated from his letter, and is bound with papers relating to Trade & Maritime Affairs, I. 35. It is wrongly endorsed, as of the year 1697-8.

prince, state or potentate, in amity with his Matie, without speciall license for so doeing, under the hand and seale of the Governo^r or comander in cheife of this Colony for the time being; and that all and every such offendor or offenders, contrary to the true intent of this act, being thereof duely convicted in his Maties Court of Assistants in this Colony (to which court authority is hereby given to heare and determine the same as in other cases of felony) shall suffer paines of death without benifit of the clergy.

Provided nevertheless that this act nor any thing therein contained shall extend to any person or persons which now are or have been in the service or employment of any foreign prince, state or potentate whatsoever, that shall return to this colony and leave and desert such service and employment before the first of January next ensueing, rendering themselves to the Governo^r or commander in cheife for the time being and giving in such security as he shall appoynt for their future good behaviour, and allso that they shall not depart this Colony without the Governo^r's leave.

And for the speedy execution of justice upon such who haveing comitted treasons, piracies, fellonies and other offences upon the seas, as shall be apprehended in or brought prisoners to this Colony, be it farther enacted by the authority afoarsayd, that all treasons, piracies, roberies, murthers or confed-

[158] eracies committed, or that hereafter shall be || committed upon the sea, or any haven, creek or bay, shall be enquired, tryed, heard or determined and judged within this Colony in such like forme as if such offence had been committed in
 ^ upon the land, and to that end and purpose it is hereby ordered that it is and shall be in the power of the Governo^r or comander in cheife of this Colony for the time being, to call a speciall Court of Assistants upon any such speciall occasion, which Court shall have full power to doe all things in and about the inquiry, heareing, determining, adjudging and punishing of any of the crimes and offences afoarsayd, as any commissioners to be appoynted under the great seale of England by vertue of a statute made in the twenty eight yeare of the reigne of King Henry the Eight are impowered to doe

and execute within the kingdom of England, and that the sayd offenders which are or shall be apprehended in or brought prisoners to this colony shall be lyable to such order, process, judgment and execution by vertue of this act as might be awarded or given against them as if they were proceeded against *against* within the realme of England by vertue of any commission granted upon the sayd statute.

And all tryalls heretofore had against such criminall or criminalls before any judge or judges, by vertue of commission or authority at any time heretofore granted, and all proceedings thereupon, are hereby rattified, confirmed and adjudged lawfull; and all such judges, with all and every the inferiour officers that have acted thereby, are hereby indemnified to all intents and purposes whatsoever; and in case they or any of them shall at any time hereafter be sued, vexed, molested, or troubled, for any such their proceedings as afoarsayd, he or they so sued, vexed or molested, shall plead the generall issue and give this act in evidence, any law, statute, custom or useag to the contrary in any wise notwithstanding.

And be it farther enacted by the authority afoarsayd, that all and every person or persons in this Colony that shall any way wittingly and knowingly entertein, harbour, conceale, trade, or hold any correspondence, by letter or otherwise, with any person or persons that shall be deemed and judged to be privateers, pirates or other offenders within the construction of this act, and that shall not readily endeavour to the best of his or their power to apprehend or cause to be apprehended such offender or offenders shall be lyable to be proceeded against as accessaries and confederates, and to suffer such paines and penalties as in such case by this law is provided.

And for the better and more effectuell execution of this act, be it farther enacted by the authority of this Court, that all magistrates, assistants, commissioners, in their several precincts within this Colony, are hereby required and impowered upon his or their knowledg or notice given to them that any privateers, pirates or other persons suspected to be upon any such unlawfull designe, are in any place within their respective precincts, to rays and levy such a number of well armed

^ as he or they shall thinke needfull for the seasing, apprehending and carrying to goale all and every such person or persons; and in case of any resistance or refuseall to yeild obedience to his Ma^{ties} authority in them, it shall be lawfull to kill or destroy such person or persons; and all and every person or persons that shall oppose or resist by strikeing or firing upon any of the commanded parties, shall be deemed, [159] taken and judged as fellons without benefit of the clergy; and every such officer that shall omit or neglect his duty herein shall forfeit fifty pownds currant money of this Colony for every such offence, to be recovered in any of his Ma^{ties} courts of records within this Colony, by bill, plaint or information (wherein no essoine, wager of law or protection shall be allowed) one moiety thereof to be to our soveraigne lord the King, his heirs and successors, for and towards the support of the government of this Colony and the contingent charges thereof, and the other moiety to the informer; and all and every person or persons that upon orders given him or them shall refuse to repayre immediately with his or their armes well fixed and amunition, to such place or places as shall be appoynted by the sayd officer or officers, and not readily obey his or their comands in the execution of the premises, shall be lyable to such a fine or corporall punishment as by a regimentall court marshall shall be thought fitt.

Whereas this Court hath *hath* been informed that one Grayham,* a privateer or pirate after whom hue and cryes are gone forth from o^r neighbour colonys of Plimouth or Rohde Island, to arrest and secure him to a tryall, is now or hath been lately at some of the adjacent islands to this colony, which hath occasioned sundry vessels loaden and bownd for Boston, to put in and stay in our harbours, they being discouraged from goeing on their voyage for fear of a supprize by the sayd pirates, it is therefore now ordered by this Court that in case the sayd Grihmes be heard of in any place or porte within or

* John Graham or Grayham. He had not long before made his escape from Nantucket, where he had been in custody, (See Plymouth Rec. VI. 145.) In June, 1685, the Massachussts Court, on receiving information that the pirates Veal and Graham were cruising off the coast, commissioned Capt. Sampson Waters to enlist volunteers for an expedition to capture them. (Mass. Rec. V., 488, 489).

near this colony, or any other pirates, that Captⁿ Avery and Mr. Witherell, with the advice of Major Palmes, send forth such sufficient strength as they judg requisitt to suppress and attacque them, that so they may be brought to tryall according to law.

This Court desires and appoynts the Secretry to draw up a letter to the Secretry of State Sr Lionell Jenkins, to sertify him of o^r receipt of his Maties Letter, and to send a cobby of the law made this Court concerning privateers and pirates, and to signe it with the Governo^r in the name of this Court.

A GENERALL COURT HELD AT HARTFORD, OCTOBER 9th, 1684.

Major Robt Treat Esq^r, Gov^r.

James Bishop Esq^r, Dept. Gov^r.

Major John Tallcott,

Mr. John Wadsworth,

Captⁿ John Allyn,

Mr. Andr. Leete,

Mr. W^m Joanes,

Capt. Robt Chapman,

Major John Nash,

The Deputies of the Court are:—

L^{nt} Caleb Stanley Mr. W^m Pitkin; for Hartford.

Capt. Sam^l Tallcott, Capt. Jn^o Chester; for Wethersfeild.

L^{nt} W^m Seward, Ens. Jn^o Grave; for Guilford.

Capt. Sam. Eales, Mr. Tho. Clarke; for Milford.

L^{nt} Tho. Leffingwell, Ens. W^m Baccus; for Norwich.

Capt. Georg Denison, Mr. Dan. Mason; for Stoneington.

Mr. James Bate, for Haddum.

Mr. Math. Griswold, for Lyme.

Mr. Edw. Griswold, L^{nt} Hen. Crane; for Kenilworth.

Capt. W^m Lewes, Tho. Orton, for Farmington.

Capt. Benj. Newbery, Mr. John Loomys; for Windsor.

Mr. Jehu Burr, Mr. John Wheeler; for Fayrefeild.

Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Haven.

Sarj. John Chapman, Ens. John Pratt; for Saybrooke.

Mr. John Moss, Mr. Tho. Yeale; for Wallingford.

Capt. W^m Curtice, Mr. Joseph Hawly; for Stratford.

Capt. Dan. Harris, Ens. W^m Cheeny; for Midleton.

Mark Sension, John Platt; for Norwalk.

Capt. John Minor, L^{nt} Joseph Judson; for Woodbury.

L^{nt} Eliezer Stent, for Brandford.

L^{nt} Jonath. Bell, Joshua Hoyt; for Standford.

[160] This Court takeing into consideration the great necessity there is of our makeing solem addresses to God by fervent prayer and humiliation throughout the country, by reason of those rebukes and threatenings from heaven which we and the whole country are under at present, God's holy hand being stretched out against vs still, and allso to implore grace for, and the powering out of his Spirit upon, the rising generation, have thought meet, according to the recomendation of the Honor^d Com^{rs} at their last session in Hartford,* the first of September past, to order and appoynt that the 22th day of this present month be solemnly kept and observed a day of publique humiliation, to the end we may meet together with o^r brethren in the neighbour colonys, in vnited prayers to the Throne of Grace, for the more effectuall promoating of the worke of generall reformation, so long discoursed of among o^rselves (but greatly delayed); and that we may obtayne the favour of God for a farther lengthening out of o^r tranquillity under the shadow of our soveraigne lord the King, and that God would preserve his life, and establish his crown in righteousness and peace, for the defence of the protestant religion in all his Ma^{ties} dominions.

This Court made choys of the Dept. Gov^r, Captⁿ Sam^l Tallcott, Mr. Jehu Burr, L^{nt} Tho. Leffingwell, to audite the Treasurer's acco^{ts}.

The Persons & List of the Estates of the Colony.

250 Hartford,	16730.	240 Windsor,	14045.
65 Stonington,	05451.	86 Saybrooke,	05125.
43 Kenilworth,	02386.	268 New Haven,	13127.
120 Stratford,	07897.	96 Guilford,	06208.
184 Fayrefeild,	10302.	50 Brandford,	02911.

* Records of Commissioners, Sept. 1684,—in Appendix.

61 Wallingford,	02967.	53 Lyme,	03563.
97 Standford,	04855.	50 Greenwich,	02364.
88 Norwalke,	05145.	130 Midleton,	05279.
62 Woodbury,	02580.	150 Milford,	09205.
96 Farmington,	06315.	115 Norwich,	06265.
204 Wethersfeld,	12715.	43 Haddum,	01828.

Whereas the Com^{rs} have ordered twelve pownd six shillings and fower pence in money to be payd to Mr. Richard Smith for expence upon o^r soldiers and service don in the last war,* which is this colony's proportion of forty pownds, the Court orders the Treasurer to see it payd as soone as may be.

This Court repeals the former order made by this Court concerning pieces of eight, that they should goe at six shillings a peice and lesser peices according to proportion.

Whereas there is a great neglect fownd in mayntaining of the high wayes between towne and towne, the wayes being incumbred with dirty slowes, bushes, trees and stones &c., this Court doe therefore order that each plantation within this colony shall forthwith take sufficient care that the highwayes stated between townes be well amended from such defects and so kept from time to time. The survayours of each towne to see this attended, according to law, fo. 28, upon the penalties thereof, and the survayours are to take oath to attend and execute their office according to law: especially the high ways or road from Hartford to New Haven, and from New Haven to Greenwich, and from New Haven to Stoncington, are speedily to be amended.

Surveyors Oath. You A. B. being chosen Surveyor for the Town of H, doe swear by the name of God that you will truly [161] and faythfully execute the || office of a surveyor and attend the same, according to law: so help you God &c.

The widdow Mary Waller of Lyme certifying this Court that the debts due from her deceased husband's estate amount to as much as the whole estate within nine pownds, and petitioning this Court for liberty to sell the lands of the estate or

* Records of Commissioners, Sept. 1684,—in Appendix. Mr. Smith's petition is there printed, from Colon. Bounds., I. 159.

so much of them as may discharge the debts, the Court grants her petition, provided she therein act with the advice of Mr. Mathew Griswold and Joseph Peck.

Whereas it is ordered in the law, Title *Actions*, Sect. 2d, that if any person who hath entered an action to be tryed in any of our Courts, be called three times after the first daye's sitting of the Court and doth not appear by himselfe or his attourney to prosecute his action, he may be non-suited, this Court now orders that he shall be non-suited.

This Court, takeing notice of the great inconvenience that doth com to the pub: by such as commence actions and have tryalls in the severall courts in this colony, who by their delays in entering of their actions, and also by their makeing after pleas when their case hath been committed to the jury, which this Court being desirous to prevent, doe therefore order and enact, and it is hereby ordered and enacted by this Court and the authority thereof, that after the publication hereof whosoever shall commence an action in any of our courts in this colony, he shall not enter his action after the first daye's sitting of the Court, nor shall his action be tryed at that court except he pay down double costs, which extraordinary costs shall not be payd by the defendant but by the plaintife.

It is ordered that when plaintifes and defendants have made their pleas before the county courts or courts of Assistants and given their evidences, and the case be comitted to the jury, there shall be no after pleas or testimonies received in such cases.

For the incouragement of learning and promoating of publique concernments, It is ordered by this Court, that for the future that all such houses and lands as are or shall by any charitable persons be given or purchassed for or to help on the mayntenance of the ministry, or schooles, or poore, in any part of this colony, they shall remayn to the use or vses for which they were given for ever, and shall be exempted out of the list of estates, and be rate free, any former law or order notwithstanding.

It is ordered by this Court that every towne or plantation

in this colony shall order and appoynt what fences of all sorts shall be accompted sufficient within their owne bowndes, to be a direction to the fence veivers, yearly, to proceed upon accordingly, any former law to the contrary notwithstanding: provided that this law be not oblidging to neighbour townes farther then they come to a mutuall agreement.

This Court grants the widdow Hannah Lindsley power to confirm and make deeds for the divission of the lands that was made between her late husband and Samuel Pond, provided Samuel Pond give deeds to her for the confirmation of what belongs to her husband's estate. This Court allso grants the sayd widdow power to make deeds to William Barthlome, for three or fower acres of meadow which were by her husband solde to sayd Barthlome, before his death, but no deeds given. The like power is granted her to make deeds to Bartholomue Goodrich for those lands her husband did receive of sayd Barthlome, provided he doe make deeds for those lands he received of John Linsley, to secure them to his heires.

Those that are nominated to stand for the nomination in May next are,—Capt. Benjamen Newbery, Capt. Sam^l Tallcot, Capt. Giles Hamlin, Mr. Daniel Witherell, Mr. Jehue Burr, Capt. Sam^l Eales, Capt. Moses Mansfeld, Mr. Sam^l Sherman.

Although we ought to be duely sencible of the holy hand of God still continued upon vs in variety of afflicting dispensations towards vs, and what we may farther justly expect and feare, yet notwithstanding we have great cause humbly and thankfully to acknowledg the Lord's ever endureing mercyes to his poore, unworthy people in this Colony; perticularly his goodness to vs this yeare allmost past, in lengthening out our peace and priviledges, continueing the blessed gossell and liberties thereof, giving us a competency of outward things, and staying the increase of sicknesse and epidemicall deseases; likewise that the Lord hath hitherto and still doth graciously lengthen out and preserve the life of our Sovereign Lord the King, against all wicked conspiracies, for the comfort and weale of his Maties good subjects in all his dominions; in all which we may see God's great compassion toward vs: this

[162] Court doe therefore upon these || grownds appoynt Wednesday, the fift of November next, to be a day of publique Thankesgiveing, to be solemnly observed and kept throughout this colony, to prays God for the continuance of these and all other his mercyes we enjoy.

This Court doth appoynt Mr. Tho. Yeale to lay out to Mr. John Brockett his grant of land, according to his grant.

This Court grants a rate of two pence upon the pownd of all the rateable estate in this colony, to cleare the country debts; to be p^d in porck, three pownds ten shillings p barell, winter wheat at fower shillings six pence p bushell, summer wheat at fower shillings p bushell, rye at three shillings p bushell, Indian corne at two shillings sixpence p bushell; to be payd one third in wheat, one third in rye, and one third in Indian corne or porck: and those that doe not pay their proportions in wheat shall make it up in Indian corne at two shillings p bush: And if any will pay the one halfe of their rates in Boston money, it shall be accepted in full of his rate. All sortes of pay to be good & merchantable.

This Court doe approve and allow of Mr. Thomas Hooker* to goe on in the practice of phissick, and that a copy hereof under the Secrety's hand shall be his warant for the same.

Mr. Tho. Robinson plntf. by way of appeale from the Court of Assistants, May 27, 1684,† which action was these Tho. Cooke Jun^r and Wm. Stone plntf., Mr. Tho. Robinson defendnt, in an action of appeale from the judgment of the county court, March the 6, 168 $\frac{3}{4}$, which action was an action of the case for pulling up of fence belonging to sayd Robbinson's cornfeild, whereby his corne was destroyed, to the damage of forty pownds: in which action *in which action* the jury found for the defendant, ten shillings and cost of courts, and leave the damage to the court to determine what it is. In this action the Court find for the defendants, cost of court.

L^{nt} Sam^{ll} Steele and Ens. Nath. Standly are plaintifes, by way of appeale from the Court of Assistants, May 27, 1684,

* Of Hartford: son of Rev. Samuel Hooker, of Farmington, and grandson of Rev. Thomas Hooker.

† Court of Assistants, I. 50.

contra Enock Buck defendant;* which action was an action of the case for the defendant's unlawfull detaining from them a certaine peice of land lyeing in a place comonly called Long Rowe, or Weathersfeild dry swampe, which land was James Boosey's formerly of Weathersfeild, deceased, and by him bequeathed to the sayd Steele and Standlye's wives, whoe are also the onely proper heires thereof; to a surrender of the land, with damages to the value of ten pownds. The county court fownd for the then plaintife, a surrender and cost of court; and the Court of Assistants fownd for the s^d Buck cost of court. In this action, this Court find for the defendant cost of court.

Samⁿ Steele and Ens. Standly plaintife, by way of appeale from the Court of Assistants, May 27, 1684, Michael Griswold defendent; which action was entered and issued as the former action between L^{nt} Steele and Ens. Standly plntfs. and Enock Buck def^{nt}. This court find for the defendant cost of courts.

This Court grants Mamanto liberty to buy a horss for his use, provided the naturall and artificiall markes be recorded in Farmington, and the age of the horss, before Mr. Wadsworth, in the brand booke.

Mr. George Sanders plaintife, by way of appeale from the judgment of the Court of Assistants held at Hartford, Octobr, 1684, contra Michael Tayntor defend^{nt}; † which action was an action of the case for neglecting and refusing to make up and mayntaine either all or part of his divideing fence belonging to a parcell of land he bought of Mr. Benjamin Woodbridge, and borders and joynes on a home lott that was formerly John Brookes his home lott, but now appertaining to the sayd San-

* Court of Assistants, I. 51; Priv. Controv. I. 62; II. 172-188; Col. Rec. II. 85. Lieut. Steele and Ensign Stanley sued, in the right of their wives, Mary and Sarah, (daughters of James Boosey, of Wethersfield, deceased,) to recover certain lands devised by Mr. Boosey to his children. The lands in controversy were devised, specifically, to Joseph, eldest son of Mr. Boosey, on attaining the age of twenty one years. Joseph married, removed to Westchester, and died there, before attaining his majority. His widow marr. Mr. Jehu Burr, who conveyed the lands in Wethersfield to Enoch Buck and Michael Griswold, the defendants in the present suit. The construction to be given to Mr. Boosey's will, and the application of the law of estates, presented great difficulties to the Courts; and the plaintiffs, dissatisfied with the final decision of the General Court, threatened an appeal to England. See page 167, *post*.

† Court of Assistants, I. 51.

ders, to the erecting and mayntaining his part of the fence according to law, with damage, to the value of three pownds. In this action the jury then found for the defendant, cost of court. In this action the court find for the defendant costs of courts. The Court allowed for his attendance all the courts, ten shillings. Execution dd, December 18, 1686.

[163] Mr. John Whitting and Mr. Joseph Whitting &c. plaintifes, by way of appeale from the judgment of the Court of Assistants, October 2d, 1684, and Nath. Bissell defendant,* which action was an action of the case upon review for his unlawfull deteyning from them their proportions in land now in his possession, sometime the land of their father Mr. Wm. Whitting deceased, given by the last will of their father; to a surrender of their partes and proportions of sayd land, with forty pownds damages. In this action the jury did find then for the defendant, cost of court. In this action the Generall Court find for the defendant, and costs of courts. Costs of Courts allowed by the Court is fower pownds, fouerteen shillings and seven pence.

* Court of Assistants, I. 53: Priv. Controv. II. 190-224. The files include copies of the record of lands in Windsor belonging to Mr. William Whiting, John Bissell, and Nathaniel Bissell; a copy of Mr. Whiting's will; autograph orders from Roger Ludlow on Mr. Whiting (who purchased Mr. Ludlow's land in Windsor, on the removal of the latter to Uncowa); testimony respecting the value of land in Windsor, 1639 to 1645, &c. Edward Griswold, aged about 77 years, testified "That about the yeare 1639, Mr. William Whiteing (deceased) was undertaker for a shipp in England, in which shipp I came to New England. The said Mr. Whiteing borrowed of one Mr. John Saint Nicholas about two hundred pound, w^{ch} I had the bill to receive here, which money I rece^d again of Mr. Whiting by Mr. Nicolas order, here; and at that time many passengers came over, severall of which settled at Windsor, and a generall expectation there was at that time, as appeared by discours of many more passengers to come and some of note, as the said Mr. St. Nicholas for one, by which meanes land at Windsor neare the towne and redy for improvement was at a high price: and about that time the said Mr. Whiteing bought, as was commonly reported, Mr. Ludlowe's land at Windsor, that is when land was dear, and I know Mr. Ludlow went away thence in a short time after. But afterwards people that were expected out of England not coming in such numbers as was looked for, and some returning to England and others remoueing to the sea side, the lands at Windsor fell verry much in price from what they were at when Mr. Ludlow sold to Mr. Whiteing, so that generally to my observance lands were not sold but at halfe the price as before, or about halfe the price. Further I testife that the abouesaid Mr. St. Nikolas liueing near Mr. Hewitt in England, did manifest his desire to settle by Mr. Hewitt in New England, and by my observance of Mr. St. Nikolas' words and actions, and also Mr. Whiteing's, I did apprehend that Mr. Whiteing bought Mr. Ludlowe's land to accomodate the said Mr. St. Nikolas." Sworn, May 15, 1684.

Mr. Gershom Buckley and John Belding &c. plaintifes, by way of appeale from the judgm^t of the Court of Assistants, October 2d, 1684, contra Mr. John Holister defendant;* which action was an action of the case for their detaining from them their proportions of a percell of land on the east side of the Great River, in or neer a place called Nabuck, being part of a lott formerly belonging to Mathew Mitchell and now belonging to the above mentioned plaintifes; to a surrender of s^d land, with ten pownds damage. In this action the jury did then find for the plntf. a surrender of the land in controversy, that falls within their purchase and cost of courts.

It is ordered by this Court that what part of the country rate is payd in silver money, according to the proportion granted by the Court, shall be received by the constable of each plantation and by him be delivered upon his office oath to the country Treasurer, at or before the Court of Election in May next; and what is not payd in money, shall be payd, both in specia and proportion, according to the order of the Court for the payeing of sayd country rate.

This Court doe desire and impower Major John Tallcot and Mr. John Wadsworth to joyne with the colony Treasurer to order the dispossall of what money shall be gathered as afoarsayd, for the defraying of the colony debts due unto Mr. Richard Wharton and Mr. Richard Smith, or any other to whome we are indebted in money; and to receive acquittances or discharges from them upon their payment of what shall appeare to be due to them or either of them.

It is ordered by this Court that in all tryalls of actions between party and party, whether in the county court, court of assistants or in the Generall Court, the person for whome the Court doe find the cause shall be allowed two shillings p day for his attendance upon the tryall of his case and journey.

This Court doe recommend it to the towne of Stratford to

* Court of Assistants, I. 53, 58: Priv. Controv. III. 114-140. Many important facts connected with the history of Wethersfield, especially of the east side of the river (now Glastenbury), are preserved in the testimony taken in this suit respecting the boundaries &c. of the Naubuc farms. The farm owned by Mr. Bulkeley and John Belding's heirs was part of a tract of 900 acres originally granted by the town of Wethersfield to Mr. Mathew Mitchell.

com to an agreement with Moses Wheeler Sen^r, about the purchase he made of the Indians of a tract of land within their bownds,* so that the sayd Wheeler may have meet sattisfaction, and that a return be made of the issue to the next Generall Court, for their rattification; or otherwise, that some deputed by the towne then appeare at the sayd Court, with the sayd Wheeler, for the Court's consideration of the case and conclusion thereof.

Capt. Sam^l Tallcot by the Court's vote chosen Secretary for this session, in the absence of Capt. Allyn, and accordingly sworne.†

James Benit appeareing in Court to answer Mr. Sam^l Collins as attourney for Sarjt Warde of Midleton and Walter Johnson plntfs., in an action of the case upon an appeale from a judgment of the Court of Assistants in May last.‡ The fore-sayd Collins not appeareing to prosecute his appeale, Serjt Samuel Warde engageing to pay the sayd Bennit twenty shillings as sattisfaction for his charges in refference to this Court, and Benit accepting of it, this Court see cause to confirm their agreement. Execution dd, October 18th, 1684.

This Court doe desire and impower the Govern^r, Dep^t Gov^r and Councill, so many of them as can convene, to be a Councill to hear, order, issue and transact all such publike concernes as shall be necessary to be attended in the intervalls of the Gen^l Court; allwayes provided the Govern^r or Dep^t Govern^r be one of the sayd Councill; and this to stand till the Generall Court in May next.

* Towns & Lands, I. 213, 214. Deed from Wampeag, Sequachana and Sewatam, to Moses Wheeler, of Stratford, ferryman, of "a parcell of ground lyeing alongst Potatuck river, the east end of it being on a small river which they say is Nayvmp, the west end bownding to a great rock which reacheth the full length of all that plaine peice of grownd, and also to haue two miles & halfe of grownd on the upland and all the meadow within that bounds;" dated April 12th, 1659: Col. Rec. of Lands, I. 429. This tract had, by the enlargement of Stratford bounds, been included within the limits of that township. Moses Wheeler alleged that the purchase was made at the solicitation of the principal inhabitants of Stratford, to prevent the land from falling into other hands, and that it cost him upwards of forty pounds. The town had made him no compensation, but had taken possession of the land, which was now being laid out in lots, under town grants.

† The record of this session is, however, in Secretary Allyn's hand.

‡ Court of Assistants, I. 51. The action was for moneys due for three fourths of a sloop built for the plaintiffs, at Middletown.

This Court grant the Gov^r his sallary to be eighty pownds for this yeare.

This Court grants the Dep^t Gov^r his sallary to be thirty pownds for this yeare.

This Court grants Mr. Joanes ten pownds as a salary this year.

This Court grants the Secretary twenty pownds for his salary this year.

[164] This Court grants the Treasurer for his sallary this year, twenty pownds.

This Court doth order that there be fifteen pownds added to the Governo^rs salery this yeare.

Tho. Standish is plntf. by way of appeale from the judgment of the court of Assistants held at Hartford on October 2d, 1684, contra John Cole defendant,* which action is an action of the case for detaining a parcell of land from him which lyeth next to that which was formerly Mr. Cole's Island, and is in Weathersfeild Island,† to a surrender of the sayd land, with three pownds damage. In this action the jury did then find for the plaintife a surrendry of the land in controversy, according to the ancient bownds and records, and cost of court. In this action, the court now find for the defendant a surren-

* Court of Assistants, I. 53. The Island "lyeing by Wethersfield bounds," a "creek from the great river compassing it" on the north, west and south, was granted by the town of Hartford, to James Cole. A gradual filling up of the creek and change of the water course ultimately led to a controversy about bounds and proprietorship. Thomas Standish, to whom the Island was recorded in 1653-4, had been in undisturbed possession for more than twenty years. His attorney, Mr. Wm. Pitkin, pleaded the statute of 21 James I, limiting the right of entry on lands to twenty years after title of entry accrued. (The Colony law, limiting the right of entry to fifteen years, was passed May, 1684, after this action was instituted, and, probably, occasioned by it. See page 147 *ante*.) Mr. Pitkin's pleas, before the County Court, Court of Assistants and General Court, are preserved with the files (Priv. Controv. II. 168-170.) He urges, with much force, the applicability of the English statute and its absolute authority on court and jury, however any law of the colony might conflict therewith: and he "requests the bench to direct the jury herein, it being matter of law, namely whether the jury finding a plain statute of the Realm of England leading to one thing, they may, by any law made in this Colony or improvements of it, by their oath, make a verdict plainly contrary in their judgment to a statute of that realm" &c.; contending that "any law in this Colony that is contrary to the laws of England is no law, or so far as any law is improved or pleaded in contrariety, that improvement is not good in law."

† "Island" is an error of the recorder, for "bounds," as the original record of the Court of Assistants (here recited,) shows.

dry of the land in controversy, bownded by the dividend lyne between Hartford and Weathersfield, and costs of courts, still reserveing to Tho. Standish and his heires liberty to goe through the afoars^d lands, at times convenient, wth cattell and carts and carriages, as is expressed in his deeds. The costs allowed by this Court is thirty six shillings and sixpence. Tho. Standish his deeds returned to him. Execution dd, Feb. 6, 1684.

Capt. Georg Dennison declareing in court that whereas the towne of Stoneington saw cause to grant him fifty acres of land, and it is thought that part of what is layd out to him upon that acco^t may fall within the country land, this Court grants that what part of it shall happen to fall there shall be his, as if it had fallen within the bownds of Stoneington.

This Court orders that those who were formerly presented to the Court for freemen are now accepted, and are to have the freemen's oath administred to them: Daniel Marckham, of Midleton, is one; Tim. Baldwine, Mr. Rob^t Treat, and Robert Plumbe.

Those presented for freemen are,—Texhall Einsworth.

The deed of sale given by Mrs. Susanah Whitting to John Bissell Sen^r, was returned to Nathaniel Bissell, by order of Court.

This Court doe desire and appoynt Major John Tallcott to write to the reverend Mr. James Fitch of Norwich, in answer to the letter which he sent to the Hon^{ble} Commissioners of the United Collonyes, beareing date Sept^r 8th, 1684.

This Court orders that those of Norwalke whoe were removing to Paquiag and have left out their persons and sundry of their cattell out of the list of estates, shall pay the one half of rates due, according to law, from the estate left out.

This Court orders that for the future the Treasurer shall not accept of any constable's acco^{ts} for charges of houseing or carting corn, or shrinking or waste of corn, unless those charges and wastes be allowed of by some magistrates or comissioners as doe allow of other bills according to law.

This Court doe nominate and appoynt Mr. John Wadsworth, L^{nt} Caleb Stanly, and Mr. Stephen Hosmore to be a committe

to goe over the Great River at Weathersfeild, and to veiw and measure the land in controversy between Mr. Gershom Bulckley and Mr. John Hollister, to measure all Nabuck lands, or what other lands they shall thinke needfull, and endeavour a composure of the difference between them and make a return to the Gen^l Court, in May next.*

Whereas a writt is delivered in this Court in denomination of an appeale to his Mat^{ie} from the judgments of this Court, which writt is signed under hand of L^{nt} Sam^l Steele and Ens. Nathan^l Stanly, bearing date Octobr 16, 1684, in answer whereunto this Court return (viz.) that we doe not finde any thing in the Patent to vs by or Sovereign Lord King Charles the Second, oblidging, requiring or comandng of vs to grant the demandents liberty of an appeale to his Mat^{ie} in these [165] cases; neither shall we in any wise || put a barr upon the lawfull liberty of the demandents, to impede their appearance before his Mat^{ie} or any of his courts, so farr as we are concerned.†

Henry Eliot petitioning for an appeale to be granted him from a judgment given against him at New London court, for Thomas Baker,‡ unto the next Court of Assistants, for the reasons alledged in his petition, this Court doe grant him an appeale to the Court of Assistants in May next, from sayd judgment, provided he give sufficient standing security, to the value of forty five pownds in money, to Mr. Daniel Witherell of New London, for prosecuteing said appeale, and allso doe give notice hereof to Mr. Thomas Baker, at least one moneth before the Court of Assistants, that so he may answer the appeale if he see cause.

* Their return is in Priv. Controv. III. 132.

† See page 161, *ante*, and note.

‡ Henry Elliott, of Stonington, merchant, was sued by Mr. Thomas Baker, of Boston, ironmonger, for £27. 10. 6, due by bill, for goods bought of him. Hudson Leverett, attorney for Mr. Baker, obtained a judgment against Elliott, at the New London County Court, June, 1684. Priv. Controv. III. 13-25.

A COURT OF ELECTION HELD AT HARTFORD, MAY 14, 1685.

Those nominated for election are : Major Rob^t Treat Esq^r, James Bishop Esq^r, Sam^l Willys Esq^r, Major Nath. Gold Esq^r, Major John Tallcott Esq^r, Capt. John Allyn Esq^r, William Joanes Esq^r, Major Jn^o Nash Esq^r, Capt. Tho. Topping Esq^r, Andrew Leete Esq^r, John Wadsworth Esq^r, Capt. Rob^t Chapman Esq^r, Capt. James Fitch Esq^r, L^{nt} Sam^l Mason Esq^r, Capt. Benj. Newbery, Capt. Sam^l Tallcott, Capt. Giles Hamlin, Mr. Daniel Witherell, Mr. Jehu Burre, Capt. Sam^l Eales, Capt. Moses Mansfeild, Mr. Sam^l Sherman.

Those elected are :

Major Rob^t Treat Esq^r, chosen Gov^r.
James Bishop Esq^r, Dep^t Gov^r.

Assistants.

Major Nathan Gold Esq ^r ,	John Wadsworth Esq ^r ,
Major John Tallcot Esq ^r ,	Capt. James Fitch Esq ^r ,
Capt. John Allyn & <i>Secretary</i> ,	Capt. Samuel Mason Esq ^r ,
Wm. Joanes Esq ^r ,	Capt. Benj. Newberry Esq ^r ,
Major John Nash Esq ^r ,	Capt. Sam ^l Tallcott Esq ^r ,
Andrew Leete Esq ^r ,	Capt. Giles Hamlin Esq ^r .*

Mr. Joseph Whitting, *Treasurer*.

The Deputies of the Court are,—

Mr. Siprian Niccols, L^{nt} Joseph Wadsworth ; for Hartford.

Mr. Joseph Fitch, for Windsor.

Capt. W^m Lewes, Capt. Jn^o Stanly ; for Farmington.

Mr. Georg Gates, for Haddum.

Capt. John Chester, for Weathersfeild.

* The names of Mr. Samuel Willis, Capt. Thomas Topping and Capt. Robert Chapman this year disappear from the list of Assistants. Mr. Willis was largely engaged in the West India trade, and his business compelled him to be absent much of the time from the colony. He was now at Antigua, as appears from a petition presented in his behalf to this Court (Priv. Controv. III. 253). He was again elected an assistant, at the revolution, in May, 1689.

To fill these vacancies, Capt. Benjamin Newbery, of Windsor, Capt. Giles Hamlin, of Middletown, and Capt. Samuel Talcott, of Wethersfield, were now elected. Capt. Newbery was a brother-in-law of Capt. John Allyn. He was nominated Assistant as early as 1663; and had been a deputy for Windsor in nearly every Court, since 1662. Capt. Talcott was a younger brother of Major John Talcott, of Hartford. He graduated at Harvard college, in 1658; and was placed in nomination, in October, 1673.

Ens. W^m Cheeny, for Midleton.

Mr. Dan^l Witherell, Capt. James Avery ; for N. London.

Sarj. John Chapman, Mr. W^m Dudley ; for Saybrook.

Mr. Edw. Griswold, L^{nt} Henry Crane ; for Kenilworth.

Mr. Math. Griswold, Mr. W^m Measure ; for Lyme.

L^{nt} Tho. Leffingwell, Mr. Simon Huntington ; for Norwich.

Capt. Georg Denison, Mr. Nehe. Palmer ; for Stoneington.

Mr. Jehu Burr, Mr. Tho. Joanes ; for Fayrefeild.

Sarj. Jn^o Bowton, Sarj. Jn^o Platt ; for Norwalk.

Capt. W^m Curtice, Francis Hall ; for Stratford.

Capt. Jno. Minor, L^{nt} Jos. Judson ; for Woodbury.

Capt. Jona. Selleck, L^{nt} Jona. Bell ; for Standford.

Capt. Moses Mansfeild, L^{nt} Abram Dickerman, for N. Haven.

Capt. Sam^l Eales, Capt. John Beard ; for Milford.

Mr. W^m Maulby, L^{nt} Eli. Stint ; for Brandford.

Mr. John Brockett, L^{nt} Nath. Merryman ; for Wallingford.

L^{nt} W^m Seward, Deac. W^m Johnson ; for Guilford.

15. The Cómmissioners for the yeare ensueing are :—Capt. John Chester, for Weathersfeild ; L^{nt} Nath. White, for Midleton ; Capt. James Avery & Mr. Daniel Witherell, for New London ; Mr. Mathew Griswold, for Lyme ; Capt. Rob^t Chapman, for Saybrook and the whole county of N. London ; Mr. Edw. Griswold, for Kenilworth ; Capt. Thomas Topping, for Brandford ; Capt. John Minor and L^{nt} Joseph Judson, for Woodbury ; Capt. Sam^l Eales & Capt. Beard, for Milford and Derby ; Capt. W^m Curtice & Mr. Jos. Hawly, for Stratford ; Mr. Sam^l Sherman, Mr. Jehu Bur, Mr. John Bur, for Fayrefeild ; Capt. Tho. Fitch, Capt. Rich. Olmsted, for Norwalke ; Mr. Richard Lawes, L^{nt} Jonath. Bell, for Standford & Greenwich.

[166] This Court being informed by Major Tallcott that he had received letters from Mr. Wharton and Mr. Tho. Dean's letter, that there was two hundred eighty nine pownds nine shillings seven pence payd for Mr. W^m Harris his redemption, this Court doth declare that at present they accept of that accot, unles the Gentⁿ upon examination find just exception ; and desire Major John Tallcot and Mr. John Wadsworth, in

persuance of the order of this Court, October last, to labour the payment of what is due with all speed.

Major John Tallcott, Capt. Sam^l Mason, and L^{nt} Tho. Leffingwell are by this Court desired and appoynted to hear what the Indians have to say in theire cases, and to prepare their matters for the Court's determination.*

Whereas W^m Waller of Lyme, deceased, dyed in debt near to the whole value of his estate, and that the debts may be payd, which cannot be payd wthout sale of the land, This Court doe, upon the desire of the widdow (she being administratrix to the estate) doe order that the sayd widdow, with advice of Mr. Mathew Griswold and Joseph Peck, to make sale of so much of the land as shall be needfull to pay debts.

Mr. Samuel Mason is by this Court confirmed Captⁿ of Stoneington Traine Band.

John Beardsley is confirmed Liutenant of Stratford Traine Band.

Ebenezer Johnson is confirmed Liutenant of Derby Traine Band. Abell Gunn is confirmed Ensigne of Derby Traine Band.

Nath. Seely is confirmed Liuetenant of Fayrefeild Traine Band.

Propownded for Freeman: James Hill, Peter Talman, of Guilford; Daniel Mix, of Wallingford; John Osborn, of Fayrefeild; John Kirtland, Joseph Parker, Zachary Sandford, of Saybrook; Solomon Tracey, Sam^l Lathrop Jun^r, Joseph Bushnell, Sam^l Bliss, for Norwich; Mr. Tho. Wells, Icabod Wells, Samuel Wells, Noah Cook, Richard Burnam, Joseph Strickland, Richard Risley, John Stockin, John Watson.

Major Peleg Sandford haveing presented to the Governo^r an acco^t of disbursements he made in the late Indian war, upon the wounded soldiers, which is this day presented to the Court and hath been veiwed and considered by the Court, and the Court not findeing it ever allowed by the Commissioners of the Colonys, and findeing the acco^t itselife in some of the arti-

* Some Indian testimonies taken before this Committee, May 15th, respecting the right of the Mohegans to the Wabaquasset country, are recorded in Col. Rec. of Deeds &c. II. 120.

cles very unjust, and therefore doe see no reason to allow the acco^t; yet knoweing there may be something due to Mr. Sandford, doe see cause to grant him ten pownds, if he will rest satisfyed therein, or els, if he please to satisfy the Court [*of*] the justness of his articles of clayme, the Court will doe him justice therein in ordering the sayd Mr. Sandford what shall justly appear to be his due, provided it be don by October Court next.*

16. Upon request of Mrs. Mary Collins, this Court doth impower her to confirm to Obadiah Allyn by a deed of sale, two acres of land that he bought and payd for to Mr. Collins, and deed of sale was by Mr. Collins' order made in his life time, though not perfected according to law; her confirmation of the sayd sale by a deed, to be of full value to hold the sayd land firme to him the sayd Allyn, his heirs and assignes forever.

Vpon the application of Capt. Scill and John Haugh, administrators to the estate of John Bourden,† that they might be impowered to confirm unto L^{nt} Abraham Brunson, by a conveyance according to law, two acres of meadow land, and confirme an exchange of land made by John Borden wth Mr. Mathew Griswold Jun^r, the necessity of the case by reason of debts requireing the same, this Court doe impower them accordingly to doe.

Upon request of the widow Chittingden, of Guilford, that she might disspose of some land for the payment of just debts and present supply of her famaly, this Court doth grant her request, and impower the sayd widdow administratrix to [167] disspose of the value of fifty || pownds worth of land for the end afoarsayd, she taking the advice of John Chittingden, and Sarj^t Steven Bradly therein to doe it as may be least prejudiciall to the estate, and shee to make legall conveyances of the same.

This Court doe appoynt L^{nt} Thomas Leffingwell and Mr.

* See a former letter from Mr. Sandford, (Sept. 7, 1677), in War, I. 131, and Secretary Allyn's letter to him, in appendix, No. LX.

† Priv. Controv. III. 30, 28, 29.

Alexander Pygon to lay out to Samuel Rogers his grant of land granted to him by this Court, according to his grant.

This Court grants the Mohegans and Pequots their free liberty to hunt in any of the conquered lands within the limits of this colony, for such time and so long as this Court shall see cause to continue this grant to them.

This Court appoints L^{nt} Tho. Leffingwell and Capt. James Avery and Nehemiah Palmer, they or any two of them, to lay out and bound the sundry parcels of land given to the Pequots, in New London or Stoneington bounds or lands adjacent; and what of them are not recorded, to make record of them in the town records where they do lie, and to return copies of the said records to this Court at their next session. The said Indians who are proprietors of land to satisfy this committee for their travel therein.

The Governor having acquainted the Court what himselfe and the Council had done in reference to the Proclamation of his Mat^{ie} James the Second,* King of England, Scotland, France and Ireland &c. and the Address† sent by the Governor and Council to his Mat^{ie} &c. the Court declared they approved of the same, and thanked them for their good service therein.

This Court do desire and empower Major John Tallcott, Capt. John Allyn, Mr. John Wadsworth and Mr. Joseph Whitting to make sale of the house and homelott which was formerly Jeremy Adams his houseing and homelott,‡ now in the possession of the country, according to their best discretion for the use of the colony, and do desire and empower Mr. Joseph Whitting, Treasurer, to signe the deed of sale for the confirmation of the same.

This Court orders that the towne of Woodbury shall brand

*April 3d, "Ship arrives from Newcastle & brings News of y^e death of Charles y^e 2d. & Proclamation of James y^e 2d. King: The Master brought a couple of printed Proclamations relating to y^t affair." "Apl. 16. Thursday, a vessel arrives from London; bringing orders to y^e several Colonies to proclaim y^e King." Judge Sewall's Interleaved Almanac (N. E. Geneal. Reg. VIII. 18). James II. was proclaimed in Boston, April 20th; in Hartford, Apr. 22d; in New York, Apr. 23d. See Appendix, Nos. LVII, LVIII.

†Appendix, No. LIX.

‡ See page 145, note. The house and lot were conveyed by the Treasurer to Serg. Zachary Sandford, by deed dated Dec. 2, 1685. Hartf. Rec. of Lands, I. 95.

their horses wth the letter P, according to former law for branding of horses.

This Court appoynts Mr. Jonathan Pitman, Mr. John Bur, and Mr. Josiah Harvy to run the line between Standford and Greenwich and Standford and Norwalk according to grant of this Court formerly, as soone as may be.

Whereas at the last session of this Court there was an action depending between Mr. John Hollister and Mr. Gershom Buckley and John Belding deceased his children, and the Court then haveing appoynted a committee to veiw the land in controversy between Mr. Holister, Mr. Buckley and Belding children, which have made return to this Court under their hands, and the Court haveing heard the pleas and evidences made use of in the case doe declare, that they find for s^d Mr. Buckley and sayd Belding's children, that their just proportion of Mr. Mitchell's nine hundred acres be divided to them, which is two hundred twentyfive acres; and that the sayd lott of Mr. Mitchell the bownds thereof being not well stated and land markes not to be fownd, this Court doe order that the sowth bownds of sayd Mitchell's lott shall be Sturghion River where it runs into the Great River, and to run as the sayd brook runs untill it comes to a marked tree neer the cow pen on the sowth side the brook, claymed by Mr. Buckley, and it is to run an east line from the sayd tree to the Three Miles end; which line is to be the sowth line of sayd Mitchell's lott; and this Court order that in the prosecution of this case, the last and this Generall Court, each party to bear their own charges.

In answer to Mr. Tho. Wells his petition, this Court by their voate did declare, that they doe not see Mr. Wells engaged to pay pease to Bevill Waters, but other good pay, viz. one third in wheat, one third in rye, one third in Indian corne or porck; wheat 4^{sh} p bush., Rye 3^{sh} p bush., Indian, 2^{sh} 6^d p bush., porck 3^{li} 10^{sh} p barell; all to be good and merchantable. And the Court doe appoynt Ens. Nath. Stanly to veiw the corn allready delivered to Bevill Waters, with what is to be payd, and if it be not by his judgment merchantable, the sayd Mr.

Wells is to make it up merchantable, according to sayd Stanly's judgment.

Whereas Mr. John Wadsworth and L^t Steele, in the year 1675, May 31, purchassed all the rights of Joshua, Mohegan sachem, and his two wives rights and their mother's right, in land within the limits of Farmington, as by their deed, [168] date May 31, 1675, this Court alowes of the sayd deed, and doe confirm fower acres in the Indian neck to the sayd Wadsworth and Steele; and if more appeare to be due, it is to be to the towne's use.

Mr. Joseph Whiting was by this Court accepted a freeman.

This Court appoynt Major Gold to give the Reverend Mr. Wakeman the thanks of this Court for his great paynes he hath taken in the preaching of the election sermon, and to desire him to grant a cobby thereof that it may be printed, and to send it to the Assistants in Hartford, who, with Mr. Wadsworth, are desired to take order for the printing thereof at the publike charge of the colony.*

This Court doe impower the Govern^r, Dept. Governor and Assistants, soe many of them as shall conveen together upon the call of the Govern^r, to be a councill, to hear, order, issue, transact all such pub. concernes as shall be necessary to be attended in the intervalls of the Generall Court, allwayes provided the Govern^r or Dep^t Govern^r be one of the s^d councill; and this to stand till the Generall Court, October next.

21. Upon the petition of Mr. Timothy Woodbridg^t who

* It was printed, at Boston, by Samuel Green, 1685, (44 pp. 4to.) with an introductory Epistle to the reader, signed by J[ames] Bishop, commending it "as good in itself and good at this time, a seasonable word, an awakening word, a soul-affecting word." The sermon is entitled "*Sound Repentance the Right way to escape deserved Ruine; or A Solid and awakening DISCOURSE, Exhorting the People of God to comply with his Counsel, by a hearty practical turning from Sin to himself and his Service thereby to prevent their being made desolate by his departing from them.* As it was delivered in a SERMON Preached at *Hartford* on *Connecticut* in *New England*, May 14th, 1685. Being the day of ELECTION there.—By Mr. *Samuel Wakeman*, Pastor of the Church of Christ in *Fairfield*." The text is from Jer. vi. 8. "Be thou instructed, O Jerusalem, lest my Soul depart from thee, lest I make thee desolate, a land not inhabited." Copies of this sermon, (now very rare,) are in the libraries of Yale College and of George Brinley Esq., of Hartford.

† Priv. Controv. III. 250, 253.

complaynes that Mr. Willys judgeth himselfe much damnified by an execution served upon his lands by Mr. Lord and severall actions commenced against him and severall executions past against his estate in land, to his great damage, This Court doe see cause to order that none of those lands of Mr. Willyses seized by execution be alienated or dissposed by any, but that they doe remayn in the hands of the creditors for the space of one year, in which time Mr. Willys or his attourney may, by suit in law or otherwise, if he see cause, endeavour to recover out of the hands of Mr. Lord or any other of them, whatever he can make appeare to be taken from him more than is justly due.

22. This Court findeing inconveniences doe follow the attendance of the law which orders that execution upon estate for debt shall be by out-cry, when the execution falls to be served upon lands, and therefore doe order that for the future when executions goe forth against lands of any persons, it shall not be by out-cry but by apprizall, as formerly, and therefore that part of the law Executions that respects out-cries upon land is hereby repealed.

This Court grants the Reverend Mr. James Noyse two hundred acres of land for a farme, provided he take it up where it may not prejudice any plantation allready settled or to be settled or any perticular person's former grant.

This Court doe apoynt Capt. Jonath. Selleck, Jonathan Pitman and L^{nt} Joseph Judson to run out the line or bownds between Fayrefeild and Norwalke, according to grant of Court, at the townes charge.

This Court appoyntes John Stanly of Mattatock and Abell Gunn of Derby to lay out the north and west bownds of Woodbury, from the noreast corner, seven miles west, and from thence sowth till it meets with Pototuck River, and to run by the river till it meets with Derby bownds.

This Court appoynts Mr. W^m Joanes, Major Nash, and Capt. Eales, to be a comitte to examine how much of Podunck lands belonges to Joshua the sachem deceased or to his children, and to make presentment thereof to the sayd Court.

This Court appoynt Capt. Samuel Mason, L^{nt} Tho. Leffing-

well, John Post, Mr. Witherell, Capt. Avery, to lay out the line between New London and the Moheagens, and between Norwich and the Indians,* and to make return thereof that it may be entered on record in October.

This Court grant Michael Griswold and Emanuel Buck, for their cost in their action last Court, which they recovered against Mr. Steel and Mr. Stanly, as by their bill of cost on file, the sum of six pownds for all the courts. Exec. dd, Novr 25, 86.

[169] This Court haueing heard what hath been presented by Moses Wheeler concerning his purchass of land of the Indians and his right to the same, and what hath been objected against sayd Moses Wheeler's purchass by the deputies of Stratford, doe for an issue of the case order sayd Wheeler to pass over the sayd land he hath purchased of the Indians to the towne of Stratford, and that the sayd towne of Stratford doe pass over the one halfe of the lands, both for quantity and quality, to Moses Wheeler, or so much in som other convenient place to the value thereof, as shall be judged by Capt. Eales & Capt. Bird.

In answer to the motion of Richard Edwards, this Court grants Joseph Trueman liberty to prosecute John Higly at the Court of Assistants in October next.†

This Court grants Sam^{ll} Adkins five pownds, as their charity towards the damage he received in shooting of a great gun when Gov. Dongon was last at Milford.‡

The deputies in Court in the behalfe of the townes desired they might have charters for theire severall townships, according to the order of Court made for that end.

In answer to James Wright's petition, this Court grant him a heareing, October next, if he warn the rest of his relations to appeare at sayd Court to make answer to what

* See Deed from Oweneco and Atawanhood, (Josiah,) to Norwich, confirming the deed of 1659, "for the more clear stating and playne expressing of the bownds & bowndaries," &c dated Oct. 5, 1685, with an addition, Apr. 21, 1686,—in Col. Rec. Deeds &c., II. 109, 110.

† Court of Assistants I. 59.

‡ Probably, in February, 1684-5, when the agreement of the commissioners for determining the boundary line between Connecticut and New York, was ratified by Governors Treat and Dongan, at Milford. See Appendix, No. LVI.

he shall present in refference to the settlement of his father's estate, &c.

This Court for the prevention of future trouble, and that every township's grants of land as it hath been obteyned by gift, purchass or otherwayes, of the natives and grant of this Court, may be settled upon them, their heires, successors and assignes for ever, according to our charter granted by his late Ma^{tie} of happy memory, This Court doth order that every township in this colony shall take out Pattents for their sayd grants, of the Govern^r and Company, which this Court doth hereby order shall be granted unto them, for the holding of such tracts of land as have been formerly or shall be hereafter granted to them by this Court, and to their heires and successors and assignes, firme and sure, according to the tenour of our charter in free and com^{on} soccage, and not in capittee nor by knight service; which patents shall be sealed with the seale of the Colony and signed by the Gov^r and by the Secretary in the name of this Court, and entered upon record: which patent or a record of the patent shall be a sufficient evidence for all and every township that hath the same, to all intents and purposes, for the holding the sayd lands firme to them, their heirs, successors and assignes forever.* The like course may be taken for all farmes granted to any person or persons whatsoever within this Colony.

Whereas the Generall Court of Conecticut have formerly granted unto the proprietors inhabitants of the Towne of H. all those lands both meadow and upland within these abutments viz. ; the sayd lands haveing been by purchass or otherwayes lawfully obteyned of the Indian native proprietors; and whereas the proprietors the foresayd inhabitants of H. in the Colony of Conecticut [have made application to the Governor and Company of the sayd Colony of Connecticut] †

* The patents issued to the several towns are recorded in the Col. Record of Deeds, Patents, &c. Vol. II. They were at first signed by the Governor and by the Secretary "in the name and by order of the General Court of Connecticut." It was subsequently thought advisable that the subscription of the Secretary should be made "per order of the Governor and Company of the Colony of Connecticut," and by the Court's direction, all patents which had been previously issued were re-signed accordingly, Mar. 30, 1687.

† The words in brackets, omitted in the record, are supplied from the recorded Patents.

assembled in Court this 25th of May, 1685, that they may have a patent for confirmation of the afoars^d land, so purchased and granted to them as afoarsayd, and which they have stood seized and quietly possessed of for many years last past without interruption: now for a more full confirmation of the afoarsayd tract of land as it is butted and bownded afoarsayd, unto the present proprietors of the sayd township of Hartford, in their possession and injoyment of the premises, Know Ye, that we, the sayd Governo^r and Company, assembled in Generall Court, according to the comission granted to us by his Ma^{tie} in our charter, have given, granted, and by these presents doe give, grant, ratify and confirm unto A, B, C, D, E, F, G, and the rest of the sayd present proprietors of the township of Hartford, their heires, successors and assignes for ever, the afoarsayd parcell of land, as it is butted and bownded, together with all the woods, meadows, pastures, ponds, waters, rivers, islands, fishings, huntings and fowlings, mines, mineralls, quarries and precious stones, upon or within the sayd tract of land, and all other proffits and comodities thereunto belonging or in any wayes appertaining; and doe also grant unto the afoarsayd A, B, C, D, E, F, G, and the rest of the proprietors inhabitants of Hartford, their heires and assignes forever, that the afoarsayd tract of land shall be for ever hereafter deemed, reputed and be an intire Township of itselfe; to have and to hold the sayd tract of land and premises, with all and singular their appurtenances, together wth the priviledges, immunities and franchizes herein given and granted to the sayd A, B, C, D, E, F, G, and other the present proprietors inhabitants of Hartford, their heires, successors and assignes for ever, and to the only proper use and behoofe [170] of the sayd || A, B, C, D, E, F, G, and other proprietors inhabitants of H, their heires, successors and assignes forever, according to the teno^r of East Greenwich in Kent, in free and comon soccage and not in capitte nor by knight service; they to make improvement of the same as they are capeable, according to the custom, yeilding and paying therefore to our Sovereign Lord the King, his heires and successors, his dues according to charter.

In witness hereof, we have caused the seale of the Colony to be hereunto affixed, this 14 of M[ay,] 1685.

R. T. Gov^r.

p order of the Gen^l Court, J. A. S.

This Court considering the present state of affayres at home and abroad, doe see great cause to com before the Lord by

fasting and prayer, to lament the great sin and evill that is fownd wth us, and perticularly our unreformednesse under the upliftings of God's hand against vs in sundry wayes of displeasure,* the abownding of sin amongst vs, or unprofitableness under meanes of grace &c., doe for that end order and appoynt that Thursday, the 4th of June next, be kept throughout this Colony a day of publike humiliation for the ends afoarsayd, and to seek that the shines of God's favoure may be upon vs, that he would pardon or sin, heal or land, keep of those judgments impending, continue or liberties unto us both civill and sacred, bless us in the fruits of the feild and trees, and that peace may be in our borders and health in or habitations; that God would preserve and bless or lord the King, and grant him a blessing unto all his subjects, that they may lead a quiet and peaceable life, in all Godlyness and honestie, under his Maties shaddow.

This Court doe order and appoynt that an humble address be drawn up in the name of the Governor and Generall Court and sent to his Matie; and the Governour and Assistants so many of them as shall convene are desired to draw it up and take care for its conveyance to his Matie, it being signed by the Governour and Secy in the name of this Court.

The Adresse is as followeth:

The Humble Address of the Governour and Company of your Colony of Conecticut assembled in Court, the 14th of May, 1685, in the first year of your Maties reign.

Dread Sr: We, your Maties most loyall and obedient subjects, with all humility condole the death of his late Matie of blessed memorie, and heartily congratulate your accession to the Throne of your ancestors in quietness and peace; and

* "And how hath God done by us? hath he not multiplied his witnesses against us? hath not the sword gone through our Land? hath not sore diseases had their annual returns upon us; yea, of late, both Summer and Winter, abode with us, to the taking of many from us? and how sadly hath God of late years smitten us in all the labours of our hands, by blastings, mildews, catterpillars, worms, tares, floods and droughts? * * He hath cut us short of our numbers, brought us low by taking away many, and many Righteous Ones from us: hath he not (of late years especially) bereft us of many Magistrates, Ministers, and other useful Persons, and added that late sore breach, and causefully bitterly lamented loss, to the rest." Mr. Wakeman's Election Sermon, pp. 32, 33.

with all thankfullness acknowledg your great grace and goodness manifested in your Maties late declaration in Councill,* which encourageth us humbly to beg the shines of your favour upon this your colony of Conecticut, w^{ch} was first planted in the dayes of your Royall Father of happy memory, and by the bounty and grace of Almighty God and goodness of o^r late Sovereaign hath so prospered that it is become an enlargement to your Maties dominions.

We humbly beg the continuance of your Maties favoure and clemency towards us, that we, under your Maties protection, may be made happy in the injoyment of our proprietors and priviledges conferd upon vs by o^r late Sovereaign your Maties most dear brother.

Gracious Sr, We shall not cease to lift up our hearts to allmighty God to bless your Matie with a long and happy reign, that we may continue a happy people, under the Government of so gracious a Prince, in these remcoat parts of America; who have taken the first opportunity humbly to present o^rselves before your Matie with o^r most sincere promises of all fayth and allegiance; and are your Maties dutifull and obedient subjects,

The Gov^r & Company of your Colony of Conecticut

ROBT TREAT, GOV^r.

p order of the Gen^{ll} Court signed

p JOHN ALLYN, SEC^{RY}.

The Court is adjourned till the Gov^r or Deputy call them againe.

[171] A GENERALL COURT HELD AT HARTFORD, OCTOBER 8th,
1685.

Major Rob^t Treat^e Esq^r, Gov^r.

James Bishop Esq^r, Dept. Gov^r.

Major John Talcot,

Mr. Andrew Leete,

Capt John Allyn,

Capt. Benj. Newbery,

Major John Nash,

Capt. Sam^{ll} Tallcot,

Mr. John Wadsworth,

Capt. Giles Hamlin.

* At the first meeting of the privy council after the accession of James II, he declared his determination to endeavour to follow the example of his predecessor and "most especially in that of his great clemency and tenderness to his people;" that he would preserve the government in church and state as by law established; and that as he had "often heretofore ventured this life in defence of this nation," he "would still go as far as any man in preserving it in all its just rights and liberties," &c.

Deputies.

Mr. Ciprian Niccols, L^{nt} Jos. Wadsworth; for Hartford.
 Mr. Henry Woolcot, Mr. John Loomys; for Windsor.
 Capt. Jn^o Chester, Mr. Sam^{ll} Woolcot; for Weathersfeild.
 Mr. John Burr, Sarj^t John Wheeler; for Fayrefeild.
 Capt. Moses Mansfeild, Mr. John Allyn; for New Haven.
 Capt. Sam^{ll} Eales, Capt. Jn^o Bird; for Milford.
 Mr. Christo. Christophers, Mr. James Avery; for N. London.
 Capt. Georg Denison, Mr. Jn^o Gallop; for Stoneington.
 Sarj^t John Bowton, Sarj^t John Platt; for Norwalk.
 Mr. John Chapman, Ens. Abram Post; for Saybrook.
 Mr. Joseph Hawly, Mr. Sam. Sherman; for Stratford.
 Mr. James Bate, for Haddum.
 L^{nt} W^m Seward, Deac. W^m Johnson; for Guilford.
 L^{nt} Jona. Bell, Mr. Joshua Hoyt; for Standford.
 L^{nt} Henry Crane, for Kellingworth.
 Ebenez. Johnson, Mr. Abel Gunn; for Derby.
 L^{nt} Tho. Leffingwell, Sarj^t Tho. Watterman; for Norw^{ch}.
 L^{nt} Nath. Merryman, for Wallingford.
 L^{nt} Eliez. Stent, Mr. W^m Hoadly; for Brandford.
 Capt. W^m Lewes, Capt. John Stanly; for Farmington.
 Capt. Jn^o Minor, L^{nt} Jos. Judson; for Woodbury.
 L^{nt} Nath. White, Ens. W^m Cheeny; for Midleton.
 Mr. Math. Griswold, Sarj^t Tho. Lee; for Lyme.

The list of the Persons & Estates are as followeth :

<i>Persons.</i>	<i>Estates.</i>	<i>[Persons.]</i>	<i>[Estates.]</i>
255 Hartford,	17162.00	64 Lyme,	04094.00
260 Windsor,	14678.00	55 Greenwich,	02447.00
302 New Haven,	15428.00	100 Guilford,	06220.00
192 Fayrefeild,	10849.00	74 Stoneington,	05636.00
164 New London,	11186.00	50 Brandford,	03290.00
207 Wethersfeild,	13215.00	63 Wallingford,	03072.00
158 Milford,	09685.00	44 Haddum,	01920.00
134 Stratford,	08317.00	113 Norwich,	07080.00
100 Farmington,	06368.00	39 Derby,	02041.00
77 Norwalk,	04821.00	74 Woodbury,	03152.00
90 Saybrook,	05522.00	42 Kenilworth,	02416.00
99 Standford,	04780.00	130 Midleton,	05599.00
		2956	168707.00

Propounded for Freemen:—Thomas Hall, David Hall, Josh. Culver, Samuel Meriman, of Wallingford. Jn^o Seward, Jos. Seward, Samuel Bristoll, Edw. Lee, Tho. Dowd, John Parmorle, of Guilford. John Stow Sen^r, John Whitmore, Nath. Stow, Isack Willcox, Rich^d Hubbard, John Clark, W^m Cornwall, of Middleton. Samuel Hubbard, of Hartford.

This Court appoynts Major Tallcot and Mr. Wadsworth to continue in full power as a committee for Mattatock, as formerly, notwithstanding the decease of som other of the committee.

Those nominated for freemen last Court, are now accepted to be made free.

Mr. John Pantry neglecting to pay his country rate, the constable being according to warrant endeavouring to procure his rate of him, the sayd Pantry traduceing and threatening the constable, and falsifying in court, is judged to pay a fine of fifty shillings to the pub. Treasury, and to pay as followeth; for his rate 1*L.* 16*sh.* 6*d.*; for thrash. 5*sh.*; constable's fees, 6*sh.*: to be payd in cash, 20*sh.* to goe at 30*sh.*, and 2 bush. $\frac{1}{2}$ wheat, 10*sh.*: more, to fan 7 peck $\frac{1}{2}$ wheat.

John Pantry acknowledgeth himselfe bownd in a recognizance of ten pounds that he will carry good behaviour towards all persons and things, dureing the Court's pleasure.

This Court grants Mr. Herryman the sume of five pounds for his service in runing the line betwixt this and the colony of N. Yorke, besides the three pound payd him last yeare.

This Court doth impower and desire Major Tallcott and Captⁿ Chapman to provide shott for the canons or great gunns at Saybrooke, in the best way they can.

This Court, upon the petition of John Stow, by reason of some weakness of body that doth attend him, doe free his person from publique service and rates, dureing the Court's pleasure.

Those to be aded to the nomination for election in May next are,—Mr. Sam^l Sherman, Capt. Rob^t Chapman, Capt. Sam^l Eales, Mr. Jehu Burr, Mr. Daniel Witherle, Capt. Moses Mansfeild, Major Edward Palmes, Capt. John Chester, Mr. John Burr, besides the present Gov^r, Dep^t, and Assistants.

Simon Wrothum haveing presented to this Court a motion wherein he desired that this Court would be pleased to grant that the church of Farmington, and the members of the coun-cill held there, might appeare before this Court and shew the reason why they did cast him out of the church, the one, and the other why they did advise to it, the Court haveing consid-ered the same doe return in way of answer, that the sayd Wrothum hath presented to this Court a paper signed by the [172] Honoured Councill, wherein they render such acco^t of their actions as at p^rsent satisfyses the Court.* The said Rothum haveing made no charg against the church or coun-cill for male administration, they doe see no cause to give the church or coun-cill any trouble to appeare before them, upon such a motion as Mr. Wrothum hath made; but advise sayd Wrothum to a serious consideration of his former wayes, and to meet the church with suitable satisfaction, and doubt not but the church will be ready to heare whatsoever shall be-so presented to them according to law.

Mr. John Bates is confirmed Ensigne of Standford Traine Band.

Mr. Robert Tuney is confirmed Captaine of Fairefield Traine Band, and Mr. Mathew Sherwood Ensigne of the sayd Traine Band.

Some doubt ariseing amongst us by reason of a law that was lately made that prohibits serveing of executions from the first of May to the first of November, whether executions for fines and rates be not included within the afoarsayd law, vpon which this Court declares that executions shall or may passe for all rates and fines at any time when they become due or are payable, upon neglect of payment.

Mr. John Leeds is plntf. by way of appeale from the judg-ment of the Court of Assis^{ts}, October 1, 1685, and Mr. Joseph Latham defend^{nt}; † which action was an action of trespass for cutting down or causing to be cut down a parcell of grass upon sayd Leeds' land, which he bought of John Packer, and

* See N. E. Geneal. Reg. XII. 329, for some account of Mr. Wrotham's differences with the Farmington church, in extracts from the church records.

† Court of Assistants, I. 58: Priv. Controv. III. 31-39.

carrying it away, and also for improveing the sayd land three yeares, ploweing, soweing, moweing of sayd land, converting the proffits thereof to his use, haveing no legall right or title theireunto; to the damage of forty pownds, and a return of the sayd land. In this action the jury find for the plntfe. the land in controversy and cost of courts, allowed 3*L.* 17*sh.* In this action the Court finde for the plaintife the land in controversy and cost of courts. Costs allowed, this Court, one pownd sixteen shillings sixpence; cost of court, 3*L.*; Secretary, three shillings; and cost of court [of] Assistants 3*L.* 7*sh.* Execution dd, Decemb. 3, 1685.

Capt. Aron Cooke is plaintife by way of appeale from the judgment of the Court of Assistants, October the 3d, 1685, contra Deacon John Willson defendant;* which action was then entered an action of the case, as he is an heire to Deacon Edward Stebing, for that he the sayd Captⁿ Cooke doth refuse or neglect to make and mayntaine a sufficient fence between a peice of land formerly belonging to sayd Mr. William Westwood in a place comonly called the Litle Meadow and a peice of land formerly belonging to sayd Edward Stebbing. In this action the jury did find for the plntf. that the fence in controversy should be sufficiently mayntayned according to agreement by the heires of Mr. Westwood, and cost of court of the county court. In the Court of Assistants the jury find for the defendant, the fence to be mayntayned and cost of court. In this action the Court find for the defendant, that the plaintife mayntayn the fence between Capt. Cooke's litle meadow and John Willson's meadow, a sufficient fence according to agreement for the keeping of cattell from passing from one pasture unto another, and cost of courts. Costs allowed is two pownds six shillings and sixpence.

Mrs. Sarah Haines is plntf. by way of appeale from the judgment of the Court of Assistants, October 3d, 1685, contra John Allyn and John Bidwell defendants;† which action was

* Court of Assistants, I. 57: Priv. Controv. III. 83-87. Capt. Aaron Cooke, of Hadley, was sued as executor and heir of Mr. William Westwood.

† Court of Assistants, I. 57: Priv. Controv. III. 67-73. Mrs. Sarah Haynes was the widow of Rev. Joseph H. of Hartford, (who died, 1679), and daughter of Richard Lord.

an action of the case for their dañing on land in Hartford belonging to the estate of Mr. Joseph Haines deceased, and bequeathed to her by him, dureing the nonage of his children, whereby much fence of hers, corn and grass have been flooded and damnified, and her land thereby layd open, to her great wrong and damage; to the removeing of the sayd dam, so much of it as is on sayd land, and payment of forty pownds damage; in which action the county court fownd for the [173] defendat cost of court; || and in the Court of Assistants, the jury fownd for the plntf. Mrs. Haynes, thirty shillings and cost of court. In this action, the Court findes for the plaintife twenty shillings and cost of courts, and ten shillings annu-ally to be payd by the defendants unto Mrs. Sarah Haines, till the heire be of age and the dam remaines. Upon the question propownded by the plaintife what is to be vnderstood by those words in the court order, ‘and the dam remaines,’ the Court declares that it is to be understood, if the dam remaines so long, which the defendants have liberty to doe if they see cause. Cost of all courts is 9^{li} 5^{sh} 6^d besides the Secretry’s dues this Court.

Mr. Henry Woolcot plntf. by way of appeale from the Court of Assistants, May 25, 1685, Mr. John Wolcot defendat,* was entered an action of the case for unlawfull takeing into his possession and unlawfull keeping from the sayd Henry Woolcot a certain bayle or pack of goods, according to invoice marked I.W. No. 1.; to a return of the sayd bayle or pack of goods according to invoice and in good condition, to the sayd Henry, with ten pownds damage for unlawfull takeing and detaining of them, and in want of the sayd goods the suñe of two hundred and fifty pownds. In which action, the jury find for the plntf. cost of court, at the court of Assistants. In this

* Court of Assistants, I. 54: Priv. Controv. III. 57-66. John and Samuel Wolcott claimed a joint interest with their brother Henry, in a bale of goods consigned to the latter, from England, which had come into their possession. A comparison of the English invoice of the goods (serges, of various qualities,) with the account of them rendered by Henry Wolcott, “as they are ordinarily sold here in Connecticut for country pay,” enables us to estimate the ordinary profits on foreign goods, to the importer. 25 pieces of serges, costing in England £54. 15. 9^d, (the freight and charges raising the total cost to £59), are valued at £208. 10, country pay.

action the Court find for the defendant cost of courts. 5 dayes attendance, 10^{sh}. Execution delivered, February 17, 1685.

Severall inhabitants of Stratford haveing petitioned this Court* that they would confirme the arbiteriment of the Governor, Major Gold and Major Nash concerning divissions of lands there, dated April 3^d, 1685;† and allso whether the order of towne, October 15, 1685,‡ had answered the award; this Court haveing veiued the issue of the arbitrators, according to the best information they can come at, doe look upon it as a just and equall issue; and haveing veiued the towne's order of October, 1685, they doe not see it come up to the award; and therefore this Court doe order that the town of Stratford doe proceed to sattisfy those persons recommended to them by the awarde, by layeing out to them their just proportions of land; to begin at the Two Miles' end from the towne, to lay out to them their proportions within the first six miles from the towne, and after this is done to proceed in layeing out the remaynder to the inhabitants according to the award above mentioned; and in case they doe not see cause to attend this order or recomendation betwixt this and the Generall Court in May next, then those concerned, of both parties, are to appear by themselves or substitutes to render an account to the Court why they doe not attend the award, and then the Court will put an issue thereto.

In answer to the petition of Thomas Lee,§ this Court declare that the county clarke ought to give him the execution against Mr. Christophers, the sayd Christophers not prosecuting of his appeale in the court, at the last Court of Assistants.

A question arriseing concerning the law, title *Houses & Lands (to be tendered to the Town)* afoars^d, whither the Court intends that all lands within the township shall be tendered to sale to the town before any other sale be made of them to

* Towns & Lands, I. 221. Signed by Richard Blackleach, Samuel Galpen, Benjamin Peat, James Judson, Josiah Nicolls.

† Towns & Lands, I. 218.

‡ Id. 219; (dated, October *first*).

§ Priv. Controv. III. 92. He also asks the Court to "give their sense of that Law, page 30, concerning Lands to be tendered to the Town before they be sold to any but to the inhabitants of the same town where they be situate."

any other than the inhabitants of that towne where they ly; to this the Court answer in the affirmative.

James Wright haveing petitioned this Court that his father's will, or at least that that paper which hath been called his father's will, might be made null, for such reasons as he should present, which being heard and the Court findeing that the paper called the will was blotted and blurd, obliter[at]ed and interlyned, and a witness sett to the will after sayd Wright, who made the sayd will, was dead, and no mention made of those crosses and enterlineings being made in the will, This Court canot approve of the will. And whereas James Wright, Joseph Wright, Joseph Hand, Peter Tallmage, Edward Lee, have declared in court that they desire the Court to make a full and finall issue of the settlement of the estate that Benjamen Wright Sen^r their father and Jane Wright their mother and Benjamen Wright their brother dyed possessed of, and that they would abide by the same, This Court haveing seriously considered the same, and what is just and equatable in the case, doe order that the *the* estate of Benjamen Wright Sen^r deceased and Jane Wright deceased be divided amongst his five children, the two sonns James and Joseph to have three parts equally devided between them, and the three daughters the other three parts; and what either of [174] the sons or || daughters have received by way of portion from their father or mother, in land or other estate, it shall be valued according to the value it was of when they received it and accounted as part of their portions, and so reckoned in their divission of the estate. The sonns to have the land, that is not allready dissposed of. And as for what personall estate Benjamen Wright Jun^r dyed possessed of and is inventoryed, it shall be and belong to Joseph Wright, according to sayd Benjamen Wright's last will. As for the lands, he never was possest of them. And what debts are due from the estates are to be payd out of the estates before divission, or secured to be payd by the legatees their just proportions.

This Court doe appoynt L^{nt} Henry Crane, Sarjt John Chapman and Mr. Josiah Rosseter to distribute the estate

abovesayd, according as is above exprest. And this is to be a finall issue of the case.*

Mr. John Gallop and Tho. Minor, or either of them, is plntf. by way of appeale from the judgment of the Court of Assistants, October 3, 1685, Capt. Georg Denison defendant; † which action was entered an action of the case for your joynt acting in and about a dividing line betwixt Mrs. Hanah Gallop and sayd Denison's land, which was to be run according to the advice and order of the Governo^r and Magistrates, May 28, 1678; L^{nt} Minor to answer for neglecting or refusing to run the sayd lyne and runing it contrary to or diverss from the sayd order and advice; Mr. John Gallop to answer for consenting to and pleading for sayd irregular lyne, concurring therein with L^{nt} Tho. Minor, ayding and assisting the runing of the same; also for causing the sayd irregular lyne to be recorded in Stoneington booke of Records: all which is contrary to my known minde and declared will, by which meanes my just title is incumbred and lyeth doubtfull; to the damage of twenty pownd, and nulling the sayd lyne and records, and return unto the first lyne according to agreement. In this action the jury find for the defendant Gallop, cost of court; cost allowed is eight shillings. In this action the jury at the Court of Assistants did finde for the plntf. Captⁿ Denison, ten pounds damage and cost of court. This Court, haveing heard what hath been presented to them by plaintife and defendant, doe find that the dividend lyne between Captⁿ Denison and Widow Gallop's land, by their mutuall agreement, ought to be run from the pine stub by the cove by Mr. John Stanton's house, to the pine stubb upon the Back playne or Gallop's playn, and from thence to Pequot Brooke, upon the same lyne, and from thence the same line to the end of the three hundred acres, and from the end of the three hundred acres a straight lyne to the heap of stones and stake of the west side of

* A petition of Joseph Wright, of Killingworth, complaining of the mode in which this distribution was made, is in Priv. Controversies, III. 94.

† Court of Assistants, I. 58: Priv. Controv. III. 95-113. (The final survey now ordered by the Court, signed by Lieut. Leffingwell and John Post, is with the files, No. 113.)

the old meeting house hill, which this Court judgeth is the true intent and meaning of Morgan's testimony; and therefore this Court order L^{nt} Leffingwell and John Post to run the lyne afoarsayd according as it is above stated, and the land next the north side of the lyne to be the sayd Gallop's, and the land of the sowth side to be the sayd Denison's, so far as their land joynes; and that the sayd Leffingwell and Post see it sufficiently bownded, and cause the same to be recorded in the booke of recordes for land in Stoneington, as the stated bownds or lyne of divission between the sayd Gallops and Denison; and all former records varying from this settlement, to have vacats put upon them. And in regard plntf. and defendant have both been careless in preserveing their bownds, they are to beare every one his own charges in prosecution and in laying out of it: and the charg of runing the line to be equally born by Capt. Denison and goodwife Gallop.

This Court doth order that the constables of the respective plantations shall gather in their country rates and make dispose of them according to the Treasurer's order, and make up their acco^{ts} with the Treasurer yearly at or before the Generall Court in May, upon the penalty formerly appoynted for defects in not makeing up their acco^{ts} and not payeing according to order in due season, any order to the contrary in anywise notwithstanding.

[175] This Court grants a rate of one penny halfe penny upon the pownd, of all the rateable estate in the Colony, to clear country debts; to be payd in porck, three pownds p barell; winter wheat, fower shillings sixpence p bushell; summer wheat, at fower shillings p bushell; rye or pease, at three shillings p bushell; Indian corn, at two shillings sixpence; all to be good and marchantable: to be [*payd*] one third in wheat, one third in pease or rye, and one third in Indian corn or porck and those that doe not pay their proportion in wheat shall make it up in Indian corn at two shillings p bushell. And if any will pay two thirds of their rates in Boston money, it shall be accepted in full of their rates. If any want pease or rye to pay their rates, they have liberty to pay their rates, the one halfe in wheat, the other in Indian corn.

In answer to the petition of Mathew Waller, this Court doe order that the clarke of New London county court grant him execution against Joseph Beckwith, according to the judgment of the court at New London, Septemb^r last, he payeing just dues for the same.*

In answer to the petition of Thomas Harris,† who complayneth he hath received great wrong and damage by a case prosecuted against his estate by John Wheeler of New London, who pretended himselfe to be an attourney to John Page, and in the sayd Harris his absence and, as sayd Thomas Harris complaines, very unjustly and unrighteously hath prosecuted him in law, and the sayd Wheeler hath got the estate into his hands, by vertue of execution, to his great damage and prejudice: this Court doth order, that there shall be granted to the sayd Thomas Harris a hearing of his case at the Generall Court in May next; and John Wheeler and John Page are required then to appeare to answer the sayd complaynts, and Mr. Harris to appeare to prosecute his complaynt: and this Court ordereth that whatever estate of Harris hath been levied by execution, that the quallity of it be not altered or dissposed of, but secured in the hands of those that stand possest of them, till the foresayd hearing in May next be past.

Vpon the petition of Miles Marwin,‡ this Court having heard what hath been presented against the settlement of Mrs. Abigail Warham's estate, by the county court, March 5, 1685, and what hath been sayd for the confirmation thereof, doe see reason to confirme the settlement of the estate according as the Court of Assistants, May last, hath done.

This Court leaves it with the Governo^r and Assistants or any six of them convening together, the Governo^r or Deputy Governo^r allwayes being one of them, to heare and determine

* Priv. Controv. III. 88-90.

† Thomas Herris. His petition (Priv. Controv. III. 152) alleges that while absent from the colony, in Pennsylvania, John Page of Saybrook, swore to a debt against him, commenced an action for £150, and obtained judgment for debt and costs, to satisfy which his estate was sold by out-cry.

‡ Priv. Controv. III. 91. His name is subscribed to the petition, "Miles Murrin Sen^r." See Records of Court of Assistants, I. 55. Hartf. Co. Prob. Rec. IV. 102; (Wills,) 211.

all such publique occasions as shall be necessary to be attended between the adjournment of this Court and the Gen^l Court in May next.

This Court grant the Governo^r for his sallery this yeare, eighty pownds.

This Court grants the Dept. Governo^r for his salery this year, thirty pownds.

This Court grants Mr. W^m Joanes for his salery this year, tenn pownds.

This Court grants the Secretary for his salery this year, twenty pownds.

This Court grants the Treasurer for his salery, this year, twenty pownds.

This Court remitts the fines due from the constables of Hartford, Windsor, Wethersfeild, for their not payeing their rates in due season.

John Gallop is plntf, by way of appeale from the judgment of the Court of Assistants, October 8th, 1685, Georg Denison defent^t; * which action was an action of the case for breach of an arbitration bond of twenty pownd, for neglecting and refusing to attend an award referring to some lands in controversy betwixt them, to the damage of forty pownds. In this action the jury find for the plntf. the forfeiture of the bond, and cost of court, 1^{li} 8^{sh} 9^d. In this action the jury at the Court of Assistants fownd for the plntf. cost of court, but take no title of land from the defendant. This Court now declared that they find for Capt. Denison defendant, cost of courts; two pownds fower shillings allowed. Execution dd, May 17, 1687, for 2^{li} 4^{sh}.

[176] Mr. Thomas Hosmore haveing appealed to this Court from the judgment of the Court of Assistants in May last, † in refference to a debt that is due to him from Richard Smith, this Court haveing considered the premises doe approve of what the Court of Assis^{ts} and county court hath done, with some adition thereto, as followeth, viz. the sum payd to Mer-rills shall first be payd according to the mortgage, and the remaynder of the sayd Hosmer's just debt owned to be due

* *Ante*, page 188.

† Court of Assistants, I. 55.

from Richard Smith to him, he shall receive it by proportion with the rest of sayd Smith's creditors, as the estate will beare. And this Court remits to the sayd Tho. Hosmor the three poulds due for his appeale; and the charge of March court is to be payd to sayd Hosmor out of Smith's estate, without losse.

This Court being informed that there is variety of sizes used in the making of bricks, which is a great damage to those who have occasion for such ware, doe order that for the future the length of all bricks shall be nine inches and their bredth fower inches and a halfe, and that they be two inches and a halfe thick; and that the upper side of all moulds that are used to make bricks in, are to be shod with iron; and whosoever shall put to sale any brick that are not according to this order, shall forfeit five shillings p thousand, the one halfe to the informer, the other halfe to the county treasury where it is complayned of.

Vpon the petition of Timothy Buckland, Joshua Willes and som others of Thomas Buckland's children, that this Court would give them an interpretation of the distribution the Court made of their father's estate to their mother, whither it was to her for ever, or dureing life, Nicholas Buckland not appeareing, this Court orders the Secretary to give him notice to appear at the Court in May next, to answer or alledg what he hath to object why the petitioners' request may not be attended.*

In answer to Sarjant Shepherd's petition, this Court orders the Secretary to give notice to the persons concerned to appear in May next, when the petition shall be answered.

This Court doe order that for the future the constables shall be allowed for storridg and shrinckedg of what corn they shall receive for payment of the country rate, and make-

* Priv. Controv. III. 142-148. Thomas Buckland Sen. of Windsor, died May 2, 1662. His estate was distributed by the Court, Sept. 10, 1662, to his widow, Temperance; sons Nicholas and Thomas; daughters, Temperance, wife of John Ponder, Sarah, wife of John Phelps, and Hannah; son Timothy, and dau. Elizabeth, wife of Edward Adams. This distribution was made before the law of dower was enacted (which was not until the revision of 1672). The widow died, 1681, leaving a will by which all her real estate was devised to her son Nicholas. The question was now raised whether the distribution gave her the fee, or only a life interest in the real estate set off to her.

ing up their acco^t with the Treasurer, fower pence upon the pownd.

This Court upon the motion of Tim. Trall, that he and his partners might have liberty to set up a fishing trade in the great River within the township of Windsor, and enjoy the priviledg thereof for twenty yeares, This Court declares they are ready to promoat any such publique designe, and doe leave it with the magistrates of the county of Hartford to treat with sayd Trall and partners, and to grant them such priviledges as they see meet for him to enjoy, not exceeding twelve yeares for time; and what they shall agree and conclude of, this Court doe repose such confidence in the sayd Gentlemen that they hereby rattify and confirm the same.

This Court considering Major Palmes' motion to this Court in writeing, return; they have never been acquainted with such irregularities as are intimated therein, and shall not countenance the exereise of any arbitrary power or what may have a tendency to enslave any of his Majestie's subjects, but suppress such things, and allow any lawfull liberty to those that will prosecute such irregularities, to furnish themselves with coppyes for their money, and shall for future be ready to grant any assistance to New London court, upon their desire. As to those lands that are not yet granted to plantations or particular persons, this Court is ready to accommodate whosoever shall desire, so farr as there is reason, be they loyall subjects and likely to benefit themselves and the publique thereby; and as for repealing the law mentioned, the Court will take it into consideration; and as for the town of London, the Court is ready to grant them any enlargement that may be to their advantage and the publique good, and that as freely as to any other plantation in this Colony.

This Court is adjourned till the Gov^r or Dep^t see cause to call it agayn.

[177] A COURT OF ELECTION HELD AT HARTFORD, MAY 13,
1686.

These nominated for election: Major Robert Treat Esq^r, James Bishop Esq^r, Major Nathan Gold Esq^r, Major John Tallcott Esq^r, Capt. John Allyn Esq^r, William Joanes Esq^r, Major John Nash Esq^r, Andrew Leete Esq^r, John Wadsworth Esq^r, Capt. James Fitch Esq^r, Capt. Samuel Mason Esq^r, Capt. Benj. Newbery Esq^r, Capt. Sam^l Tallcott Esq^r, Capt. Giles Hamlin Esq^r, Sam^l Sherman Esq^r, Capt. Rob^t Chapman Esq^r, Capt. Sam^l Eales, Mr. Jehu Burr, Mr. Daniel Witherell, Capt. Moses Mansfeild, Major Edw. Palmes, Capt. Jno. Chester, Mr. Jno. Burr.

Those whoe were elected were:—

Major Rob^t Treat Esq^r, Governo^r.
James Bishop Esq^r, Dept. Gov^r.

Assistants.

Major Nathan Gold Esq ^r ,	John Wadsworth Esq ^r ,
Major John Talcot Esq ^r ,	Capt. James Fitch Esq ^r ,
Capt. John Allyn Esq ^r , & <i>Secret^ry</i> ,	Capt. Sam ^l Mason Esq ^r ,
W ^m Joanes Esq ^r ,	Capt. Benj. Newbery Esq ^r ,
Major John Nash Esq ^r ,	Capt. Sam ^l Tallcot Esq ^r ,
Andrew Leet Esq ^r ,	Capt. Giles Hamlin Esq ^r ,
Mr. Joseph Whiting, <i>Treasurer</i> .	

The Deputies of the Generall Court are—

Ensigne Nath. Stanly, Mr. Ciprian Nichols ; for Hartford.
Mr. Henry Woolcott, Mr. John Loomys ; for Windsor.
Capt. Jn^o Chester, L^{nt} James Treat ; for Weathersfeild.
L^{nt} Nath. White, Ens. W^m Cheeny ; for Midleton.
Capt. W^m Lewes, Capt. Jn^o Stanly ; for Farmington.
Georg Gates, for Haddum.
Mr. Jehu Burr, Mr. John Burr ; for Fairefeild.
Capt. John Minor, L^{nt} Joseph Judson ; for Woodbury.
Sarj^t Joseph Curtice, Mr. Rob^t Lane ; for Stratford.
Sarj^t John Plat, Samuel Hayes ; for Norwalk.
Capt. Moses Mansfeild, L^{nt} Abram Dickerman ; for N. Haven.

Mr. W^m Maltby, L^{nt} Eli. Stent ; for Brandford.

Capt. Jn^o Beard, Capt. Sam^l Eales ; for Milford.

Deac. W^m Johnson, Deac. Jn^o Grave ; for Guilford.

Tho. Yeale, for Wallingford.

L^{nt} Ebenezer. Johnson, Mr. Abel Gunn ; for Derby.

Mr. William Measure, Captⁿ Jos. Scill ; for Lime.

Major Edw. Palmes, Mr. Daniel Witherell ; for N. London.

Mr. Benj. Brewster, Mr. Tho. Leffingwell ; for Norwich.

Sarj. Jn^o Chapman, Mr. John Parker ; for Saybrooke.

Mr. Edw. Griswold, for Kenilworth.

Capt. Geo. Denison, Mr. Nehemya Palmer ; for Stonington.

Major John Tallcott and Capt. John Allyn were chosen Commissioners for the United Colonys, for the yeare ensuing.

14. Capt. John Chester was appoynted Com^r for Weathersfeild ; L^{nt} Nath. White, for Middleton and Haddum ; Mr. Daniel Witherell and Capt. James Avery, for New London ; Mr. Benjamin Brewster, for Norwich ; Capt. Rob^t Chapman, for Saybrooke ; Mr. Edward Griswold, for Kenilworth ; Capt. Sam^l Eals and Capt. John Beard, for Milford and Derby ; Mr. Sherman, Mr. Jehu and Mr. John Bur, for Fayrefeild ; Capt. John Minor and L^{nt} Joseph Judson, for Woodbury ; Mr. Tho. Fitch, for Norwalk and Paquiage ; Mr. Richard Lawes and L^{nt} Jonathan Bell, for Standford and Greenwich ; Mr. Mathew Griswold, for Lyme. Mr. John Moss is appoynted and impowered by this Court to joyne persons in marriage according to law, to administer oaths to persons upon necessary occasions, and to grant warrants and take testimonies. The same power is granted to Eliezer Stint in Brandford, except joyneing persons in marriage.

Upon the motion of Mr. John Porter that this Court would impower them to make a drain through those lands at the east side of Conecticut river in Windsor, this Court doth desire and appoynt Major John Tallcot and Capt. John Allyn to take a veiw of those lands and to give their advice what is necessary to be done in the case, and to bring them to agree in it or make report what they shall doe therein to the next Court.

Daniel Sherman is by this Court appoynted and confirmed Ensigne of New Haven Traine Band.*

[178] Vpon the motion and information of Capt. John Silleck and the other administrators of the estate of John Jagger of Standford,† that they might have liberty to disspose of a percell of land that by will of sayd John Jagger is given to his daughter Elizabeth, who is since deceased, to pay some debts which are due from the estate, neer to the value of the sayd lands; and Mr. Jehu Bur and Mr. John Burr' also informeing that if the land be not dissposed to answer the debts afoarsayd, the daughters' portions will be so cutt short that litle of value will remayn for them; for which reason this Court doth, for the promoating the daughters' portions and paying the debts, grant the sayd administrators liberty and power to make sale of the sayd land afoarsayd for the end afoarsayd; and the rather because the debts, a considerable part of them, arised by reason of expense upon her in her sicknesse.

The Comittee made return of their laying out of the land between Capt. Denison and Mrs. Gallop, in Stoneington, which is accepted by the Court and is on file.

Mr. Francis Thrasher improveing himselfe in cloath workeing, and haveing layd out considerable to fit himselfe to promote the trade of makeing cloath and searge, for his encouragement this Court grant him and his servant a freedom from training and workeing at highwayes, dureing the time he shall see cause to follow that employment.

15. Whereas there is a difference between the inhabitants of Lyme concerning the place where their meeting house shall be sett,‡ this Court for the putting a finall issue to the case doe desire and appoynt Major John Tallcott & Capt. John Allyn to goe to sayd Lime and to veiw the severall places desired by one party or another for the meeting house to stand on, and to hear their pleas and allegations concerning the

* Militia, I. 13.

† Priv. Controv. III. 141.

‡ Ecclesiastical, I. 82, 83. The town had voted, Feb. 8, 1685-6, "concerning placing the meeting house, that it be left to be determined by the General Court in May next; and that either side shall have a Deputy, to prefer and alledge the same unto the said Court."

same, and to make a finall issue of the sayd controversies according to their best judgments; and what the sayd Major Tallcot and Capt. Allyn shall joyntly agree on as to the place and stateing of it where the meeting house shall stand is to be the issue thereof, and both parties are to rest satisfi'd therein. But in case the two agree not, they to choose a third person, and what any two of them shall declare under their hands to be an issue, both parties are to acquiesse therein.

This Court doth appoynt and impower Deacon Steven Hosmer and John Bigelo to lay out to Mr. Isack Foster, Mr. Benj. Woodbridge, their heires or assignes, their farmes according to their grant.

This Court upon the motion of Mary, the late widow of Henry Wise, that she may have liberty to sell her house, for her p'sent supply, the Court finding it is most advantage to the estate and children doe grant her request, and impower Thomas and Mary Turhan to make sale of the sayd house.

This Court grants Ebenezer Johnson fower p'ounds in full of all services don in the late Indian warr, to be p^d out of the publike treasury.

This Court orders that there be layd out a convenient road or comon highway, between Mattatock and New Haven, in the most convenient place as can be fownd; and this Court recomends it to the towns of New Haven and Mattatock to lay out the road or highway as soone as they may conveniently.

This Court grants that Mattatock shall be and belong to the County of Hartford; and the name of the plantation shall be for the future Watterbury.

17. Vpon the petition of Jeremy Judson Jun^r and W^m Hunnywell that this Court would reverse the judgment of the Commissioners, which the Com^{rs} past against them August 3^d, 1686, the Court haveing veiwed the sentence and heard [179] [^] and what was sayd in the case, order || that the Com^{rs} of Stratford doe put a vacate upon the afoarsayd record or judgment.*

* These lads, with two others, were prosecuted at the Fairfield county court, August, 1685, for "stealing water milions, the last Thursday in the night about the goeing down of the moone," from Benjamin Lewis's yard. They confessed having

Vpon the motion of some of the inhabitants of Woodbury that they may have liberty to change their way of rateing for the mayntenance of the ministry of sayd towne and for dischargeing of theire necessary publike charge of the towne, and the reason alledged why they move it is that sundry persons of their plantations are removeing out of their township, and taken up lands considerable amongst them, and withdraw their persons and stocks from the sayd town of Woodbury, where they are not, without some releife in the case, able to mayntain their ministry nor defray their just charge; upon which consideration this Court doth see reason to order that the inhabitants of Woodbury doe take care to agree amongst themselves for some sattisfactory issue according to rule and righteousnes; and if they doe not agree amongst themselves, they are to appeare at the Court in October next, when the Court will farther consider of it. And this Court recommends it to the inhabitants of Woodbury that they make no due division of lands before the way of their rateing be fully settled by themselves and approved by this Court.

Whereas Richard Smith proclaimed himself bancroft, and the Court have appoynted L^{nt} Caleb Stanly and Marshall Grave were to make distribution of the estate to the creditors, which they delivered to the sayd creditors, and part of the most part of it lyeth in a house and land; and they living so remote from the other, it is difficult for them to meet together to make payment of the distribution of the estate according as it already distributed; and they doe appoynt the Treasurer, Deacon Hosmor and Mr. Mathew Griswold to take the sayd house and land, and other estate if any be, into their hands, and to make disspose of it by sale or lease, according as may best answer the ends of sattisfying the creditors.

This Court grants Mr. Christo. Christophers and Mr. Thomas Harris power to make sale of Robert Plimton's land and shop, for the payment of his just debts, so far as it will reach.

taken two melons,—for which they were fined eleven shillings, cost and damage; and for “night walking,” were fined in addition, ten shillings each, or in default of payment, to sit in the stocks. They petitioned for a remission of the latter penalty; and the General Court, it appears, ‘leaned to mercy.’ Crimes & Misdemeanors, I. 159, 160.

This Court grants Mr. Simon Woolcot two hundred acres of land for a farme, provided he take it up where it may not prejudice any grant to any perticular person or to any plantation.*

This Court desires the Honoured Dept. Governor to give the Reverend Mr. John Whiting the thankes of this Court for his great paynes in preaching the election sermon, and to desire him to grant a cobby of it, that it may be printed at the charge of the Colony.†

Propownded for freemen: Daniel Addams, John Moses, John Saxton, John Humphrey, Arthur Henbury, John Case Jun^r, Sam^l Adams, Nath. Holcomb, Nicho. Gossard, Josia Owen, Joseph Owen, John Griffen, Thomas Griffin, Richard Seger, of Simsbury; Jonath. Wells, Samuel Coale, Nath. Coale, Tho. Olmsted, Josiah Niccols, Sam^l Judson, Zacharya Curtice, Samuel Preston, Daniel Curtice, John Choe.

The brand mark of Derby is ordered to be the letter D in the following manner, D.

19. This Court leaves it with the Treasurer to make dispose of the Indian corne in the constables hands, for the country's best advantage, with the advice of Major Tallcott.

Daniel Callsey, James Stevens, John Sheather, Sam^l Stevens, Peter Farnam, Samuel Sheather, are propownded for freemen, of Kenilworth.

This Court order the Secretary to grant an execution to Emanuel Buck, and Michael Griswold, in November next, (if no just objection appeare in the meane time) according to the judgment they obteyned against L^{nt} Steele and Ens. Stanly.

Those propownded for Freemen, October last, are now ac-

* Laid out, by order of the Gen. Assembly, May, 1719, to Roger Wolcott, "eastward of Willamantick." Col. Rec. of Deeds &c., III. 309, 311.

† "The Way of *Israels* Welfare; or an Exhortation to be with God, that He may be with us: As it was delivered in a SERMON Preached at Hartford on Connecticut in New England, May 18th, 1686. Being the Day of ELECTION there. By Mr. John Whiting, Pastor to the Second Church of Christ in Hartford. - - - - Boston in New England; Printed by Samuel Green. Anno. 1686." 4to. pp. (6) 44. An Address "To the Christian Reader" is prefixed, signed S. H. (Samuel Hooker, probably). The text is from 2 Chron. xv. 2. "The Lord is with you while ye are with him." There is a copy in the Library of the Conn. Historical Society

cepted for freemen, and Mr. Samuel Mather, Mr. Timothy Woodbridg, Mr. James Pearpoynt and Mr. Samuel Andrews.

In answer to the petition of Timo. Buckland and Joshua Wells &c., this Court haveing heard what hath been alledged by the sayd Timothy Buckland and others concerned, and viewed the distribution of the estate of Thomas Buckland their father, do find the widow Buckland had full power to disdispose of the estate distributed to her, and this Court sees no reason to make any alteration of what hath been done by sayd widdow in her last will.*

[180] This Court frees Capt. Tho. Topping from his rates that are behind in the country rates the two last yeares.

This Court appoynts L^{ut} Ebenezer Johnson to joyn with John Standly of Mattatoek, in the laying out of the bownds of Woodbury according to the grant of the Court to sayd towne.

20. John Rue haveing appealed from the judgment of the Court of Assistants, wherein they freed Mathew Woodrofe from being the reputed father of the child that Hannah, the now wife of sayd Rue, brought forth next after her marriage with Rue, the Court haveing heard what hath been presented to them, see no reason to alter or vary from what the Court hath done.

Vpon the petition of Major Jn^o Talleot, Capt. John Allyn, Major Edward Palmes, Mr Mathew Griswold, Mr. Henry Wooleot and Mr. Joseph Lathan, that this Court would confirm unto them a grant of eight mile square granted by Capt. Sannup and his grandson, as by his deed on record may appear,† In answer to this petition, this Court grants to the

* See page 192, ante.

† Captain Sannup (or Sanhop,) of Niantick, "more especially upon the account of many former kindnesses received from [his] good friends," Major Talcott and others above named, conveyed to them, by a deed executed June 6, 1674, "a tract of land eight mile square or there about, lyeing and being near unto Conecticut River about twelve or thirteen miles up the said River." Col. Rec. Deeds &c. II. 17. On the 7th of May, 1685, a confirmation of this grant was given by Wettoppocomon, of Niantick, "grandchild, only son and proper male heir surviving to his grandfather Captain Sannup, gentleman, of Niantick, deceased." (Id. 18.) At this Court the grantees ask for a ratification of their title to the tract so conveyed, "lying from or between Wachaqueage unto Weegasoeguck, upon the east side of Connecticut River." Towns & Lands, I. 223.

afores^d Gentⁿ, their heires and assignes, what of those lands are without the limits of the plantations or perticular grants formerly granted.

This Court appoynts Mr. John Brocket and Mr. Tho. Yeale to lay out to Mr. John Chester his grant of land, according to his grant.

This Court appoynts L^{nt} Nath. Seely and L^{nt} Cornelius Hull to lay out to the Honoured Major Nathan Gold and Mr. Jehu Burr their respective grants of land, according to their grants. The sayd Major Gold his grant may be divided, or taken up in two parcells.

Those papers that concern Fayrefield and Norwalke were in Court delivered to Capt. Eales.

The Govern^r and Dept. Gov^r both, by reason of the providence of God, in an ordinary course, are not likely to be able to attend the Court of Assist^{ts} on Tewsday next; this Court doe therefore order and appoynt and impower Major John Tallcot and any six more of such of the Assistants as shall be then present to keep a Court of Assistants at the usuall time, on Tewsday next.

In answer to the petition of John Richards, this Court doe declare that he haveing providencially lost the prosecution of his clayme to a parcell of land in a course of law, doe grant him full liberty to prosecute his clayme, any law to the contrary notwithstanding.

In answer to the petition of Sarjt John Shepherd, this Court hath heard and considered what he hath presented as plea and evidence, as allso what Sarjt Sandford hath returned in way of answer, doe not see reason to make any alteration of the settlement of the estate of Tho. Greenhill formerly made by the Court, and that they doe not see cause to nullify sayd Greenhill's will.*

The comittee appoynted by the Generall Court for layeing out or distributing of the estate of Benjamen and Jane Wright to their children, made return of the distribution, which was accepted by the Court and approved.

* Priv. Controv. II. 1-18.

This Court continueth the Councill appoynted October last, till October next; and impower them accordingly for the ordering of affayres in the intervalls of the Generall Courte.

This Court appoynts Major John Tallcot and Capt. Allyn to answer Major John Winthrop's petition, in the behalfe of this Court.

Whereas Capt. James Fitch hath purchased the native right of the Wabaquassett country,* and L^{nt} Rugles and others of Roxbury,† are desireous to setle a plantation in those parts, [181] the which this Courts grants || liberty and approves of, they attending those things most accomadable to the plantation and orders of the colony, in which case Major John Tallcot and Capt. John Allyn are to be advised with.

This Court findeing that those sins of excesse and prophanesse doe increase upon us which, willing to suppress, doe hereby order and require the severall constables and selectmen and grand jury men in the severall plantations to use all circumspection and dilligence to suppress the abuses afoarsayd; and in peticular they are required to search after, find out and make p^rsentment of all night walkers, especially those that walke the night after the Sabboth, contrary to law, and all private houses where persons resort to drinck and keep company, and to search after all maner of gameing,

* June 24th, 1684, Capt. James Fitch, of Norwich, procured from Oweneco, a deed of an extensive tract of land "to the northward of the new plantation above Norwich [Windham], joyneing to it, from Waramanticut River to Abaquage pond, and from the sayd pond the lyne to run east to Quinibang River, and from the afoarsayd Waramanticut River the lyne to run to a great pond called Misshinaps, which is the south west corner bounds, and is by estimation about forty five miles;" and from thence northward to, and beyond, the Massachusetts line, comprehending "the Nipmug and Wabaquassuck countreys." Col. Record of Deeds &c., II. 118, 119. This deed was signed by Owaneco and "his son and heir," Josiah: and was further confirmed by a quitclaim from sundry of the Shawtucket Indians, 'surrenderers,' who had formerly lived in the Wabaquassett country. Id. 119

† A patent was issued, July 8th, to John Blackwell Esq., Capt. James Fitch, Lieut. Wm. [Samuel] Ruggles, Mr. John Gore, Mr. John Payrepyont, Benj. Saven [Sabin], John Chandler, Samuel Croft, John Grosse [Grosvenor] Sen., Joseph Griffen, Samuel Ruggles [Jun.], John Ruggles, Nath. Wilson Jun., and other proprietors not named, for "the New Plantation" in the Wabaquassett country. The bounds comprise the (present) township of Pomfret and the north part of Brooklyn. In the southeast angle of this tract, Mr. Blackwell's proportion (5000 acres) was separately laid out, as a township,—afterwards named Mortlake. Col. Rec. Deeds &c., II. 164, 202-3; Records of October Session, 1687, *post*.

singing and dauncing, in houses of publique entertainment (which is hereby prohibited) and the same to make presentment of to the next authority. They are also to make diligent search after all prophanesse in words or actions on the Sabbath, and at all other times. Finally, this Court desires all inferiour officers in their respective places to be faythfull in searching after all disorders and prophaness that is appearing amongst vs, and makeing presentment thereof to the authority; and the civill authority is also by this Court desired to put on a spirit of courage in the receiving such complaints as shall be brought before them, and in executing of the lawes upon delinquents, with such severity that others may heare and feare.

In answer to the petition of Norwalk, this Court haveing heard what hath been alledged by both parties, and finding some difficulty in the testimonies, and it being a tender plott to alter the bownds of plantations, especially unless there be a full and clear reason for the same, which cannot be well come at without being upon the place to acquaint themselves with the case: and therefore this Court doe desire Capt. Sam^l Eales and Capt. Beard to veiwe and acquaint themselves with the state and condition of the difference about their bownds between the two plantations, and to laboure to bring the matter to a compromise, and to make a full settlement of the line between the two townes if they can attayne it. And the Honor^d Govern^r is desired to lend his helping hand to the setleing of the matter by a compromise, or setleing their bownds: and to present their issue to this Court, October next.*

In answer to the petition of Mr. Francis Hall† that he might have some redresse of some abuses he receives by his son, and especially his impownding of his cattell off of his

* The boundary line between Fairfield and Norwalk was the occasion of much controversy. It was finally established, by an agreement between the towns, in 1697. Some depositions respecting the controverted line, taken in March and May, 1686, are recorded in Col. Rec. Deeds &c., II. 129.

† Priv. Contr. IV. 116. Other papers relating to this matter are in the same volume, Nos. 112-115, 117-122. Among them is a copy of the will of Mr. Francis Hall, (who died in 1689.) His wife was a daughter of Rev. Henry Smith, of Wethersfield, and the widow of John (son of Rev. Adam) Blakeman, of Stratford.

own land &c., putting him to great trouble and vexation of spirit, after some lawsuits and arbitrations about it &c., the Court doe hereby order that the constable of Fayrefield doe forthwith repayre to Isack Hall, the son of sayd Francis Hall, and inform him that this Court doe advise him that he leave off the impownding of his father's and brother's cattell off of their land, which is sayd lawfully to be in their possession, untill he doth take some legall course to possesse himselfe of those lands he shall see cause to claime and that he forbear threatening and molesting of his father and brother for the future or till an opportunitie of tryall may be obtayned in course; and if that cannot be obeyned, then the agrieved party is to apply themselves to the authority of the county there, whoe are desired to grant them a hearing forthwith to prevent future inconveniences.

This Court haveing heard and considered Mr. Thomas Harris petition,* with all the evidences that have been made and presented in this court, doe, by what is presented to vs, see that Mr. Wheeler, as attourney to Page, hath not sufficiently proved his debt due to Page from Mr. Harris; and Wheeler being in Court and speaking litle in the case, and makeing no allegations to clear up the righteousness of his case, and Mr. Page not appearing before this Court to make any answer, this Court doe therefore upon good considerations see reason to order or grant liberty to Mr. Harris to reveiw his action with Mr. John Page, at the next county court in New London, or to proceed by way of appeale at the next Court of Assistants, and so to proceed in law *to a comon* to a farther hearing; and the order of this Court, October last, that that estate that was levyed by execution and the quality of that estate not yet altered, the same should be continued in the hands where it is, and secured to answer what judgment shall be recovered by sayd Harris in his farther prosecution.

The Court is adjourned till the Gov^r or Dept. Gov^r call them together.

* Priv. Controv., II. 154-161. See p. 190, *ante*.

[The following acts and orders of the May Court were omitted from the Colony Record. They are found, entered in course, among the manuscript additions to the first book of Colony Laws (of 1673), in copies in the State Library and Library of Yale College.]

An Act for preventing of fraud concerning Horses.

Forasmuch as notwithstanding all former lawes and orders which have been made to prevent deceit and evill dealeing which hath been used in takeing up, marking and conuaying away of horses and horse kind out of this colony, to the great loss and damage of the inhabitants, and for that as yet the euill is not suppressed, It is therefore ordered by this Court and the authority thereof, [that] there shall be a certain place or places appoynted in each plantation of this colony which shall be deemed publique for the reception of all such horse kind as are to be marked and branded [with] in the limits of euerie township. And if any person or persons shall contrary to the towns order or without liberty or license from the towne or county court erect, make, set up, or cause to be made, erected or set up any pinfold, pound [place] or places either publicly or priuatly within the limits of this colony, for the marking of any horss kind, shall pay for euerie such transgression tenn pownds, the one halfe unto the complayner which shall prosecute to effect and the other halfe to the county treasury; and he or they shall demolish the said pinfold, place or places, at their owne cost, which shall be made contrary to this order.

If any person or persons be found or known to mark any horsekind in any such place or places hereby prohibited or elsewhere, without the brander, shall for euerie such offence pay tenn pownds or suffer corporall punishment according to a law provided for that purpose, May, 1681, the said fine to be the one half to the prosecutor and the other to the county treasury.

It is also ordered that each towne shall appoynt [one] brander [or] more as they [shall] have occassion in each towne, and that the brander or branders make and keep a true record of all such horss kind which shall be presented to them, viz. of the person clayming, and naturall and artificiall marks and the age and colour as neer as they may, entering the same in one booke in each plantation, and shall affix the towne brand upon euerie such beast which shall be orderly presented to him, for which branding and entering he shall haue six-pence per head, and for euerie mile he goes out of the towne vpon the s^d service he shall haue two pence out and two pence home.

It is allso ordered that no person or persons shall haue legall right to any horsekind but such as are marked and

branded and entered as aforesaid, except such as are already marked and branded, the owners of which haue hereby liberty within two moneths after the publication hereof to make entry of the same, by approbation of the ciuill authority of the towne and two of the selectmen; and such as are not marked or branded that are about two yeares old, the owners of such as can to satisfaction of the ciuill authority of the towne and two of the townsmen make out their right, haue liberty vntill the last of March next to procure, marke, brande and enter them according to this order; and all other after that time that are about the said age of two yeares shall be taken vp and dissposed of for the county treasury. And all horse kind vnder two yeares ould that are presented to be branded, the right of the claymers to such horss kind so presented shall be determined by the brander, who shall be sworn to the faithfull discharge of his office.

It is also ordered that the brander shall keep a record of all such coppys of enteries which he shall or may from time to time giue vnto any person, which coppys shall be certificates whereby the owner may dispose or transport the horse or horses which the s^d certificates shall mention, and be in stead of toleing; for which certificat the brander shall haue lower pence. This order respects onely such horse kind as are to be transported out of the colony; but if any person or persons shall presume to ship, conuay or transport any horss kind out of this colony without the sayd certificate, shall forfeit for euery such beast which they shall ship, transport or conuay away as aforesayd, the s^d beast or beasts and the sume of twenty pownds, the one half to the complayner which shall prosecut to effect and the other to the county treasury.

The Branders Oath. You A. B. being chosen brander for the towne of C. doe swear by the name of God that you will [be] true and faythfull in the discharge of your office as brander, [to brand] and make true enteries and keep a clear record of such horss kind as shall be presented [un]to you, according to law, so to be branded and entered, and that according to the best of your skill, without fauour or affection, shall giue judgment to the right of the claymer of such horse kind that are vnder two yeares old as shall be presented vnto you for that end; and shall giue true coppys of your enteries vnder your hand when demanded, and keep a record also of the coppys or certificates you giue from time to time; So help you God.

Addition to the law Title Strayes, fo. 64.

It is ordered, that all horse kind which are taken to be

strayed from the owners, which are marked and branded, they shall be cryed in each towne of the county where the sayd stray is tacken; and if any of this colony townes brand be on the s^d stray it shall be cryed in that towne also.

[182] A SPECIALL COURT HELD AT HARTFORD, JULY 6, 1686,
P^r ORDER OF THE GOV^r.*

Major Rob. Treat Esq^r, GOV^r.

James Bishop Esq^r, DEPT GOV^r.

Major Nathan Gold,	Mr. Jn ^o Wadsworth,
Major John Tallcot,	Capt. James Fitch,
Capt. John Allyn, <i>Sec^y</i> ,	Capt. Sam ^l Mason,
Mr. W ^m Joanes,	Capt. Benj. Newbery,
Major John Nash,	Capt. Sam ^l Tallcot,
Mr. Andrew Leet,	Capt. Giles Hamlin.

Deputies.

Mr. Ciprian Niccols, Ens. Nath. Standly; for Hartford.
Mr. Henry Woolcot, Mr. Jn^o Loomys; for Windsor.
Capt. Jn^o Chester, L^{nt} James Treat; for Wethersfeild.
Capt. W^m Lewes, Capt. Jn^o Stanly; for Farmington.
L^{nt} Nath. White, Ens. W^m Cheeny; for Midleton.
George Gates, for Haddum.
Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Haven.
Capt. Sam^l Eales, Capt. John Bird; for Milford.

* Edward Randolph had lately returned from England, (May 14th,) bringing with him the commission of Joseph Dudley as President of the Council to whom the government of Massachusetts, New Hampshire, Maine, and the Narragansett country (King's Province,) was now entrusted. Randolph himself was a member and, by special commission, constituted "Secretary and sole Register" of the Council. The Massachusetts General Court was dissolved (May 21st), and the new President and Council had entered upon their government. The Massachusetts charter having fallen, that of Connecticut was the next object of attack; for "his Majesty intends," wrote Randolph, "to bring all New England under one government." At his solicitations, and on charges preferred by him to the Committee of Trade and Plantations, writs of Quo Warranto had been issued against the Governors and Companies of Connecticut and Rhode Island, and entrusted to him, to serve. (See Appendix, Nos. LXV-LAIX.) On the 27th of May he wrote to Gov. Treat and Council, informing them that he had two Quo Warrantos against the Colony, and advising them, by a timely submission and surrender of their charter, to anticipate the actual service of the writs. On the receipt of this letter, Gov. Treat called a special session of the General Court. See his letter to Gov. Dongan, July 3d, in Appendix, No. LXXII.

Mr. Tho. Yale, for Wallingford.

Mr. W^m Maltby, L^{nt} Eben. Stint; for Brandford.

Deacon W^m Johnson, Deacon Jⁿ^o Grave; for Guilford.

L^{nt} Eben Johnson, for Derby.

Mr. John Bur, for Fayrefield.

Mr. Rob^t Lane, Mr. Joseph Curtice; for Stratford.

Capt. John Minor, for Woodbury.

Capt. Jⁿ^o Silleck, L^{nt} Jona. Bell; for Standford.

Sam^l Hayes, for Norwalk.

Mr. Benj. Brewster, L^{nt} Tho. Leffingwell; for Norwich.

Mr. W^m Measure, Capt. Scill; for Lyme.

Mr. Edw. Griswold, for Kenilworth.

Mr. John Chapman, for Saybrook.

The Governo^r having acquainted the Gen^l Court what the Councill hath done at their meeting, June 11, 1686, in reference to the letter they wrote to Mr. Randolph &c., the Court by their vote declared that they allowed and approved of the same.*

This Court considering the state of affayres, doe see it necessary that an humble address be drawn up and presented to his Mat^{ie} in the name and behalfe of this Assembly, to beg the continuation of his Mat^{ies} favoure towards vs, in the continuance of o^r liberties and priviledges formerly granted to vs by Charles the Second of blessed memory; and for such other favoures as may be judged needfull for vs to petition; and this Court leave it with the Governo^r and so many of the Assistants as can convene together to be a committee in behalfe of this Court to prepare and draw up the address in behalfe of this Court to his Mat^{ie} o^r Sovereigne Lord James the Second &c., to signe it in the name of the Governo^r and Company, and to take order for the convayance of it to his Mat^{ie} (and to be at some reasonable expence for the safe doing of the same, if it be needfull, or cannot be done without it.)

Capt. Rob^t Chapman being chosen Com^r for Saybrooke, the last Court, this Court grants him magistraticall power throw-

* The letter from Randolph to the Governor and Council, will be found in the Appendix, No. LXX,—reprinted from Documents relating to the History of New York, Vol. III. p. 368. No copy of the Council's reply has been found.

out the county of New London, and appoynt Mr. Edward Griswold to administer the oath to him.

Mr. Andrew Lect is confirmed Captain of Guilford Traine Band, and Mr. Josiah Rosseter Ensign of the sayd Traine Band.

The Address to his Mat^{ie} is as followeth:—

To the most high and mighty Prince, James the Second, of England, Scotland, France & Ireland, King, Defender of the Fayth, &c.

The humble Petition and Address of your loyall subjects, the Gov^r and Company of your Mat^{ies} Colony of Conecticut, humbly sheweth.

That whereas we are informed that there is a Quo Warranto emitted against this your Mat^{ies} Colony of Connecticut, not yet com to o^r sight, we have taken this opportunity to prostrate o^rselves upon our bended knees at your Mat^{ies} feet, most humbly begging your Mat^{ie}, out of your great compassion and princely grace, freely to pardon and remit all such mistakes or faylures in o^r management of that power and trust of Government committed to vs, (which upon the first intimation we are ready to reforme,) in and by his late Mat^{ie} of blessed memory, Charles the Second, his Royall Grant to vs, bearing date Aprill 23^d, in the fowerteenth year of his reigne, and graciously continued by your Mat^{ies} Proclamation, [as] have proceeded rather from want of a right understanding in law than otherwise; and that your Mat^{ie} would graciously be pleased still to continue this your Mat^{ies} Colony, happy in the full and free injoyment of all o^r liberties and properties as formerly, and by your Royall comand recall the writ of Quo Warrantoe forementioned.

[183] For, may it please your Mat^{ie}, though we are a poore, yet a loyall people, very unwilling to doe any thing which may be unpleasant to o^r Sovereigne; for we are resolved through the assistance of allmighty God to approve o^rselves your Mat^{ies} most dutifull subjects, as we have been to your Mat^{ie}'s Royall predecessors (which, if we misstake not,) to our commendation was asserted by our late Sovereigne, your Mat^{ie}'s most dear brother.

Dread Sovereigne, We humbly beg and earnestly beseech your Mat^{ie} to continue us an intire Province or Government, within o^r known bownds and colony limits, which we conceive will be most for the proffit and health of your Mat^{ies} subjects here inhabiting, and the contrary (no doubt) will be very prejudiciall to them, which may easily be evinced by good rea-

son, and therefore hope to obteyn your Maties favoure and protection therein.

Great Sr, We desire and humbly pray your Matie's favoure that we may still be continued* in and enjoy o^r Christian liberties, without any interruption from any other.

Most Gracious Sovereigne, We beseech your Matie we may find grace in your sight and receive a gracious answer to this o^r humble addresse, that we may experience that in the light of the King's countenance is life, and his favour is as the clowd of the latter rayne; and we shall not cease to pray the God of Heaven, whoe is the King of Kings, to save, bless and prosper your Matie.

We are your Maties loyall and dutifull subjects, The Governo^r and Company of this your Colony of Conecticut,
Hartford, July 6, 1686.

Rob^t Treat, Gov^r.

Signed by order of the Court,

p John Allyn, Sec^{ry}.

This Court is adjourned till the Gov^r or Dept. Gov^r see cause to call them.

A GENERALL COURT HELD AT HARTFORD, JULY 28, 1686.†

Major Rob^t Treat Esq^r, Gov^r.

James Bishop Esq^r, Dept. Gov^r.

Major Nathan Gold,	Mr. Andrew Leet,
Major John Tallcot,	Capt. James Fitch,
Capt. John Allyn,	Capt. Benj. Newbery,
Mr. W ^m Joanes,	Capt. Sam ^l Mason,
Major John Nash,	Capt. Sam ^l Tallcot,
Mr. John Wadsworth,	Capt. Giles Hamlin.

* 'Confirmed,'—in original draft, in For. Corresp. I. 37.

† The two writs of Quo Warranto were served by Randolph, by delivery to Major Tallcott and Secretary Allyn, at midnight, July 20th or 21st. The writs were dated, July 8th, 1685, and returnable, the first "in eight days of St. Martin," (at Michaelmas Term), and the second, at Easter term, following. (See Appendix, Nos. LXXIII-LXXV). The time of appearance had now passed; passed, in fact, before Randolph landed in New England. His knowledge of this fact accounts for the earnestness with which he urged upon the Governor and Council the expediency of submission and a surrender of the charter, *before service* of the writs; and for his "resolve, instead of serving his Quo Warranto, to report as a private gentleman, lineally, that he hath such a thing," and then to construe the Council's acknowledgment of the receipt of his letter, as an admission of service, and "sufficient to justify him at Whitehall, without any further serving." (See Gov. Treat's letter to Gov. Dongan, July 3d, in Appendix, No. LXXII).

[184]

Deputies are—

Ens. Nath. Standly, Mr. Ciprian Niccols ; [*for Hartford*].
 Mr. Henry Woolecot, Mr. John Loomys ; for Windsor.
 Capt. Jn^o Chester, L^{nt} James Treaté ; for Wethersfeild.
 Major Edw. Palmes, Mr. Dan. Witherell ; for N. London.
 Capt. Moses Mansfeild, L^{nt} Abram Dickerman ; for N. Haven.
 Capt. Sam. Eales, Capt. John Beard ; for Milford.
 Mr. John Bur, for Fayrefeild.
 Mr. Benj. Brewster, L^{nt} Tho. Leffingwell ; for Norwich.
 Mr. Joseph Curtice, for Stratford.
 Mr. Tho. Yale, for Wallingford.
 Mr. Georg Gates, for Haddum.
 Mr. W^m Maltby, L^{nt} Ele. Stint ; for Brandford.
 Deacon W^m Johnson, Deacon Jn^o Grave ; for Guilford.
 Sarj. John Plat, for Norwalk.
 L^{nt} Eben. Johnson, for Derby.
 Mr. W^m Measure, Capt. Jos. Scill ; for Lyme.
 Sarj^t Jn^o Chapman, for Saybrooke.
 Capt. W^m Lewes, Capt. Jn^o Standly ; for Farmington.
 L^{nt} Nath. White, Ens. W^m Cheeny ; for Midleton.

[183] This Court by their vote declared that they judge it necessary, and accordingly doe order and agree, to appoynt an Agent to be impowered by this Court to manage or affaires in England, according to such orders and directions as shall be granted to him by this Court, or such as they shall appoynt.*

On the 26th, the day before the meeting of the Court, Gov. Treat received a private letter from President Dudley, (Appendix No. LXXVI,) urging the importance of immediate action, to secure the annexation of Connecticut to Massachusetts and the Eastern provinces rather than to New York, in the event of a new mod-elling off all the northern governments from Pemaquid to New York, which was "probable to have a sudden and lasting dispatch."

Some minutes of the proceedings of the Court at this session, will be found in the Appendix (Nos. LXXVII, LXXVIII,) from the originals, in Miscellaneous Papers, I. 13, 14.

*August 24th, the Governor and Council executed a letter of attorney to their "trusty and well beloved friend, Mr. William Whiting, of London, merchant," to appear in their behalf &c., to present the petition and address to the King for a stay of further proceedings, and if need be to make such apology and just defence of the charter, at or before the judges of the King's bench or other court, as his Majesty's writs oblige, &c. For. Corresp. II. 8. The instructions to Mr. Whiting for the management of his agency are in the Appendix, No. LXXXIII.

Mr. Whiting was the eldest son of William Whiting, one of the early settlers of

This Court by their vote agreed that our agent should certify his Mat^{ie} of the time when we received the Quo Warranto &c., and humbly to present o^r petition to his Mat^{ie}* for his grace and favoure to vs in continuance of o^r properties, liberties and priviledges, both civill and ecclesiasticall, as formerly we have enjoyed them, as an intire Province and Colony ; and that he would graciously be pleased to put a stop to farther proceedings against vs in law. If the above petition be not granted by his Mat^{ie},

This Court by their vote agreed, that a second Address to his Mat^{ie} be presented, humbly to beg for the injoyeing of our priviledges and liberties conferred upon vs by o^r late Sovereign, Charles the Second, of happy memory, humbly submitting o^rselves to such regulations as his Mat^{ie} shall thinke fitt.† The foregoing parahgraffe is by this Generall Court ordered to be null, and a vacat is hereby put to it.

This Court desire his Mat^{ie} may be humbly and fully informed that the divideing of this Colony would be very prejudiciall to his Mat^{ies} subjects here inhabiting, and be greivous to the generality of the good people, and therefore if it be his Mat^{ies} pleasure not to grant o^r former request and to shew such grace unto vs as to continue us a distinct society and body politique, that he would please so to dispose of vs, that [184] this whole Colony may be || under one goverment‡ and be continued in the full enjoyment of our properties and estates, both in houses and lands granted to the good people here by the Generall Court of this Colony, from our first inhabiting to this day ; and that o^r religious liberties be continued to vs.

This Court findeing ther is a necessity of rayseing some money for the present occasions of the country, to manage

Hartford, (a prominent merchant, one of the magistrates, and treasurer of the colony from 1641 till his death, in 1647). The son followed the profession of his father, went to England and established himself as a merchant, in London. He died in 1699. (Goodwin's Geneal. Notes, 330.) His brother, Capt. Joseph Whiting, was at this time treasurer of the colony.

* Appendix, No. LXXXIV, (from For. Corresp. II. 9.)

† Appendix, No. LXXXVI, (from For. Corresp. II. 11.)

‡ Appendix, No. LXXXV, (from For. Corresp. II. 10.)

their affayres, doe grant a rate of a halfe penny upon the pownd of all the rateable estate of the colony, according to the list of estates presented October last to the Court, to be payd in wheat at fower shillings p bush., pease at three shillings p bush., Indian corn at 2^{sh} p bush., and rye at 3^{sh} p bush. And whosoever shall pay one halfe of the rate in money, it shall goe in leiw of his whole rate. This to be gathered forthwith upon the publishing of this order by the constables in the respective plantations, and dissposed according to the Treasurer's order; and they to make up their accot^s with the Treasurer by the first of September next; and no debts are to be set off, in this rate. And if any constable shall neglect to gather and make payment of his rate, according to order, he shall be lyable to answer what he shall neglect to gather, out of his own estate, and to be levyed upon it by execution p the Marshall.

This Court doth desire and impower the Governo^r and so many of the Assistants as shall conveen upon the Gov^r or Dept. Gov^{rs} order, provided there be allwayes seven at least, to be a Comittee in behalfe of this Court, pursuant to the former orders of this Court, to procure an Agent, to go from hence or otherwise, to appeare before his Mat^{ie} in our behalfe; and to impower him with letters of attourny to appear as o^r agent before his Mat^{ie}; and to draw up an Address or Addresses to his Mat^{ie}, and such directions and instructions as may be convenient for him; and generally, to doe whatsoever may be judged necessary for the prosecution of o^r affayres in England, and in preparation thereto and prosecution thereof; and that the Governo^r and Secretary signe such publique writing as shall be necessary to be signed, in name and behalfe of the Generall Court.

This Court by their vote did declare that if so be there be case of necessity, the Agent may have instructions in behalfe of this Colony to accept and submit to such regulations as his Mat^{ie} shall thinke fitt.

[185] A SESSION OF THE GENERALL COURT HELD AT HARTFORD, OCTOBER 14, 1686.

Rob^t Treat Esq^r, Gov^r.

James Bishop Esq^r, Dep. Gov^r.

Major John Tallcot,

Mr. Andrew Leete,

Capt. John Allyn,

Capt. Benj. Newbery,

Mr. W^m Joanes,

Capt. Sam^l Tallcot,

Major Jn^o Nash,

Mr. Giles Hamlin.

Mr. John Wadsworth,

Deputies.

Ens. Nath. Standly, Mr. Ciprian Niccols; for Hartford.

Mr. Henry Wolcot, Mr. John Loomys; for Windsor.

Capt. John Chester, L^{nt} James Treat; for Weathersfeild.

Mr. John Bur, for Fayrefeild.

Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Haven.

Capt. W^m Curtice, Ephraim Stiles; for Stratford.

Mr. Edward Griswold, for Kellingworth.

Mr. W^m Measure, L^{nt} Abram Brunson; for Lyme.

Capt. W^m Lewes, Capt. Jn^o Stanly; for Farmington.

Mr. Ben. Brewster, L^{nt} Tho. Lefingwell; for Norwich.

Mr John Moss, for Wallingford.

L^{nt} Eben. Johnson, for Derby.

Mr. Georg Gates, for Hadum.

Mr. James Avery, for N. London & Stonington.

Capt. Sam. Eales, Capt. Jn^o Beard; for Milford.

Sarj^t Jn^o Platt, Christo. Comstack; for Norwalk.

L^{nt} Jonath. Bell, Joshua Hoyt; for Standford.

Deacon W^m Johnson, Deacon Jn^o Grave; for Guilford.

Sarj^t John Chapman, Mr. W^m Dudley; for Saybrook.

Mr. W^m Maltby, L^{nt} Eli. Stent; for Brandford.

L^{nt} Nath. White, Rob. Warner; for Midleton.

Capt. Jn^o Minor, L^{nt} Jos. Judson; for Woodbury.

The Dept. Gov^r, Capt. Sam^l Tallcot, Mr. John Bur and L^{nt} Tho. Lefingwell are appoynted to audit the acco^{ts} with the Treasurer as soon as conveniently they may.*

* A statement of the Treasurer's accounts for October, 1685, audited by the same committee, is in Appendix, No. LXI. That of 1686 is not preserved.

Those nominated for election in May next are Mr. Samuel Willys, Mr. Samuel Sherman, Mr. John Bur, Capt. Moses Mansfeild, Capt. Samuel Eales, Capt. John Chester, Mr. Withereil, Mr. Henry Woolcot, besides the Gov^r, Dept. Gov^r, and present Assistants.

This Court doe order Mrs. Collins and her estate to be left out of the list this yeare.

Sarj^t Whithead and Joseph Moss haveing lost their houseing and great part of their substance by fire, this Court remitt their country rates for this yeare.

The List of the Persons & Estates are—

Persons.	Estates.	[Persons.]	[Estates.]
205 Fayrefeild,	£.11184.0.0	083 Saybrook,	05716.0.0
269 Hartford,	17184.0.0	039 Derby,	01893.0.0
270 Windsor,	15255.0.0	Norwich,	07440.0.0
160 Milford,	09565.0.0	043 Haddum,	01947.0.0
069 Wallingford,	03366.0.0	080 Stoneington,	04794.0.0
046 Brandford,	03110.0.0	064 Woodbury,	02947.0.0
062 Lyme,	03647.0.0	130 Midleton,	05500.0.0
036 Kellingworth,	02412.0.0	108 Farmington,	06496.0.0
303 New Haven,	15426.0.0	189 New London,	10719.0.0
110 Stratford,	07692.0.0	104 Standford,	04831.0.0
107 Guilford,	06342.0.0	065 Greenwich,	02123.0.0
085 Norwalk,	04895.0.0	213 Weathersfeild,	13145.0.0

Mr. Thomas Yeale is confirmed Ensigne of Wallingford Traine Band.*

John Kelsy is confirmed Ensign of the Traine Band of Kellingworth.†

Mr. Jonath. Bull is confirmed Ensigne of Hartford Train Band.‡

Mr. Dan. Witherly is confirmed Livetenant of New London Traine Band.§

Nath. Stevens, John Collins, Steven Dod, of Guilford; Mr. Nath. Lines, John Bushnel, ¶ W^m Bushnel, Samuel Bate and Tho. Spencer, of Saybrooke; were presented for freemen.

[186] In answer to Mr. Thomas Harris his petition,** this

* Militia, I. 14.

† Id. 15.

‡ Id. 17.

§ Id. 16.

¶ Read, Nathaniel Lynde, Joshua Bushnell. Civil Officers &c. I. 21.

** Priv. Controv. III. 159.

Court refer him to the former order of this Court, and what he hath recovered by judgment of Court, the clark to grant execution according to law and former order of this Court.

In answer to the petition of sundry of the principle inhabitants of Brandford,* that this Court would favour them with liberty to embody themselves in church order, this Court doe declare their great readiness to encourage so good a worke, and doe accordingly grant their desire, they attending order in their proceedings, with the concurrence of neighbour churches; and desire the presence and blessing of God to accompany and succeed their endeavours, so as may be for God's glory and the good of his people.

This Court appoynts Deacon Stephen Hosmor and John Bigelo to lay out to Mr. Tho. Buckingham a grant of land, according to his grant.

Capt. Minor presented an agreement of the town of Woodbury, dated October 8, 1686, concerning the way of their rateing for ten yeares next coming, which this Court aproves and confirms, and order the Secrety to incert the same under the writing.

In answer to the petition of Mr. Simon Woolcot, Mr. Job Drak Sen^r, Mr. John and Samuel Woolcot and Job Drake Jun^r,† that this Court would declare judgments and resolutions upon y^s case following, viz. where those lands given by

* "A Towne meeting in Branford, Octobr 11th, 1686. The Towne haue unanimously agreed to make their application to the generall court at Hartford, this instant Octobr, for liberty to embody into a church estate, and they doe desire Captⁿ Topping, Mr. Samuel Russell, Mr. Wm. Rosewell, Mr. Edward Barker, Ensgⁿ Thomas Harrison, Danⁿ Swain, Mr. Wm. Maltbye, Wm. Hoadly and Eleazer Stentt, or the major p^t of them to prepare what may be needfull to present to the generall court, and make presentment thereof in the behalfe of the towne, for the attaining the end afoarsaid.

Compared with the records of Branford, per Eleazer Stentt, Record^r."

The petition, dated Oct. 12, 1686, is signed by Tho. Topping, Wm. Rosewell, Edward Barker, Thomas Harrison, Daniel Swaine, Eleazer Stentt and Wm. Maltbie. Ecclesiastical, I. 84, 85.

† Towns & Lands, I. 245. The petitioners state that "by reason of an omission in the wills of" their father and grandfather, Henry Wolcott Jr. and Sen., "in which said instruments they did neglect or forget to insert the word *Heirs*," they or their successors are likely to be disturbed in the possession of the estates devised to them. They ask the Court to revise the said wills and "to enact either in general or to our particuler case now presented, that which may be a quietus to our estates of inheritance to us and ours after us." This petition apparently led to the enactment of the general law which immediately follows in the record.

the late Worp^d Henry Woolcot Sen^r and the late Worp^d Mr. Henry Woolcot Jun^r, his son, deceased, as the will expresseth it, doe belong to the persons mentioned only, or whither it belongs to them and their heires forever: This Court haveing seriously considered it, doe determine that the bequeathments of land in this Colony made by the sayd Mr. Henry Wolcot Sen^r and Jun^r, to the respective legatees mentioned in their will doth and shall belong to them, their heires and assignes forever.

This Court findeing that in distribution of lands to legatees by county courts, there is a neglect in not mentioning that the sayd lands shall belong to them, their heires and assignes forever, therefore it is by this Court declared that it is their intendments that all lands disposed by courts in distributions of estates in land to legatees, though it be not perticularly mentioned, yet it is allwayes intended according to o^r custome and hereby ordered, that it shall belong to the sayd legatees and their heires and assignes forever.

Those propowded for freemen, May last, were accepted by this Court and to be sworn by the respective commissioners where they live.

The Committee for the laying out of the bownds between Standford and Greenwich, and Standford and Norwalke, made return of what they had done; which this Court approved of, so as it doe not goe beyond dividen between this Colony and Yorke; which return is to be recorded.

This Court confirms what the committee did in laying out Woodbury and Waterbury bownds; which return is to be recorded.*

This Court orders that Standford shall pay halfe the charg for the runing of the line between them and Greenwich and Norwalk, and Greenwich and Norwalke to pay the other halfe.

The Govern^r haveing acquainted this Court wth what he and the Councill hath don in refference to what is left with them by the Generall Court, July last, in refference to En-

* The survey of Woodbury bownds, by John Standly and Ebenezer Johnson, dated June 4th, 1686, is in Towns & Lands, I. 231. Another return, by the same committee, with a re-survey of the west line, in November, 1714, is recorded in Col. Rec. of Deeds, Patents &c. III. 137.

gland, the Court by their vote declared they approved of the same.*

[187] This Court impowers the Govern^r, Dept. Gov^r and Assistants, so many of them as shall convene upon the Gov^r or Dept. Govern^{rs} order, to be a committee in behalfe of this Court to act and transact such necessary occasions of publique concernment as shall fall in, in the intervalls of the Gen^l Court.

This Court being well acquainted with the ability, skill and knowledg of Mr. Gershom Bulckley, in the arts of phissick and chirurgery, doe grant him full and free liberty and license to practice in the administration of phissick and chirurgerie as there shall be occasion and he shall be capeable to atend.

Whereas this Court, May last, appoynted a comittee to endeavoure to comprimise the difference between Norwalke and Fayrefeild about their bownds &c. as is expressed in their order, which hath not been attended hitherto, this Court doth therefore desire the afoarsayd committee to proceed to an issue of that affayre forthwith.

This Court grants power to Mr. Daniel Witherell, Mr. Benj. Brewster and Mr. John Pickett to make sale of so much land of Mr. Charles Hill's deceased,† as is necessary to be sold to answer his debts, and to give legall deeds for the same.

This Court grants the Treasurer and the administrators of Mr. Crowe's estate, Mr. Richard Lord and Mr. Gilbert's estate, power to make sale of the land assigned to the country, and their p^rdecessors, for a debt due to them from Thomas Hubbard's estate, and to make legall deeds for the same. The land lyes in Midleton.

This Court apoynts Sarj^t John Wells and Benjamin Churchall to lay out to Mr. James Treat his former grant of land, according to his former grant.

Whereas, Mr. John Crow in his life time made sale of

* See Appendix, Nos. LXXIX-LXXXVI.

† Mr. Charles Hill, "son to George Hill, of Barley, Derbyshire, England, Esq." was a merchant, at New London. He died, October, 1684. His first wife was a daughter of Mr. Jonathan Brewster, and widow of John Pickett, of New London. Hist. of New London, 307, 308.

a third part of a corn and saw mill, with some land, and a deed being made for the same which was neglected to be signed by him [*in*] his life time, This Court doe therefore impower his administrators to sign the sayd deed.

This Court grants a rate of one penny upon the pownd of all the rateable estate of this colony, to be payd one third in wheat, winter wheat, 4^sh 6^d p bush., sumer wheat, fower shillings p bush., one third pease or ry, at three shillings p bush., one third in Indian corn or porck, porck three powns a barell, and Indian two and sixpence a bushell. And if any will pay halfe wheat and halfe Indian for their rate, it shall be accepted: all to be good and merchantable: or two thirds in money.

In answer to the petition of the Podunck Indians, this Court doe nominate and appoynt Major John Tallcot, Capt. Benj. Newbery and Capt. Sam^l Tallcot to be a committee in behalfe of this Court, to examine the rights of the land at Podunck, to whom it doth belong, and to present it to the Court their next session; and in the mean time to prevent all sales of any of those lands, till the matter be farther considered and settled by this Court.

This Court grants the Governo^{rs} sallery to be eighty pownd for this yeare.

This Court grants the Dept. Governo^{rs} salery to be forty powns for this yeare ensueing.

This Court grants Mr. Joanes a sallery of tenn powns for the year ensueing.

This Court grants the Secrety's salery to be twenty powns for this year ensueing.

This Court grants the Treasurer for his sallary, twenty powns for this year ensueing.

Capt. Clark haveing moved in behalfe of Mrs. Huit's children, that sixty powns that was payd out of their estate by Mr. Clark for a debt due from Mr. Huit to Mr. Fish, to Mr. Wells, and by the administrators of s^d Mr. Wells p^d to the Treasury of this colony, to lye for Mr. Fish his demands,* and

* Rev. Ephraim Huit, of Windsor, made provision by will for the payment of a debt of £100 to John Fish, "which he will have kept in New England." "If Henry Clarke will take it, it shall be paid in wheat now. If Henry Clarke will not, then it

none demanding it out of the colony Treasurer's hands this many yeares, they might have it: This Court doth return they canot see it safe to let the mony be otherwise dissposed at present, especially because this Court are informed that ther is a nephew of Mr. Fish's that doth demand it.

[188] Whereas part of Mr. Brewster's land lyeth between New London and Norwich line;* but in that Norwich deeds from the natives takes it in, and the Generall Court many yeares since stated Mr. Brewster to Norwich, this Court grants and orders Norwich Patent to joyne New London line from Mohegan river two miles to the corner tree at Robert Allyn's.

Upon the petition of Mr. Tho. Parkes, Thomas Tracey, Tho. Rose, and sundry others, that they may have liberty to erect a plantation on the east side of Norwich bownds and on the north side of New London and Stonington bownds,† this Court considering their petition and the great difficulty they have to attend the worship of God in the places where they at present attend, doe see great reason to encourage them, by a favourable answer of their desires; but being unacquainted with the country, and what may be sufficient for them for bownds, doe order that Capt. John Allyn, Capt. James Fitch, Capt. Samuel Mason and Capt. James Avery, or any three of them, do forthwith veiw what may be convenient for a plantation; and if seven mile square, or the quantity of it, will be a suffi-

must be kept, as the rest of the town money is." (Col. Rec. I. 460, 461). Mr. Huit died, Sept. 4, 1644. It appears that £60 of the debt to Mr. Fish had been paid by the heirs of Mr. Huit to Gov. Thomas Welles, by whose administrators it was deposited in the treasury of the colony.

* Mr. Benjamin Brewster's farm on Poquetannock brook, granted him by the General Court, May, 1668, was laid out in 1669, at a place called 'Wisquades,' with a parcel of meadow "upon a brook or place called Wochsquammugguck." Col. Rec. I. 90, and Col. Rec. of Lands, I. 308. It was near the (present) line between Preston and Ledyard.

† This petition for the grant of a plantation which was afterwards incorporated as the town of PRESTON, is signed by Thomas Parke Sen. and Jun., Thomas and Jonathan Tracy, Hugh Amos, Jonathan Rudd, Caleb Fobes, John Amos, John Rude, Peter Branch, Joseph Morgan, Thomas Rose, Daniel Brewster, Nathaniel and John Parke, Charles Williams, Jonathan Gere, Edward Litill, and James Smith. The petitioners state that by the settlement of New London and Norwich bounds, they are left without either township, remote from any place of public worship; they are distant from New London, fourteen miles, and six or seven miles from Norwich, the way to either place being dangerous in winter, by reason of the River. Towns & Lands, I. 228, 229.

ciency for a plantation, they may lay it out to them, and make return to the Govern^r, who may grant them a pattend for the same; and this Court will be ready to grant them the priviledg of a plantation, when they shall be arived to such a capacity as to mayntayne a minister. And the afoarsayd Gentⁿ are appoynted by this Court to encourage them what they may, and to assist them by their councill and advice how to state their township and where to place their meeting house. And till they shall be capeable and doe procure a minister to cohabit and setle amongst them, those upon the place shall pay their rates to the ministry according to law.

Major Tallcot and Capt. Allyn having made return to this Court that the makeing of a drain throw the swamp on the east side of the great river in Windsor, will be much for the publique advantage of the publique and of all the proprietors interested in those lands between the uplands and meadows, doe see cause to order and appoynt that the proprietors doe forthwith apply themselves to make a ditch or drean through their severall land, the bredth of their severall lotts, from Podunck River throughout the whole feild, according as shall be appoynted by Capt. Benj. Newbery, Mr. Henry Wolcot and Mr. John Porter; and if upon the finishing of the worke, there shall appeare to be any oppression to any perticular person, that his charge shall be more than his neighbour and his benefit lesse, Major Tallcot and Capt. Allyn are to issue all and every such difficulty as shall be presented to them, according to their best judgment; and if any shall neglect to go about their worke and accomplish it, the foresayd Gentⁿ and comittee with him are impowered to hire men to doe the dreane, which shall be payd according *which shall be payd according* as Major Tallcot and Capt. Allyn shall appoynt.*

This Court appoynted a publique day of Thankesgivinge to be kept throwout this Colony, the last Wednesday in this moneth, a cobby whereof is on file.

The Court left it with the Govern^r to appoynt a pub.

* "Which notwithstanding, through some omissions was neglected, and the thing not done." Petition of the Proprietors, 1711,—in Towns & Lands, II. 269.

day of humiliation, which is to be signed by the Secretary in the name of this Court.

The Court is adjourned till the Gov^r or Deputy calls it.

[189] A SPECIALL GEN^l COURT HELD AT HARTFORD, JANUARY 26, 1686.*

Major Rob^t Treat Esq^r, Gov^r.

James Bishop Esq^r, Dep. Gov^r.

Major John Tallcot,

Capt. Benj. Newbery,

Capt. John Allyn,

Capt. Sam^l Tallcot,

Mr. John Wadsworth,

Capt. Giles Hamlin.

Capt. James Fitch,

Deputies.

Mr. Ciprian Niccols, Ens. Nath. Standly; for Hartford.

Mr. Henry Woolcot, Mr. John Loomys; for Windsor.

* Sir Edmund Andros, commissioned (June 3d, 1686,) "Captain General and Governor in Chief in and over the Colonies of Massachusetts Bay and New Plymouth, the provinces of New Hampshire and Maine, and the Narragansett Country or King's Province," landed at Boston on the 20th of December, and published his commission the same day. On the 22d, he despatched special messengers to Rhode Island and Connecticut, with letters to their governors, announcing his arrival, and that he was authorized by the King to receive the surrender of the charters of those colonies, "if tendered" by them (Appendix, No. LXXXVIII; R. Island Rec., III. 219). At the same time with the letter from Andros, Gov. Treat received one from Randolph, urging him to avail himself of the only "door yet open," by "an early application to his Excellence" to be annexed to his government, and informing him that a third writ of Quo Warranto had been issued against the colony, returnable at the Hilary Term, (Feb. 9th). A letter from the under sheriff of London, enclosing the writ, was delivered to the Governor by the same messenger (Dec. 28th). A special session of the Court was thereupon convened. The emergency was pressing, and called for prompt and decided action: yet nothing appears upon the record to indicate that the session was one of more than ordinary interest, and the only reference to "affairs in England and the last Quo Warranto" is in the order that leaves to the Governor and Council, all "that shall be necessary to be done." It was at this session, however, that the letter to the Secretary of State was ordered and approved which was afterwards construed, by the enemies of the colony, as a voluntary surrender of the charter. No copy of this document is to be found in the files; it was published by Chalmers, from whose Annals it is re-printed in the Appendix (No. LXXXIX). It was sent enclosed in a letter to Mr. Whiting, who acknowledges its receipt under date of June 11th, (App. No. XCVI.)

The Court also despatched a reply to Andros's letter of Dec. 22d,—of which no copy has been found; but its tenor can be inferred from Andros's letter of Feb. 28th, (App. XCI,) and from that of the Court of March 30th, to him.

Capt. John Chester, L^{nt} James Treat; for Wethersfeild.

Capt. W^m Lewes, Capt. Jn^o Stanly; for Farmington.

Georg Gates, for Haddum.

Capt. Moses Mansfeild, for N. Haven.

L^{nt} Eben. Johnson; Mr. Abel Gunn; for Derby.

Captⁿ W^m Curtice, Mr. Ephraim Stiles; for Stratford.

Mr. John Burr, for Fairefeild.

Mr. Edward Griswold, for Kellingworth.

Deacon W^m Johnson, Deacon Jn^o Grave; for Guilford.

L^{nt} Nath. White, Robert Warner; for Midleton.

Mr. W^m Measure, L^{nt} Abram Brunson; for Lyme.

Capt. John Beard, for Milford.

Sarj^t John Chapman, Mr. W^m Dudley; for Saybrook.

Mr. W^m Maltby, for Brandford.

Mr. Joshua Hoyt, for Standford.

Sarj^t John Plat, for Norwalke.

This Court confirmes the return of the comitte who were appoynted to agree and setle matters between Derby and Mr. Hawly, which was now presented to the Court, dated Decembr 7, 1686;* and the sayd comitte are to cause the deeds in Mr. Hawley's hand for Derby to be delivered to the towne of Derby according to agreement.

This Court grants to Mr. Tho. Parkes, Tho. Tracey, Tho. Rose, with the rest of those farmers that live on the east of Norwich bownds and on the north of New London bownds, and east and north of Stonington bownds, liberty to make a plantation ther, the bownds whereof are as followeth: at Norwich south east corner tree by Thomas Rose's house, and from that tree the line to run east, abutting sowth on New London town bownds, three miles and a quarter to Stoning. bownds; then thê line to run north two miles and a halfe, abuting on Stonington bownds on the east; then turning Stonington corner tree, the line to run east, abutting sowth on Stonington bownds, five miles, and then the line runs north

† Signed by John Nash, Wm. Curtice and Samuel Eales; and recorded in Col. Rec. of Deeds &c. II. 128.

five miles to a red oak tree, and then the line runs west to Norwich noreast corner tree.*

This Court doe order and appoynt Mr. Sam^l Sherman Jun^r, Mr. Joseph Hawley and Mr. Joseph Curtice to consider what is equitable and reasonable for the inhabitants of Fayrefeild to pay to the towne of Norwalke in refference to the purchass they have made of the natives of some lands within the bownds of Fayrefeild afoarsayd.

This Court doth order and appoynt L^{nt} Moorhouse and L^{nt} Seely to lay out to L^{nt} Cornelius Hull his grant of land, according to his former grant made by this Court.

This Court recommend it to the town of Stratford to order and lay out a highway over Golden Hill, in th[e best] maner it may be from Stratford to Pa[quanuck], for a country road, and to accomplish it by th[] next, and in case they neglect it Major Na[than Gold] John Beard and Capt. Sam^l Eales are desired [] and impowered to lay it out. The way to be [] for horss and cart.†

This Court finding the last penny rate will not be sufficient to discharge the country debts, doe order and appoynt a farthen upon the pownd of all the rateable estate in the Colony to be added to the penny rate; which is to be payd in the like specia and price with the sayd penny rate.

Whereas there is due to the publique Treasury certain sums of money from sundry persons, by bill or otherwise secured to be payd to them, as is expressed in the sayd bills all ready made or to be made, this Court doth desire the Governo^r and appoynt the Secret^y in their names to assigne all such bills and sums of money to Major John Tallcot and Ens. Nath. Standly, to be improved by them for the discharge of the country's just debts, so far as is necessary; and if any overpluss remainy, the sayd Major Tallcot and Ens. Standly are to make payment thereof, or order the same to the severall countyes by equall proportion, according as the list of their estates,

* See page 220, *ante*. There is a rude plat of the proposed bounds, in Towns & Lands, I. 229.

† A small piece has been torn from the leaf on which this entry stands.

October last, will give to each, by them to be improved for the encouragment of the grañer schooles in each county town, where they are ; but in defect of such, to other schooles.

[190] It being proposed to this Court that the surrendering Indians liveing at Norwich may be removed to the north end of Norwich, upon som lands that may be provided for them, the which this Court approves ; and that they may be under the inspection of those appoynted by this Court. And the said Indians are to pay anually ten dear skinns.

This Court grants the plantations of Hartford and Winsor those lands on the north of Woodbury and and Mattatoek and on the west of Farmington and Simsbury, to the Massachusets line north, and to run west to Housatunock or Stratford River, (provided it be not, or part of it, formerly granted to any particular persons,) to make a plantation or villages thereon.*

This Court grants Weathersfeild, Midleton and Farmington all those vacant lands between Wallingford bownds and the bownds of those plantations, to make a village therein.

This Court grants the towne of Kenilworth all those lands of the north of their bownds and Guilford, and the west of Haddum bownds up to Cawgenchaug swamp,† which are not formerly granted to any township or perticular person.

* The General Court, in anticipation of the loss of the charter by a judgment on the Quo Warranto, or of being compelled to surrender it to Andros, now took such measures as were in their power to secure the colony against the future exactions of an arbitrary governor. The charter was *yet* valid, and the governor and company were empowered to dispose of all vacant lands, vesting them in the grantees by a tenure as liberal as that by which the colony now held them, and exempting the proprietors from the levy of quit-rents or any similar exaction. Patents had already been issued to the several towns, and to many individual proprietors. Debts due the colony were to be collected, and whatever surplus should remain in the treasury was to be distributed to the several towns. The grant now recorded, to Hartford and Windsor, "to make a plantation or villages thereon," (as well as that which next follows, to Wethersfeild, Middletown and Farmington,) was intended to put all the vacant lands west of the Connecticut, to the Housatonic, beyond the reach of Andros or other similarly commissioned governor. The expedient was, in its immediate results, effectual ; but at a later period (1722-1726,) this grant was the occasion of long and angry controversy between the towns of Hartford and Windsor, and the colony. See Trumbull's Hist. of Conn. II. 95-99.

† Coginchaug swamp,—now in Durham.

* This Court approves and confirms the highway cross the long woodlots in Weathersfeild upon the West Feild Hill, that was layd out by a comitte, Capt. Tallcot, Capt. Chester, L^{nt} Treat, L^{nt} Sam^l Steele, Ens. Sam^l Wright, and Mr. John Robbins; and doe declare that the sattisfaction granted by the comitttee to the proprietors concerned therein is sufficient.

This Court leaves it with the Governo^r and Council to take care to doe what is requisit to be don by writeing or otherwise to o^r attourney, or doeing any thing that shall be necessary to be done in refference to o^r affayres in England and the last Quo Waranto served on us.*

James Steele and John Steele petitioned this Court that the land which they recovered of Samuel Steel and Samuel Hubbard† may be prized by indifferent persons or that they may have an execution to levy the estate and aprize it according to law.

This Court haveing heard what hath been p^resented to them by Mr. Edwards, in behalfe of James Steel Jun^r and John Steele, wth the reasons why they desire a new apprizement to be put upon the lands of Capt. Wats, or that so much of his land as may answer the late judgment be prized by two indifferent men upon oath, according to law: This Court haveing considered the same doe see no lawfull reason to alter the apprizement that hath been made and presented to the Court, in the inventory; and therefore this Court doth order that the land of Capt. Watts which by this will was given to the legatees to pay them their respective sumes at the inventoried price, be layd out to them, as equally as may both for quality as well as quantity, by Deacon *by Deacon* Stephen Hosmore, Marshall Georg Grave and Tho. Bunce.

The Court is adjourned till the Governo^r or Dep^{ty} see cause to call them againe.

* See Appendix, Nos. XC-XCII. Note on page 222, *ante*.

† Court of Assists. I. 52: Priv. Controv. III. 149, 150. The suit was brought against Steele and Hubbard as the executors of Capt. Thomas Watts.

[191] A SPECIAL GEN^l COURT HELD AT HARTFORD, BY
ORDER OF THE GOVERNOR, MARCH 30TH, 1686-7.*

Rob. Treat Esq^r, Gov^r.

James Bishop Esq^r, Dep. Gov^r.

Major John Tallcot,

Capt. Sam^l Mason,

Capt. John Allyn,

Capt. Benj. Newbery,

Mr. W^m Joanes,

Capt. Sam. Tallcot,

Capt. John Wadsworth,

Capt. Giles Hamlin.

Mr. Andrew Leete,

Deputies.

Ens. Nath. Standly, Mr. Cip. Niccols; for Hartford.

Mr. Henry Woolcot, Mr. John Loomys; for Windsor.

Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Haven.

Mr. John Bur, for Fayrefeild.

Capt. W^m Curtice, for Stratford.

Capt. Jn^o Beard, for Milford.

Deacon W^m Johnson, Deacon Jn^o Grave; for Guilford.

Capt. W^m Lewes, Capt. Jn^o Stanly; for Farmington.

L^{nt} Nath. White, L^{nt} Rob. Warner; for Midleton.

Sarj. John Chapman, Mr. W^m Dudley; for Saybrooke.

Mr. John Moss, for Wallingford.

L^{nt} Eben. Johnson, Mr. Abell Gunn; for Derby.

Mr. W^m Measure, for Lyme.

Ezekiel Mayn, for Stonington.

John Mead, for Greenwich.

Mr. W^m Maultby, L^{nt} Eben. Stint; for Brandford.

Georg Gates, for Haddum.

This Court by their vote declared that they did not see sufficient reason to vary from the answer they gave S^r Edmond Andross, to a motion of a surrender, January last. †

This Court order that the letter read in Court be drawn out and signed by the Secretary in the name of this Court, and be directed to His Excelency S^r Edmond Androsse. ‡

* Another letter from Andros had been received by the Governor and Council, (Appendix, No. XC,) tendering to the colony one more "opportunity of suitable and dutiful resolves, so much importing their own welfare."

† Of this letter, of Jan. 26th, no copy is on file.

‡ Appendix, No. XCII.

As an addition to the law prohibiting the supplying Indians with strong drinck, This Court orders that every servant or slave, male or female, that shall supply any Indian or Indians with any sort of strong drinck contrary to law, they shall suffer corporall punishment for the same, according to the nature of their offence, at the discession of the Court where they have their tryall, unless the masters or governors of sayd servants or slaves will pay a fine for them according to fore-sayd law.

This Court doth declare that all grants of land to any township or perticular persons that are allready granted by the Gen^l Court, it is to be understood that they are granted by the Governo^r and Company, and that all patents shall be signed again by the Sec^y in the name of the Governo^r and Company.*

This Court grants two moneth's time from this date to the good people in this Colony, to enter the markes and brands of their horses before they shall be forfeited, any law to the contrary notwithstanding.

This Court impowers the Governo^r and so many of the Assistants as shall conveen, to the number of nine in the whole, to be a Councill to transact such occasions as shall fall in betwixt this and the election next May.†

It is ordered by this Court that the Deputies for the future shall attend the Generall Court at the charge of the respective townes to which they doe belong.

This Court doe appoynt and authorize Major John Tallcot, Mr. Wadsworth and Ensigne Standly to agree with o^r landlord Sanford‡ for the payment of what the country is indebted to him, by what is due for the house and by money in the Treasurer's hand, so much as the Gent^a shall see reason to part with.

* Page 177, *ante*.

† See, in Appendix (Nos. XCI, XCII,) a private letter from Andros to Gov. Treat, Feb. 28th; and the reply of the Governor and Council to the propositions made through Capt. Nicholson.

‡ The Ordinary, formerly Jeremy Adams's, was now kept by his grandson, Serjeant Zachary Sanford, to whom the premises had been conveyed by the Colony, in December, 1685. (Page 172, *ante*). At this ordinary, the Court held its sessions.

[192] A COURT OF ELECTION HELD AT HARTFORD, MAY THE
12TH, 1687.*

Those nominated for election are:—Major Rob^t Treat Esq^r, James Bishop Esq^r, Major Nathan Gold Esq^r, Major John Tallcot Esq^r, Capt. John Allyn Esq^r, W^m Joanes Esq^r, Major John Nash Esq^r, Capt. Andrew Leet Esq^r, John Wadsworth Esq^r, Capt. James Fitch Esq^r, Capt. Sam^l Mason Esq^r, Capt. Benj. Newbery Esq^r, Capt. Samuel Tallcot Esq^r, Capt. Giles Hamlin Esq^r, Samuel Willys Esq^r, Samuel Sherman Esq^r, Mr. John Burr, Capt. Moses Mansfield, Capt. Sam. Eales, Capt. John Chester, Mr. Daniel Witherell, Mr. Henry Woolcott.

Those who were elected are:—

Rob^t Treat Esq^r, Gov^r.

James Bishop Esq^r, Dept. Gov^r.

Assistants:

Major Nathan Gold Esq^r,

John Wadsworth Esq^r,

Major John Tallcot Esq^r,

Capt. James Fitch Esq^r,

Capt. John Allyn, Esq^r,

Capt. Sam^l Mason Esq^r,

W^m Joanes Esq^r,

Capt. Benj. Newbery Esq^r,

Major John Nash Esq^r,

Capt. Samuel Tallcott Esq^r,

Capt. W^m Leete Esq^r,

Capt. Giles Hamlin Esq^r.

Capt. John Allyn, *Sec^y*.

Mr. Joseph Whiting, *Treas^r*.

Deputies are—

Ens. Nath. Stanly, Mr. Ciprian Niccols; for Hartford.

Mr. Henry Woolcot, Mr. John Loomys; for Hartford.†

Capt. Moses Mansfield, L^{nt} Abram Dickerman; for N. Haven.

* It will be observed that the records of this session make no allusion whatever to the matters which might be supposed to have, almost exclusively, engrossed the attention of the Court. Not a word is said of the Quo Warranto, or of the reiterated demands of Andros. Unmoved either by threats or promises, the colony adhered to its determination to await an answer to the petition and address to the King, and to make no surrender of the charter except by his express command. The 'masterly inactivity' of those who guided the counsels of the colony, though it could not avert the necessity of temporary submission to Andros, was successful in its great object,—the preservation of the charter. Connecticut alone, of the New England colonies, might justly characterize the government of Andros as a 'Usurpation,'—to which no judgment against, or voluntary surrender of, her charter, gave color of right.

† So in the record, by a slip of Sec. Allyn's pen, for "Windsor."

Deacon W^m Johnson, Deacon John Grave; for Guilford.

L^{nt} Tho. Leffingwell, Mr. Benj. Brewster; for Norwich.

Mr. Joseph Hawley, Mr. Sam^l Sherman; for Stratford.

L^{nt} Eliez^r Stent, Sarj^t Samuel Pond; for Brandford.

Peter Bewell, for Simsbury.

Ens. Thomas Yale, for Wallingford.

Capt. W^m Lewes, Capt. Jn^o Stanly; for Farmington.

L^{nt} Abram Brunson, for Lyme.

Capt. Jn^o Beard, Capt. Sam^l Eales; for Milford.

L^{nt} Ebenez. Johnson, for Derby.

Sam^l Hayes, for Norwalke.

L^{nt} Nath. White, Rob^t Warner; for Midleton.

Capt. Jona. Silleck, L^{nt} Jona. Bell; for Standford.

Sarj^t Jn^o Chapman, Mr. W^m Dudley; for Saybrook.

Capt. John Minor, for Woodbury.

Mr. John Robbins, Mr. Sam Butlar; for Wethersfeild.

Capt. Georg Denison, Mr. Steven Richardson; for Stoneington.

This Court upon the motion of Mr. Thomas Hooker and Mrs. Hooker that this Court would grant confirmation of a deed of sale that convayed twenty three acres of land to Mrs. Sarah Haines, the deed bearing date March 23, 1686; and they doe accordingly approve of the sayd sale; and so it is incerted under the deed, by John Allyn, Secretary.*

The Commissioners for the respective plantations are: Capt. Chester, for Weathersfeild; L^{nt} Nath. White, for Midleton and Hadum; Mr. Benj. Brewster, for Norw^{ch} and New London; Mr. Witherly and Capt. James Avery, for New London; Mr. Mathew Griswold, for Lyme; Capt. Rob^t Chapman, for Saybrook and N. London county; Mr. Edward Griswold, for Kenilworth; Capt. Jn^o Beard and Capt. Sam^l Eales, for Milford and Derby; Mr. Sam^l Sherman Sen^r, Mr. Jehu & Jn^o Bur, for Fayrefeild; Capt. W^m Curtice, Mr. Jos. Hawley, for Stratford; Capt. Minor and L^{nt} Judson, for Woodbury; Capt. Tho. Fitch, for Norwalk and Paquiag; Mr. Lawes and L^{nt} Bell, for Standford; Mr. Moss, for Wallingford, and L^{nt} Stent, for Brandford, are commissionated as they were last yeare.

[193] This Court doth appoynt the Honoured Dept. Gov^r,

* Recorded in Rec. of Deeds & c. II. 266, 267. The land was in Hoccanum meadow.

Mr. John Wadsworth, Capt. Samuel Talcott, Mr. John Burr, or any three of them, to be a comittee in behalfe of this Court to audite the Treasurer's accot^s, and he clearing the accot^s to their sattisfaction by makeing payment thereof to the colony accot or secure the same to be done, they to grant the Treasurer a quietus est or release for the same from the begining of his being Treasurer to this day. And the Treasurer is to be allowed ten pownd extraordinary for his service the yeare past.*

14. This Court haveing formerly granted unto Mr. John Wadsworth, Mr. Samuel Steele, fower hundred acres of land, and they haveing purchased a tract of land of an Indian, a mile and a quarter square, on the east side of Conecticut river, and the s^d Mr. Wadsworth haveing moved this Court to grant them of this purchasse so much of it as they shall see good, This Court haveing considered this motion doe see cause to ad to Mr. Wadsworth's grantso much as may make the whole grant of Mr. Wadsworth, five hundred acres, and to Mr. Steele they ad so much as may make it three hundred acres, provided it may not prejudice any former grant to any plantation or perticular person; and Capt. Samuel Tallcot and Sarj^t John Wells are apoynted to lay it out, to be to him, his heires and assignes for ever.

Major Gold haveing informed this Court that he haveing had layd out to him a former grant made to him by this Court, there was a certain neck of land that lay adjoyning to it, which bownds to the land layd out to Major Gold on the sowth east, south west by a brook coming out of a pond called Umpawag and with part of the sayd pond, sayd brooke runing into Aspetage river, northwest with sayd Aspetaug river, north east on part of that land purchased by the sayd Major Gold; desireing this Court to grant the sayd neck to him, or what they see cause of it; This Court doe grant to Major Nathan Gold the afoarsayd neck to him, provided it exceed not five hundred acres, to be to him, his heires and assignes forever.*

* This tract was in the west part of Danbury. (In the patent issued to Major Gold, May 20, 1687, Saugatuck river, instead of Aspetaug, is named as the boundary. Col. Rec. of Deeds &c. II. 182.)

This Court leaves it with the Hon^o^d Govern^r or Dept. Gov^r and so many of the Assistants as may make up seven, with the Govern^r or Deputy Gov^r to be a Councill to act and transact all such emergent occasions and affayres as shall fall in in the intervalls of the Generall Court till the Generall Court in October next.

Vpon the petition of Simon Couch that this Court would take care that he might be possest of such rights in land as become due to him at or neer Banck side, by agreement with the towne of Fayrefeild, as he is successor to Francis Andrews late of that place, this Court haveing considered the same, doe order and appoynt that the selectmen of Fayrefeild, with Mr. John Burr, doe forthwith set out to the inhabitants of Banck side such proportions of land as become due to them by vertue of their agreement with the town of Fayrefeild, and to each of them their proportions according to sayd agreement.

This Court, haveing heard the pleas and allegations that have been made between the town of Fayrefeild and Norwalke respecting the bownds between the sayd townes, doe find that the first six miles granted to Fayrefeild hath been measured and is stated to be at a white oak tree neer Daniel Frost deceased his house, eastward ; and this Court doe therefore appoynt and order Capt. Samuel Eales and Capt. John Beard and Sarjt Jeremy Judson to measure a just mile from that [194] tree which allso hath || been granted to Fayrefeild by the Court to be their west line or head lyne, and from thence to run the line up to Standford path, and then to run the lyne to the northward according to the grant of the Court, all the way the same line that is between Stratford and Fayrefeild, which is sayd to be neer two poynts to the westward of the north ;* which is to be the bownds between those plantations: and the towne of Fayrefeild are to have all the lands of the sowthward of this line from Standford path east of Sagatuck river. And Norwalke and Fayrefeild is to pay the charg of laying it out ; and the Comitte appoynted by this Court, January last, are to setle that affayre comitted to them,

* The report of this committee is in Col. Rec. of Deeds &c. II. 198.

concerning what Fayrefeild shall pay to Norwalke for their Indian purchasse.

Voted by the Court, that John Potter and Mathew Moulthrop of New Haven haveing purchased of the Indians there about one quarter of an acre of land for speciall use, and a swamp or pond of about six acres, have liberty so to doe, which this Court approves of.

Capt. Clark haveing moved this Court to grant order that the Treasurer might pay sixty pownd to Mr. Huit's children, which sayd sūme was payd in to the Treasurer by the administrators of the Honor^d Thomas Wells Esq^r deceased, to ly for the security for the right owner, which sayd sūme was payd into Mr. Wells afoars^d for a debt from Mr. Huitt to one Mr. Fish of Roxwell, this Court haveing considered the case see no reason to grant this motion, but that that estate remayn where it is for the same end it was committed to the Treasury.

This Court appoynts L^{nt} Nath. White and Deacon John Hall to lay out to Mrs. Collins the grant of land that was granted by this Court to her husband, according to his grant.*

Samuel Galpin, Daniel Pickett, Nath. Sherman, Ephraim Hawley, John Hawley and John Coe are propownded for freemen.

Those of Guilford and Saybrooke propownded for freemen, October last, are now accepted as freemen of this Colony.

This Court grants the Honor^d Governo^r, so far as it lyeth in their power, all that land of the north of Milford bownds, stated by their patent, to the extent of twelve mile from the sea, or as far up as New Haven bownds to the northward paralel with their bownds.

This Court grants Capt. Moses Mansfeild, Capt. John Beard, Capt. Samuel Eales, Mr. John Burr,† two hundred

* Rev. Nathaniel Collins, of Middletown, died Dec. 28, 1684. His wife was a daughter of William Whiting, of Hartford.

† Laid out, with other grants to Jehu and John Burr, April, 1693, within a tract of two square miles purchased by them of the Indian proprietors, upon Wenasheage

acres of land a peice, provided they take it up where it may not prejudice any former grant to any plantation or particular person; and to Capt. John Minor,* and L^{nt} Ebenezer Johnson, and L^{nt} Jonathan Bell, † one hundred acres a peice.

And this Court grants Capt. John Stanly so much land as may make his former grant two hundred acres; he to take it up with Mr. John Wadsworth, out of his purchase of the Indians; and Capt. Tallcott and Sarj^t Wells to lay it out.

Enoch Tamage and Mr. Sam. Sherman are to lay out Capt. Mansfield, Capt. Beard and Capt. Eales, and L^{nt} Johnson and Capt. Minor, and Marshall Grave, their grants of land, according to their grant.

[195] L^{nt} Samuel Moorhouse and L^{nt} Nath. Seely are to lay out to L^{nt} Bell and John Burr their grants of land, according to their grant.

L^{nt} Leffingwell and John Post are to lay out a grant of land to Capt. James Fitch, formerly granted him with a purchase of L^{nt} Hollister's, according to his grant.

Capt. Stanly and Ens. Heart are to lay out to W^m Lewes his grant of land, according to his grant.

Samuel Grant Sen^r and Thomas Bissell are to lay out unto Mr. Woolcot the grant made to his father, according to his sayd grant.

This Court grants to Capt. Georg Denison, two hundred acres of land, for his good service in the last war: and to Mr. Joseph Hawley, one hundred and fifty acres of land; and to Mr. Samuel Sherman Jun^r, two hundred acres of land out of his father's purchass of the Indians of a mile square. ‡

And to the Honoured Gov^r, this Court grants two hundred

(Wemesseage) brook: and patented to Daniel and Samuel Burr, May, 1717. Col. Rec. Deeds &c., III. 229-233.

* This grant to Lient. Jonathan Bell of Stamford, was assigned, by his sons, Jonathan, Abraham and John, April, 1712, to John Edwards and Samuel Conch of Fairfield,—to whom it was laid out, "on the west side of Capt. Osborn's ridge," between Fairfield and Danbury, and patented, Oct. 1716. Col. Rec. Deeds &c., III. 201-204.

† Laid out on the west branch of Aspetuck River, north of New Milford bounds, to the heirs of Capt. Minor, April, 1721. Id. 383, 384.

‡ Laid out, 1693, "on both sides of Potatuck brook," and west of the 'Bear Hills.' Col. Rec. Deeds &c., II. 57.

acres; and to the Marshall, Georg Grave, this Court grants one hundred and fifty acres of land; to take it up where they see reason, and the surveyor of the next town to the place where they take it up are to lay it out to them.

Ens. Joseph Burrett and Joseph Curtice to lay out to the Gov^r his grant of land, according to his grant; and to Mr. Samuel Sherman and Mr. Hawley their grants of land, according to their grants.

This Court grants to Major Nathan Gold one hundred acres of land, to be by him dissposed to his children or his child as he sees cause; to be layd out by L^{nt} Morehouse and L^{nt} Nath. Seely.

This Court being informed of a small tract of waste land, lying between a farm granted formerly to W^m Joanes Esq^r of New Haven, lying upon or near Pilgrim's Harbo^r, and a farm granted to Mr. Samuel Street of Wallingford, the sayd waste land being about one hundred acres more or lesse, doe grant to the sayd Mr. W^m Joanes as an adition to his sayd farm the sayd corner of land; to be layd out to him by Mr. Thomas Yale, according to the bredth of the sayd farme, untill it meet with Mr. Street's land; to be to him, his heires and assignes forever.*

This Court appoynts a day of humiliation by fasting and prayer, to be kept throwout this Colony, the last Wednesday of this moneth; the grownds and reasons are on file.

Whereas the transportation of timber out of this Colony proves prejudiciall to the publike, this Court orders that henceforth there shall be no timber transported out of any township within this Colony without licensse from the towne within whose bownds the sayd timber grew and was gotten, upon the penalty of the forfeiture of the timber soe shipped to be transported. And the master of every vessell that receives on board any timber without license as afoarsayd, be it boards, slit worke, or staves, or any other timber whatsoever, he shall pay a fine of forty shillings for every breach of this order, the one halfe to the towne where the offence is committed, the

* Laid out, and a patent granted, which is dated March (May?) 31, 1687. Col. Rec. Deeds &c. II. 195.

other halfe to the county treasury; provided, this order respects not such saw mills as are erected p ordèr or liberty obteyned from the Generall Court.

It is also ordered, that if any tañer or tañers in this Colony shall fall or cutt downe, or cause to be cutt downe, any trees or wood in the coñons, for barke, within any towne bounds, without lycense first obteyned from the towne, shall forfeit five shillings for every tree they shall fall or cutt down or cause to be fallen or cutt down, the one halfe to the complayner, the other to the use of the poore of the towne where the offence is comitted.

The Court adjourned till the Gov^r or Dept. see cause to call them together againe.

[196] A GENERALL COURT HELD AT HARTFORD, JUNE 15,
1687, p ORDER OF THE GOV^r.

Robert Treat Esq^r, Gov^r.

James Bishop Esq^r, Dep^t Gov^r.

Major John Tallcot,	Capt. James Fitch,
Capt. John Allyn,	Capt. Sam ^l Mason,
Mr. Wm. Joanes,	Capt. Benj. Newbery,
Mr. Andrew Leete,	Capt. Sam ^l Tallcot,
Mr. John Wadsworth,	Capt. Giles Hamlin.

Deputies.

Ens. Nath. Stanly, Mr. Ciprian Niccols; for Hartford.

Mr. Henry Woolcot, for Windsor.

Mr. John Robbins, Mr. Sam^l Butlar; for Weathersfeild.

Capt. Mos. Mansfeild, L^{nt} Abram Dickerman; for N. Haven.

Capt. John Beard, for Milford.

Deacon W^m Johnson, Deacon Jn^o Grave; for Guilford.

Ens. Tho. Leffingwell, for Norwich.

Mr. Tho. Yeale, for Wallingford.

Capt. W^m Lewes, for Farmington.

Sam^l Hayes, for Norwalke.

Mr. Jos. Hawley, for Stratford.

Sarj^t John Chapman, Mr. W^m Dudley; for Saybrook.

Capt. John Minor, for Woodbury.

L^{nt} Nath. White, Rob^t Warner; for Midleton.
 Samuel Pond, for Brandford.
 Mr. Georg Gates, for Haddum.
 Mr. Peter Bewell, for Simsbury.
 Mr. Edward Griswold, for Kellingworth.
 L^{nt} Ebenezer Johnson, for Derby.

The Gov^r haveing informed this Court that the reason of his calling of the Court together was to informe them that he had received from Mr. Whiting, an acco^t of o^r affayres in England,* what he had done for vs, and if we conclude to defend o^r Charter at law we must send one over or more of o^rselves to manage it &c., the Gov^r desired the Court's consideration and determination thereon.

This Court declared that considering the p^rsent circumstances of o^r estate, we doe not see ourselves in a fit posture to rayse money to send an agent to England at present, and therefore this Court desired the Gov^r, Dept. Gov^r and Assistants, in their name and behalfe to write to Mr. W^m Whiting, to give him the thankes of this Court for what he hath done for us, and to request him to continue [*to*] doe for vs what shall be requisite to be don, both in appeareing for vs, and in o^r behalfe to make answer to what shall be objected against vs, and generally, to doe whatsoever shall be needfull to be don for vs.† And this Court declared that they would give reasonable satisfaction to Mr. Whiting for what he shall doe for vs.‡

John Wheeler haveing petitioned this Court that the Court would grant him releife in a case depending between Mr. Jona-

* This letter of Mr. Whiting is not found. It was written, March 12th, before he had received advices from the General Court of Jan. 26th. See his letter of June 11th, in Appendix, No. XCVI.

† A letter was sent to Mr. Whiting, dated June 15th, with directions "to defend the charter and make answer to what shall be objected" against the colony,—as appears from his reply of Sept. 21st (Appendix, No. XCIX); but the copy is not among the files.

‡ See Mr. Whiting's letter of Sept. 21st, ut supra. Gershom Bulkeley, in his remonstrance against the resumption of charter government, in 1689, says: "The people were divided in their opinions; many grudged at the charge of that Affaire, whence it was hard (if possible) for them *seasonably* to raise money to maintaine the suite. I myself know," he adds, "who were then as hot against the raising of money for that purpose (and cry'd out it was illegall) as now are hot for the Patent and ready to cry out upon the losse of that as illegall." (The People's Right to Election &c. argued, 1689, p. 9.)

than Silleck Jun^r and himselfe, wherein he conceiveth he is injured by countenance of law, by the serveing of an execution upon his estate &c.* The Court having considered the case doe order that the land remayne in sayd Sillick's hand, without any farther dispose for the present and till the Generall Court; and the sayd Wheeler is to give notice to Mr. Jonathan Silleck Jun^r that he appeare at the s^d Court to answer the sayd Mr. Wheeler or his attourney in the case. In referrence to Mr. Wheeler's petition about the Sloope,† some concerned in that matter not being here, doe defer it to the Court, October next, for an issue.

Sundry of the Court desireing that the Patent or Charter might be brought into the Court, the Secretary sent for it, and informed the Governo^r and Court that he had the Charter, and shewed it to the Court; and the Governo^r bid him put it into the box againe and lay it on the table, and leave the key in the box, which he did forthwith.‡

The Court adjourned till the Gov^r or Deputy see cause to call them together againe.

[197] A GENERALL COURT HELD AT HARTFORD, OCTOBER 13,
1687.§

Rob^t Treat Esq^r, Gov^r.

James Bishop Esq, Dep^t Gov^r.

Major John Tallcott,

Capt. James Fitch,

Capt. John Allyn,

Capt. Benj. Newbery,

Mr. W^m Joanes,

Capt. Sam. Tallcot,

Capt. Andr. Lecte,

Capt. Giles Hamlin.

Mr. John Wadsworth,

* Priv. Controv. III. 190.

† Id. 160.

‡ It is not easy to understand why so formal a record was made of this exhibition of the charter. Did the call for its production indicate suspicion, on the part of 'sundry of the Court,' that the Governor or Secretary had already consented to its surrender? Or were bold spirits even now taking counsel how, in the last extremity, to ensure its preservation, by an exploit such as was achieved by Capt. Wadsworth and his associates? The record does not state whether it was returned to the custody of the committee, or not; and the entry is so framed that if the box with its precious contents had disappeared before the coming of Andros, its former authorized guardians might have been discharged of all responsibility for its loss. The record leaves it, on the table, with "the key in the box."

§ See, in Appendix, (Nos. XCV-C.) the correspondence of the Governor and Council, since the June Court, with Andros, Mr. William Whiting and Gov. Dongan.

Deputies.

Ens. Nath. Stanly, Mr. Cip. Niccols; for Hartford.
 Mr. Henry Wolcot, Mr. Jn^o Loomys; for Windsor.
 Capt. Jn^o Chester, L^{nt} James Treat; for Wethersfeild.
 Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Haven.
 Mr. John Wheeler, Mr. John Burr (*abs.*); for Fayrefeild.
 Ens. John Yale, Deac. John Hale; for Wallingford.
 Capt. John Beard, Mr. Sam. Buckingham; for Saybrook.*
 Mr. Sam^l Sherman, for Stratford.
 L^{nt} Tho. Leffingwell, for Norwich.
 L^{nt} Henry Crane, for Kenilworth.
 L^{nt} Eliezer Stent, for Brandford.
 Samuel Hayse, for Norwalke.
 Deac. W^m Johnson, Deac. John Grave; for Guilford.
 Deacon W^m Dudley, Deac. W^m Parker; for Saybrook.
 Capt. W^m Harris, Ens. W^m Cheeny; for Midleton.
 Capt. W^m Lewes, Capt. John Stanly; for Farmington.
 Peter Bewel, for Simsbury.
 Mr. Georg Gates, for Haddum.
 L^{nt} Abram Brunson, for Lyme.

The List of the Persons & Estates are as followeth:—

<i>Persons</i>	<i>Estates</i>	<i>[Persons]</i>	<i>[Estates]</i>
273 Hartford,	18118.0.0	089 Saybrooke,	05709.0.0
278 Windsor,	15723.0.0	140 Stratford,	08718.0.0
215 Wethersfeild,	14240.0.0	091 Woodbury,	02912.0.0
323 New Haven,	14191.0.0	072 Wallingford,	03546.0.0
218 Fayrefeild,	12389.0.0	052 Brandford,	03420.0.0
156 New London,	09189.0.0	043 Kenilworth,	02363.0.0
103 Norwich,	06753.0.0	052 Haddum,	02260.0.0
104 Guilford,	06556.0.0	041 Derby,	02051.0.0
160 Milford,	10040.0.0	065 Lyme,	04114.0.0
130 Midleton,	05520.0.0	093 Norwalk,	05101.0.0
111 Farmington,	06604.0.0	102 Standford,	04937.0.0
080 Stoneington,	04812.0.0	062 Greenwich,	02845.0.0
		3053	172111.0.0

* Error of the recorder. Read, "for Milford."

The two Capt. Sillocks and his son not being entered for trade, this Court put a 100^{li} vpon them, and so made their list as now it is entered.

This Court named the town of the east side of Norwich, Presson, and granted them a freedom from country rates for the space of fower years from this date.

This Court named the new towne at Paquiag, Danbury,* and granted them a freedom from country rates for fower yeares from this date; and this Court grants that the bownds of the sayd towne of Danbury shall be six mile square, provided it doe not prejudice any former grant to any perticular person, made by this Court.

This Court grants that Danbury brand shall be two eyes, as followeth, I I.

Vpon the motion of Mrs. Mary Leete, relict of Mr. W^m Leete, and Mary Leete, his daughter, that this Court would grant her liberty to confirm to Thomas Turhan three parcels of land, viz. nine acres of the 3d division, and two acres home lot, at the east end of Guilford, with a parcell of meadow about three acres, by a deed of guift, this Court grant her request and impower her so to doe, because the sayd W^m Leet had given him those lands before mentioned, though he was prevented makeing writings to confirm the sayd land to him the sayd Turhan.

[198] This Court grants and impowers Mrs. Mary Bradly to make a legall convayance of one acre of land to Mr. Richard Christophers, to build a house on, which was sold by the sayd Mr. Peter Bradly to the sayd Christophers in his life time.†

* A petition was presented "in behalf of the plantation of Paquiage, that the same may be constituted to be a towne, and to be named *Swamfeild*:" their south bounds to be "by the north bounds of Faierfeild and Norwalke, the north bounds halfe way to Weantinucke, the east bounds halfe way to Stratford river, the west bounds by York line." The petition, dated Oct. 6th, is signed by Tho. Fitch, Jehu Burr, John Burr and Tho. Bennydict. They state that "there are twentie families inhabiting at Paquiage, and more desirable persons a comminge." Samuel Hayes, of Norwalk, was deputed to present the petition to the Court. Towns & Lands, I. 226. The name substituted by the Court for that proposed by the petitioners was probably adopted from Danbury, a village in Essex, five miles from Chelmsford.

† Mr. Peter Bradley, of New London, died Aug. 1st, 1687. His wife was a daughter of Christopher Christophers and sister of Richard Christophers. (Hist. of New London, 278.) Her petition is in Priv. Controv. III. 192.

This Court grants and impowers Mrs. Lucey Bradstreet* to make a deed of sale to the heires of W^m Hough, for five or six rod square of land Mr. Simon Bradstreet sold to sayd Hough, and deceased before he gave deeds for the same, though he received pay for the same.

This Court upon the motion of Mary Johnson, widdow, of Guilford, doe empower her to make a deed of sale to convey to Sarj^t Abram Fowler a parcell of land containing five acres, which her husband, Isack Johnson, sold to s^d Fowler, and received the most of the pay for the same, and had not opportunity to acknowledg the s^d deed before his deceasse.†

Those appoynted to stand in nomination for Assistants in May next, besides the present Governo^r, Deputy and Assistants, are Mr. Sam^l Willys, Mr. Samuel Sherman, Capt. Sam^l Eales, Capt. Moses Mansfield, Mr. John Bur, Mr. Henry Woolcot, Mr. Jehu Bur, Capt. John Chester.

Upon the motion of the administrators of Nicholas Disbroe's estate,‡ that this Court would grant their approbation and confirmation of a deed of sale of two acres and a halfe of land on the east side of the great River, to L^{nt} Standly, which deed beares date the 11th of August, 1687, this Court approve and confirm the same.

This Court appoynt Capt. John Beard, Sarj^t John Platt and L^{nt} James Olmsted to be a committee to lay out Danbury the bownds of their plantation, according to the grant of the Court.

This Court being informed of the ability, skill and knowledg of Mr. Charles Bulckley§ in phissick and chirurgery, doe grant him full and free liberty to practice phissick.

* Widow of Rev. Simon Bradstreet, minister of the church in New London, from 1666 till his death in 1683. Sergeant William Hough, a deacon of Mr. Bradstreet's church, died Aug. 10, 1683,—“a solid man, and his death is a great losse to Chh & Town,” wrote his pastor,—who survived him but few weeks. Mrs. Bradstreet's petition is in Priv. Controv. III. 193.

† Priv. Controv. III. 191.

‡ Nicholas Desborough, one of the first settlers of Hartford, died in 1683. By reason of his having been “very strangely molested,” by stones, earth and cobs thrown at him “from an invisible hand,” his name is honored with a place in Mather's Thaumaturgus. (Magnalia, b. VI. ch. VII.) He left four daughters, but no sons.

§ Son of Rev. Gershom Bulkeley of Wethersfield. He settled at New London, in the practice of his profession.

Mr. Samuel Willys is plntf. by way of appeale or remove from the Court of Assistants, October 6th, 1687, to this Court, and Mr. Tho. Hooker and Mrs. Mary Hooker, administrators to the estate of Mr. Richard Lord, defendants.* The action at the first court, Sept^r 1, 1687, was entered an action of the case, for unjust and illegall improveing and occupying, by themselves or their order, of the sayd Willys his houseing and land of which he is rightfull propriet^r, lying and being on the west side of Conecticut river in the township of Weathersfeild, and eight acres of the sayd Willysis in Hartford sowth meadow, to the damage of one hundred pownd sterling. In this action the Jury find for the defendant, costs of court, not medleing with the former court's act, it not being comited to them. Cost allowed, one pownd nine and sixpence. In this action the jury find for the defend^{nt} cost of court. The jury being sent forth by the court, upon farther consideration return they find a non liquet, and farther say not. The jury being sent forth to a second consideration brought in the same verdict, at the Court of Assistants.

In this action wherein Mr. Samuel Willys is plntf. by way of appeale or remove to this Court, contra Mr. Thomas Hooker and Mrs. Mary Hooker, as administrators to the estate of Mr. Richard Lord deceased, defendants, this Court find for the plaintife forty pounnds damage for their illegall [199] improveing and || occupying the sayd houseing and lands at Weathersfeild and Hartford mentioned in the sayd action, and costs of Court; but this Court considering the case in refference to equity and righteousness, doe declare that if the sayd defendants resigne up all the lands taken by execution upon the acco^t of the suger bill, payable in Antegua, with the just proffits of it, the remaynder above mentioned unto the sayd plaintiffe, then the sayd bill shall be delivered unto the sayd defend^{nts} as standing in the same force as before processe.

Dan. Prat is plantf. contra, by way of appeale from the judgment of the Court of Assis^{ts}, October 6, 1687, L^{nt} Tho.

* Court of Assistants, II. 3: Priv. Controv. III. 233, 254-259

Allyn, defendants.* The action in the originall was an action of the case, for takeing into his yarde and custody severall cowes, neglecting and refusing to deliver them when demanded, whereby three cowes dyed in his custody or possession; together wth damage that accrued thereby to the sayd Allyn, to the value of thirteen pownds. At the Court of Assistants, the Jury fownd for the sayd Mr. Allyn, if Dan^l Prat's yard be not a pownd according to law, then the jury find for sayd Allyn, six pownd, ten shillings, and cost of Court &c. The Court of Assistants declared that they doe not find Daniel Prat's yard to be a pownd according to law. In this action the Court find for the present plaintife cost of this Court, and all other charge to remayne as they were.

This Court doth appoynt Sarjt John Chapman to be commissioner for the towne of Saybrooke† till the Court of Election, May next, and Capt. Allyn or Capt. Leete are to administer the commissioner's oath to him.

Vpon the petition of Humphrey Davy Esqr and Mrs. Sarah Davy,‡ this Court grants them fower hundred acres of land, provided they doe take it up where it may not be prejudiciall

* Court of Assistants, II. 3 : Priv. Controv. III. 162-189.

† Capt. Robert Chapman, who had been an assistant, and a commissioner at Saybrook for many years, died Oct. 13th, 1687. Saybrook Records, in N. E. Geneal. Register, IV. 21. John Chapman, now appointed commissioner, was the eldest son of Capt. Robert.

‡ "To the Honrd Gen^l Court now sitting in Hartford. The Humble Request & Petition of Hum: Davie & Sarah his wife, Sheweth: That your Supplyants being by the providence of God come to settle and abide here, vnder the wings of this Govern^t (weh the Lord continue) One of them being borne and bredd heere and hauing not a foote of Land to bestow vpon 2 sons God hath given them since they came together, all the land of Mr. James Richards deceased being otherwise bequeathed & disposed of, for their Incouragement in their proceedings heere doe pray your favour,

To graunt five hundred Acres of Land in some free place where it may be found, vnto them for their own and childrens accomodation, as God may continue their liues, and they shall ever pray &c.

Hum: Davie

[Towns & Lands, I. 224.]

Sarah Davie."

Mr. Davie, formerly of Woburn, was elected an assistant of Massachusetts colony in 1679, and continued in office until the fall of the charter, in 1686. He had married the widow of James Richards Esq., (see page 71, *ante*.) removed to Connecticut and settled in Hartford,—where he died in 1689. His grant of four hundred acres was laid out, March, 1716, "at a place called Quinetussett, eastward of Woodstock," for his son Humphrey, of Boston, by whom it was conveyed to John Alford, of Boston, and by him to Richard Bill, in 1717. Col. Rec. Deeds &c. III. 255, 265, 267.

to any former grant to any perticular person or plantation ; Mr. James Steele, Mr. Ciprian Niccols, to lay out this grant to Mr. Davy, or the surveyor of any towne next the place he shall pitch upon to take this grant of land.

This Court grants Mr. John Goodyear two hundred and fifty acres of land for a farme, provided he take it up where it may not prejudice any former grant, to any plantation or perticular person.*

This Court appoynts Cornelius Hull and L^{nt} Nath. Seely to lay out to Major Nathan Gold his grants of land, according to his grants, which grants were formerly made to the Major.†

This Court appoynts Sarjt Tho. Judd and Sarjt John Standly to lay out to the heires of John Warner and the heirs of Tho. Gridley, the grants of land made to their fathers, sayd Warner and Gridley, according to their grants.

Mr. John Blackleach, by way of remove or appeale from the judgment of the Court of Assistants, May last, who alowed and approved the last will and testament of Christian Harbert ; this Court haveing heard and considered the case, doe approve of and confirm the sayd will, as the former courts have done, and now order it to be recorded.‡

* Assigned, April, 1709, to Rev. James Pierpont, of New Haven, to whom it was laid out, Feb. 1714, (with a tract belonging to Mr. Joseph Whiting,) "eastwardly of a pond commonly called Mishenups pond, near Coventry"; now in Tolland. Col. Rec. Deeds &c. III. 155, 163.

† A patent was granted, May 20, 1687, to Major Gold, for 800 acres, in three parcels,—at and near Umpewang, "by the road that leads to Paquiage" [Danbury]. Col. Rec. Deeds &c. II. 182.

‡ Court of Assistants, II. 2. Benjamin Harbert, of Hartford, gave a parcel of land, of about three acres, to his first wife, Christian, with liberty to dispose of it by will. With his assent, she bequeathed it to her kinsmen "Abel and John Nethercot, living in Old England, near Banbury," and, if not claimed by them within three years after her decease, then to Rev. John Whiting, of Hartford. Her will is dated Sept. 10th, 1670. (Priv. Controv. III. 207). After her death, Benjamin Harbert married again, and in Feb. 1684-5, passed over his whole estate to John Blackleach sen., of Hartford, who in consideration therefor gave a bond to support his "father Benjamin Harbert and mother Jane Harbert", for the remainder of their lives (Id. 201), and subsequently assigned all the estate so conveyed to him, to his son, John Blackleach, Jr. Benjamin H. died in 1685, leaving a will, executed June 6th, 1684, by which he confirmed the bequests made by his first wife. Mr. Whiting presented the will of Christian Harbert, for probate, March 3d, 1686-7, and it was approved by the Court. Against this decision, Mr. Blackleach and his wife now appealed. Id. 194-212: Col. Rec. Deeds &c. II. 95, 96.

This Court grants a rate of [a] penny upon the pownd of all the rateable estate in this Colony to defray pub. charges, to be payd one third in wheat, winter wheat fower shillings sixpence p bush., sumer wheat fower shillings; one third in pease or rye, at three shillings p bushell; one third in Indian corn or porck, porck three pownds ten shillings p barell, Indian, two shillings sixpence p bushell; all to be good and merchantable. If any will pay two thirds of their rates in money, it is to be accepted. In case any person or persons have not wheat to pay, they have liberty to pay their wheat part in Indian at two and threepence p bushell.

This Court granted the Governo^{rs} sallery to be for this year, eighty pownds.

This Court granted the Dept. Gov^{rs} salery to be for this present year, forty pownds.

This Court granted Mr. Joanes for his salery, ten pownds.

This Court granted the Secretary for his salery this year, twenty pownds.

This Court granted the Treasurer for his salery this yeare, twenty pownds.

[200] This Court leaves it with the Governo^r and Dept. Governo^r and so many of the Assistants as may make seven, to be a committe or councill in behalfe of the Generall Court in the intervals of the Generall Court, to transact such publike concerns as shall fall in.

This Court grants Mr. Giles Hamlin three hundred acres of land for a farme, provided he take it up where it may not prejudice any former grant to any person or plantation.

This Court grants Mr. Jeremy Peck, Mr. Samuel Andrews, Mr. James Pearpoynt, Mr. Samuel Russell, Mr. James Bayley, Mr. Moses Noyse, Mr. John James, Mr. Noadiah Russell, Mr. Timothy Woodbridge, Mr. Samuel Mather, Mr. Edward Tompson, Mr. John Fraysor, Mr. Ciprian Niccols and Ens. Nath. Stanly, two hundred acres of land a piece, where they can find it, provided they take it up where it may not prejudice any former grant to any perticular person *person* or plantation: and the survayo^{rs} of the next plantations to any place where either of those Gent^a, or Mr. Hamlin or Mr. John

Goodyear shall see reason to take up their respective grants, are hereby appoynted to lay out the same to such of them as shall desire it, they paye for the same.

This Court doe appoynt Major John Tallcot, Capt. Samuel Tallcot, Ens. Nath. Stanly and Mr. Ciprian Niccols, or any three of them agreeing, to be a committe to hear and determine all matters of difficulty concerning fencing in their comon fields at Simsbury;* and what the s^d committe shall agree and determine therein is to be attended as the issue of that matter, all which the inhabitants to acquiesse, and the committe are desired to attend it speedily.

Upon the petition of John Kilborn, Joshua Robbins, Samuel Welles, Eliezer Kimberly and Ephraim Goodrich, that this Court would appoynt a comite to settle the bownds of their lands on the east side the great River at Nabuck, which a former comite were appoynted to doe but did not finish, the former comite being dead,† This Court doe therefore order and appoynt Sarg^t John Deming, Deacon Sam^l Butlar, Sarj^t John Wells and Ensigne Samuel Wright to attend the sayd service, and perfect the same according to the first and originall grants, as neer as they can; to begin at the south side of Capt. Talcot's lott and so to proceed as there is occasion.

This Court grants that Capt. Blackwell's five thousand acres of land, near New Roxbury,‡ shall be called Mortlake.§

* A petition from the selectmen of Simsbury, dated Oct. 14th, 1687, asking that "som speedy care be taken of us that our meadows and cornfields be secured and our crops preserved", and complaining of "intolerable losses", by the neglect of proprietors to build their proportions of fence,—is in Towns & Lands, I. 227. The committee now appointed made a report in December, 1689, directing the mode of fencing the common fields and designating the proportion to be built by each proprietor.

† See pages 166, 173, *ante*. Towns & Lands, I. 172.

‡ In December, 1683, the Massachusetts Court granted a tract "for a village, to be laid out about Quataseck" [Quantisset], to the selectmen, for the town of Roxbury; and in January, 1684-5, extended the liberty for beginning a settlement there, for three years from that date (Mass. Rec. V. 426, 468). The Roxbury village was first called New Roxbury,—afterwards (1690) named WOODSTOCK.

§ Capt. John Blackwell Jr. had been a member of parliament (for the county of Surrey,) in 1656, and treasurer of the army under Cromwell. In 1657, parliament, by a special act, settled upon him and his heirs, certain lands in the counties of Dublin and Kildare, in Ireland. [Burton's Diary, I. 244; II. 102]. He was excepted from the general pardon, at the restoration, and perhaps repaired to his estates in Ireland, or shared the exile of his father-in-law, in Guernsey. In 1684, he came to New England, commissioned by some of the English and Irish dissenters who were propo-

This Court grants that L^{nt} Stephen Barret and Joseph Cur-tice power to lay out the grants of land given by the Generall Court to Mr. Sam^l Sherman and his eldest son, according to their grants.

Mr. Willys his bill of costs allowed.

This Court grants that the deputies shall have their usuall salery for their attendance this Court, so many as were present to attend this Court and*

sing to remove hither, "to inquire whether they may be there welcome, and may reasonably expect that liberty they promise themselves and others." [Letter from Daniel Coxe to Gov. Bradstreet, in note to Hutchinson's Hist. I. 346.] The next winter, the Massachusetts Court granted him, "on behalf of himself and several other worthy gentlemen and others in England that are desirous to remove," a tract of land eight miles square, for a township,—the proprietors to pay their proportion of the Indian purchase, "if laid out in the Nipmug country. [Mass. Rec. V. 467]. Randolph made it a ground of special complaint to the Lords' Committee, that Capt. Blackwell, "son-in-law to Lambert," and "a violent commonwealth's man" was made a justice of the peace by Gov. Dudley and his council, and consulted with in all public affairs" [3 Mass. Hist. Coll. VII. 154].

A patent was granted, July 8th, 1686, to Capt. James Fitch, Capt. Blackwell and others for a plantation, in the Wabaquassett country. By a subsequent agreement of the proprietors, Capt. Blackwell's proportion of the purchase, about 5000 acres, was laid out in a separate tract, in the south-east angle of the plantation grant, and a patent was issued to him therefor, as a distinct township, Oct. 19, 1687. [Col. Rec. of Deeds &c. II. 164, 202-205; III. 30]. This tract comprised the southwest part of the present township of Pomfret and the north part of Brooklyn. [See plat, in Col. Rec. Deeds &c. III. 31]. It does not appear that Capt. Blackwell made any settlements on his purchase. In 1713, his son, of the same name, of London, conveyed the whole tract to Jonathan Belcher Esq. of Boston, who laid out within it his manors of "Kingswood" and "Wiltshire." [Id. III. 33, 35; Towns & Lands, III. 30-33]. It was never organized as a town, though it retained the name and some of the privileges of one until May, 1752, when, on petition of its proprietors, it was annexed by the general assembly to Pomfret [Col. Rec. VII. 110]. Until then, it retained the name of Mortlake, given it by Capt. Blackwell, and which was probably derived from the village of the same name in Surrey, near the Thames, a few miles above London. Gen. Lambert, Capt. Blackwell's father-in-law, resided for several years at Wimbledon House, in Mortlake, and Lord Pack, Lord Tichburn, Sir John Ireton and others of Cromwell's friends had houses there, during the protectorate. Beauties of England, XIV. (Co. Surrey,) p. 107, 119.

* The record, thus abruptly, ends.

[201] A GENERAL COURT HELD AT HARTFORD, OCTOBER 31,
1687,* BY ORDER OF the GOV^r.

Major Rob^t Treat Esq^r, Gov^r.

James Bishop Esq^r, Dept. Gov^r.

Major John Tallcot,	His Excelency Sr Edmond Andross
Capt. John Allyn,	Kn ^t , Capt. Generall & Gov ^r of his
Mr. W ^m Joanes,	Maties Teritorie & Dominion in New
Mr. John Wadsworth,	England, by order from his Mat ^{ie} James
Capt. Andrew Leete,	the second, King of England, Scotland,
Capt. Benj. Newbery,	France & Ireland, the 31 of October,
Capt. Giles Hamlin,	1687, took into his hands the Gover-
Capt. James Fitch,	ment of this colony of Conecticott, it
Capt. Samuel Mason.	being by his Mat ^{ie} annexed to the
	Massachusets & other colonys under
	his Excelencies Goverment. FINIS.†

Deputies.

Ens. Nath. Standly, } for Hartford.

Mr. Ciprian Niccols, }

Mr. Henry Woolcot, for Windsor.

Capt. W^m Lewes, } for Farmington.

Capt. John Stanly, }

Capt. Dan^l Harris, for Midleton.

Capt. Moses Mansfeild, } for New Haven.

L^{nt} Abram Dickerman, }

* See Andros's letter to Gov. Treat, Oct. 22d, in Appendix, No. CI.

Gershom Bulkeley, in the "Will and Doom," gives a more particular account than is to be found elsewhere of the reception of Andros and the inauguration of his government in Connecticut. Some extracts from this work are given in the Appendix (No. CII). It is hardly necessary to remark that Bulkeley's narrative is to be received with the allowance due to the testimony of a prejudiced witness, and to the gloss of a special pleader, whose object was to prove the free consent of Connecticut to the dissolution of charter government, and the consequent illegality of its resumption in 1689. A paper which emanated from the same source and bears the same signatures with the "Will and Doom," is printed in Doc. Rel. to the Hist. of N. York, III. 849-854. It is entitled "Some Objections against the present pretended government in Connecticut, -- humbly tendered to consideration by Edward Palmes, Will. Rosewell and Gershom Bulkeley," presented to Gov. Fletcher of New York, under date of September 16, 1692.

† It has been repeatedly stated, on what authority does not appear, that this record, or at least the word 'Finis,' was written by Andros himself. A glance at the original is sufficient to show that it is, throughout, in the hand writing of Secretary Allyn.

- Capt. John Beard, }
 Mr. Sam^l Buckingham, } for Milford.
 Mr. Sam^l Sherman, for Stratford.
 Mr. Sam^l Hayes, for Norwalke.
 L^{nt} Tho. Leffingwel, for Norwich.
 L^{nt} Abraham Brunson, for Lyme.
 L^{nt} Henry Crane, for Kellingworth.
 Deacon W^m Johnson, }
 Deacon John Grave, } for Guilford,
 Mr. Tho. Yale, }
 Deacon John Hall, } for Wallingford.
 L^{nt} Ebenezer Johnson, for Derby.
 Mr. Georg Gates, for Haddum.
 L^{nt} Eliez. Stent, for Brandford.
 Sarjt Jn^o Chapman, }
 Deacon W^m Dudley, } for Saybrook.

[202] A MEETING OF THE GENERALL COURT IN HARTFORD,
MAY 9th, 1689.*

For the present peace and safety of this part of New England called Conecticut, the necessity of the circumstances it is now under so requireing, it was voted by the Freemen that they would re-establish the Government as it was before and at the time when Sr Edmond Androsse tooke the Government,† and so to have it proceed as it did before that time according to charter, engaging themselves to submit to it accordingly untill there shall be a legall establishment settled amongst vs.

Those in the Government at the time when Sr Edmond Andross took it, were Rob^t Treat, James Bishop, Nathan Gold, John Allyn, W^m Joanes, Andrew Leet, John Wadsworth, James Fitch, Samuel Mason, Benj. Newbery, Samuel Tallcot, Giles Hamlin, Esq^{rs}; there were now aded, Samuel Willys and Major Gen^l John Winthrop Esq^{rs},‡ to make up the number of Assistants according to charter.

The Deputies of this Court are:—

Mr. Ciprian Niccols, Ens. Nath. Stanly; for Hartford.
Mr. Henry Woolcot, Capt. Joseph^h Fitch; for Windsor.
Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for New Haven.
Mr. John Beard, Mr. Tho. Clark; for Milford.
Mr. John Burr, Mr. John Wheeler; for Fayrefeild.

* Some further extracts from "Will and Doom," respecting the constitution of this Court, the manner in which it was convened and its mode of proceeding, will be found in the Appendix, No. CXXXVI.

† "There were 3 p^rpositions then made to y^e freemen, to this purpose viz^t: 1. Whether they would that those in place when Sir Edmund tooke y^e gov^{nt} should resume their place & power as then; or 2. Whether they would continue y^e then p^rsent gov^{nt}; or 3. Whether they would chuse a Committee of Safety." (Some Objections, &c.) The "Will and Doom" states that only the first of these propositions was submitted to a vote: that on the first trial, the vote was doubtful, "some credible persons asserting that upon observations made by them being present, the negative vote was clearly the major vote;" but on a second trial, "it was said that the affirmative votes carried it."

‡ In the places of Lieut. Col. John Talcott, who died July 23, 1688, and Major John Nash, of New Haven, who died, July 3, 1687. Mr. Willis was now restored to the place which he had vacated in 1685. Major Gen. Fitz John Winthrop had resided, much of the time since his father's death, in Boston, and had been a member of Dudley's council in 1686, and of that of Sir Edmund Andros to the close of his administration. He now returned to New London, where he subsequently resided until his death.

Mr. Joseph Curtice, Mr. Josiah Niccols ; for Stratford.
 Mr. Benja. Brewster, L^{nt} Tho. Leffingwell ; for Norwich.
 Capt. W^m Lewes, Capt. Jn^o Stanly ; for Farmington.
 Mr. Nehem. Palmer, for Stonington.
 Cristo. Comstock, for Norwalk.
 Ens. Tho. Yale, Mr. John Hall ; for Wallingford.
 Mr. John Chapman, Mr. W^m Dudley ; for Saybrooke.
 Mr. W^m Maltby, L^{nt} Eli. Stent ; for Brandford.
 Samuel Willcoxen, for Simsbury.
 Ens. Tho. Judd, for Watterbury.
 Mr. Edward Griswold, for Kenilworth.
 Deacon W^m Johnson, Deacon John Grave ; for Guilford.
 L^{nt} Nath. White, for Midleton.
 Capt. James Avery, L^{nt} Dan^{ll} Witherly ; for New London.
 Capt. John Minor, L^{nt} Israel Curtice ; for Woodbury.
 Mr. Georg Gates, Joseph Arnold ; for Haddum.
 L^{nt} Abram Brunson, for Lyme.
 L^{nt} Ebenez. Johnson, Mr. John Hulls, for Derby.

Whereas this Court hath been interrupted in the management of the Government in this Colony of Conecticut, for neer eighteen months past, and o^r lawes and courts have been disused ; that there may be no damage accrue to the pub. hereby, It is now enacted, ordered and declared, that all the lawes of this Colony formerly made, according to Charter, and courts constituted in this Collony for administration of justice, as they were before the late interruption, shall be of full force and vertue for the future and till this Court shall see cause to make farther and other alteration and provission according to charter.

And this Court doe farther order, enact and declare, that all the present military officers throughout this Colony are hereby continued and established in their respective offices according to law untill there shall be farther order ; and all the souldiers in this Colony are hereby required to be obedient to their respective officers, and to attend accordingly ; and if there be any vacancies or want of any officers in any Band, or they be dissatisfyed with there present officers, they may nominate such others as they judg suitable in their places, at the next

session of this Court, who may receive such establishment as shall be judged necessary.

This Court doe order and appoynt Capt. Josiah Standidg to take care of the Trayne Band of Preston, and to exercise them in peace and war, according to law; and they the Trayne band of sayd Preston are hereby required to be obedient to him accordingly.

This Court made choyse of Major Ed. Palmes, Mr. Daniell Witherly and Capt. James Avery to be Com^{rs} or justices of the peace for New London; and Mr. Mathew Griswold for Lyme, Mr. John Chapman for Saybrook and Kenilworth, Mr. Rosewell for Brandford, Mr. Tho. Yale for Wallingford, Mr. Richard Bryant and Capt. John Beard for Milford, Capt. W^m Curtice, Mr. Jose[ph] Hawly, and Mr. Jeramy Judson for Stratford, Capt. John Minor and Mr. Jos. Judson for Woodbury, Mr. Jehu Burr and Mr. John Bur for Fayrefield, Capt. Tho. Fitch for Norwalk and Danbury, Captⁿ Jonath. Sellick and Lnt. Jonath. Bell for Standford and Greenwich, Captⁿ John Chester for Wethersfeld, Mr. Benjamin Brewster for Preston.

[203] John Allyn is to administer the oath of assistant to Captⁿ Newbery, and Mr. Bishop to administer to Captⁿ Leet and Capt. Rosewell their respective oaths, and Captⁿ Mason to administer the oath of Assistants to Major Winthrop, and Major Gold to the Com^{rs} of that county.

Georg Graue is appoynted Marshall as formerly.

This Court doe order and appoynt Mr. John Chapman and Mr. W^m Dudley to take care that some thing may be don towards the repayre of the Forte at Saybrook, and its left with them to doe what is necessary about the same provided they exceed not the sume of tenn pownds, which shall be payd out of the next country rate.

This Court doe desire and appoynt the Treasurer to provide for the forte at Saybrooke a barell of powder, upon the countryes accot, and to send it to Mr. John Parker to be kept in readiness for the defence of the country.

The deputies of this Generall Court by their vote did declare, that in case any occasion should com on in reference

to or charter or government, it is their desire that the Govr would call the Generall Court to consider and determine what is necessary to be done, and doe not leaue it with the Councill.

This Court doe appoynt the 4th Wednesday of this present moneth to be kept a day of publique humiliation throughout this Colony; the grounds and reasons are upon the file of this Court.

A GENERALL COURT HELD AT HARTFORD, JUNE 13, 1689, BY
SPECIALL ORDER OF THE GOVERNO^r.

Col. Rob ^t Treat Esq ^r , Gov ^r .	Capt. James Fitch,
James Bishop Esq ^r , Dep. Gov ^r .	Capt. Sam ^l Mason,
Major Nathan Gold,	Capt. Benj. Newbery,
L ^{nt} Col. John Allyn,	Capt. Giles Hamlin.
Mr. Andrew Leet,	

Deputies are—

Ens. Nath Stanly,	W ^m Prince of Orange and Mary
Mr. Ciprian Niccols,	princesse of Orange were proclaymed
Mr. Henry Woolcot,	King and Queen of England, this
Capt. Joseph Fitch,	day.*
Capt. Moses Mansfeild,	This Court granted that Weath-
L ^{nt} Abram Dickerman,	ersfeild trained souldiers shall for
Mr. John Burr,	future be two disstinct foot compa-
Mr. John Wheler,	nies or traine bands.
Capt. James Avery,	This Court granted that New
L ^{nt} Daniel Wetherell,	Haven trained souldiers shall be two

* On the 13th of February, 1688-9, King William III. and Queen Mary accepted the crown,—abdicated by James II. on the 11th of December, 1688, nearly two months before. February 16th, an order in Council directed proclamations to be drawn, for proclaiming their Majesties in the several Plantations. On the 3d of June, a sloop arrived at New York from Barbadoes, bringing a London gazette, Feb. 14-18, containing the King's Proclamation. (Doc. Rel. to Hist. of N. Y. III. 585, 586.) At nearly the same time, "in the beginning of June," as the writer of "Will and Doom" states, "by one means or other they got a copy of the Proclamation," in Hartford; "this they improve for a stalking horse, to put a blind upon the people. * * So a general convention (or Court) is called to meet on June 13th," &c.

Capt. John Beard,
 Capt. W^m Lewes,
 Capt. Jn^o Stanly,
 Mr. Josia Niccols,
 L^{nt} Tho. Leffingwell,
 Mr. John Chapman,
 Mr. W^m Dudley,
 Mr. Edw. Griswould,
 Mr. Nehem. Palmer,
 Capt. Dan. Harris,
 Mr. W^m Cheeny,
 Mr. Christo. Comstock,
 Deacon W^m Johnson,
 Deacon John Graue,
 L^{nt} Jonath. Bell,
 Ens. Georg Gates,
 Joseph Arnold,
 Mr. W^m Maltby,
 Ens. Tho. Judd,
 L^{nt} Israel Curtice,
 Sarj. Sam^l Willcoxson.

disstinct foote companyes or traine bands for the future.

This Court granted that with what formerly is granted to make the fort compleat at Saybrook, twenty pownds shall be payd out of the publike treasury to Mr. Chapman and Mr. Dudley to accomplish that worke soe far as it will goe.

This Court haueing considered the addresse* that hath been prepared and seuerall times read in Court, doe order that it be signed by the Govern^r and Secretary in the name of the Court, and that it be presented to his Matie by Mr. W^m Whiting, unto [w]home there is now prepared a letter, to be sent unto him with the address inclosed, which is approved by the Court and ordered to be signed by the Govern^r and Secretary in the name of the Generall Court, and are on file.

This Court upon the motion of Mr. John Burr in the behalfe of Albert Denny who is now in restraint for susspicion of his committing of murder upon the body of an Indian woman, and so many witnesses of both Indians and English being to speake to the case, who are unfitt for trauell, this Court haue declared and impowered the Gouvern^r to call a speciall Court of Assistants to be held at Fayrefeild, to heare and determine the same according to law, when his honour pleaseth, provided sayd Dennee doe also consent to and desire the same.

This Court by their vote declared that a letter should be

* Appendix, No. CXXXVIII. The draft, or copy, in For. Correspondence, I. 38, is in the hand-writing of Mr. Allyn. It was drawn, says Mr. Bulkeley, in "Will and Doom," by one who "was an *antesignanus* in the Revolution," and in its "sly in-croaching insinuations," he detects the "*anguis in herba*." From Mr. Whiting's letter of August 12th, it appears that this Address was not presented to the King. (Appendix, No. CXLII.)

sent by the Gentⁿ chosen to goe to New York, unto Captⁿ Lesner, in answer to his.† Item, it was voted that in the Gentlemen's Instructions the number of men is left to the good discretion of the Gentⁿ sent.

This Court confirms Samuel Tallcot Capt. of the Troop of Hartford county, and Joseph Whiting L^{nt} of sayd Troop, and Return Strong cornet, and Tho. Bissell Quarter Master of sayd Troop.

Major Nathan Gold and Captⁿ James Fitch were appoynted to go to New York. Their instructions are on file of this Court.*

This Court appoynts the last Wednesday in this moneth to be solemnly kept throughout this Colony, a day of pub: Thankesgiving, to prayse God: the particular occasions thereof are on the file of this Court.

† For the documentary history of the revolution in New York and of the subsequent administration of Jacob Leisler, see Doc. Hist. of N. York, Vol. II; Documents Rel. to Hist. of N. Y., Vol. III. On the 31st of May, Capt. Leisler, with 49 men of the train band, took possession of Fort James, having compelled Lieut. Gov. Nicholson to surrender the keys. Six captains and about 400 of the militia joined him in arms, and published a declaration of their purpose "to keep and guard surely the said fort, in the behalf of the power that now governeth in England, to surrender to the person of the protestant religion that shall be nominated or sent by the power aforesaid." A committee of safety was organized, by which on the 8th of June, Capt. Leisler was appointed captain of the Fort, and invested with authority to act against foreign enemies and 'to prevent all disorders.'

On the 5th of June, Major Gold, of Fairfield, had written to Leisler, expressing his approval of the seizure of the fort, &c. To this letter Leisler replied, June 7th, (Appendix, No. CXXXIX,) and wrote a second letter, June 16th, (Doc. Hist. of N. Y. 4to. II. 4), but the latter was not received in season for the action of this Court. The letter now ordered to be sent him is printed in the Appendix, No. CXL.

* No copy of them can now be found. A communication from Major Gold and Capt. Fitch, to "Capt. Leisler and the rest of the Captains that have been active with" him, dated "in the Fort of New York, June 26th, 1689" is printed in Doc. Hist. of N. Y. (4to.) II. 10, and in Doc. Rel. to the Hist. of N. Y. III. 589, 590. They arrived in New York in the evening of June 21st. The next day, at noon, William and Mary were proclaimed by Leisler, from the printed proclamation which the Connecticut delegates brought with them, first at the Fort, and afterwards, in the presence of the mayor and aldermen, at the state house. (Doc. Rel. to Hist. of N. Y. III. 601, 614, 617.) Connecticut agreed to furnish ten men to assist in garrisoning the fort, and these were sent to New York in July, and continued there until recalled by the General Court in October.

State of Connecticut, ss.

Office of Secretary of State.

I hereby certify, that I have caused the foregoing printed pages of this volume to be carefully compared with the original Records in this office; and that I find the same to be, (except where otherwise indicated or expressed,) a true, full and literal copy of the said Records.

In testimony whereof, I have hereunto set my
L. S. hand and affixed the Seal of the said State, at
Hartford, this 24th day of January, A. D.
1859.

JOHN BOYD,

Secretary of State.

APPENDIX.

No. I.

CAPT. WAIT WINTHROP'S PETITION, IN BEHALF OF THE PROPRIETORS OF THE NARRAGANSETT LANDS; MAY, 1678.

[Col. Boundaries, I. 124.]

To the Honored Generall Court now sitting in Hartford :

Whereas there haue bin severall persons within the Colony of the Massathusets that haue of late solisited my selfe with som others of the proprietors of the Narragansett Countrey,* that they might vpon resonable termes procure conveniencies of settlement there, and that in order thereunto, the Proprietors would desire this Honored Court that they would manifest their willingness that they should dispose of their lands there, which would be for the benefit of this Colony to have townes multiplied, and in som small mesure (the land being planted) would recompence the charg the proprietrs haue bin at, and the greate trouble they haue bin under in withstanding the Rode Islanders: whereby the seeming difference which som of the inhabitants of the severall colonyes may apprehend to be between this Honored Court and the said Proprietrs may be removed, which for the present seemes to be a hinderance to theirs and others resolutions in setleing upon the lands in the Narrogansett, and an incouragment to those of Rode Island still to intrude upon the Proprietrs right and disturb the peace of this Colonye. My desire therefore, for the publique good of this Colonye and in behalfe of the foresd Proprietrs is, that this Honrd Court would please to manifest their

* Respecting the title and claims of the proprietors of Narragansett lands, under the Atherton mortgages, see Volume II., Appendix VII. (pp. 541-545).

aprobation of the said Propriet^{rs} indeavours to settle the Countrye, and that they may without hinderance dispose of the foresaid lands to those that shall desire a settlement there, it being their desires to have it firmly settled under this Government, and their intentions that those places that are capeable shall not be ingrossed into perticular men's hands, but settled into Plantations and so I shall alwayes remaine, Honored Gent^lm, your humble servant,

WAIT WINTHROP.

No. II.

GOVERNOR ANDROS TO GOVERNOR LEETE.

[*Reprinted*, from Doc. Relating to the Hist. of N. York, III. 276.]

N. Yorke, 7^{ber} 28, 1678.

Hon^{ble} Sr

I received yo^r Perticular Lett^r of Date ye 18th Instant and one jointly wth the Commission^{rs} of the Collonyes* Last night for w^{ch} I giue you thankes and shall be ready to contribute what may be ffor the interest and Safty of yo^r parts but y^m-selues hauing treated wth and since upon occasions sent messengers to Demand Reparations of the Maquas† do not find it adviseable for me to act in s^d Matters wthout some Emediatly authorized ffrom you w^{ch} if you think proper I shall ffavour them ffurther as ffarre as you can expect to my pow^r and that I may not bee wanting in any thing haue resolved if occasion ffor further [aduise] arise thereupon for ye publike good of yo^r parts to meet at New Hauen or any other ffitt place betweene This and that when I hope I may allso have the opportunity of seeing yo^rselfe and remaine

To ye Governor of }
Conecticut. }

* Which see, printed with the Records of the Commissioners, Sept. 1678.

† The Massachusetts Court, Oct. 1677, had sent letters to the Mohawk sachems, and to Capt. Salisbury, the commander of the Fort at Albany. See Mass. Rec. V. 165-168. In the summer of 1678, messengers were again despatched by Massachusetts to the Mohawks, "to require the delivery of the Indian captives taken in June, 1678, at Magunchog; unto which they returned dilatory and dissatisfactory answers." Id. 300. Gov. Andros was highly displeased at these attempts to treat directly with the Indians, whom it had been his policy to "deal with as being under or part of the government" of New York, and by no means to recognize as a treaty making power. See his letter to Mr. Blathwayt, in Doc. Rel. to Hist. of N. Y. III. 272.

No. III.

GOV. LEETE AND MR. ALLYN, COMMISSIONERS FOR CONNECTICUT,
TO GOV. ANDROS.

[War, l. 142, c. Mr. Allyn's copy.]

Hartford, Octobr 9, 1678.

Hon^{ble} Sr :

Vnto yo^{rs} of 7^{ber} 25, 1678, these may serve to acquaint you that the Com^{rs} of the other vnted colonys being adjourned and gone, we haue transmitted yours after them, but doe conceive that their sence will be to acquiesse in what they have allready done upon that subject and so not willing to be recalled into these parts, nor can we of Conecticott thinke it adviseable to vrge it upon them, or to give your hono^r so much trouble for another meeting at N. Hauen or elsewhere without them, vpon such a generall affayre. We are not knowing of any such treaty with the Maquaes, to be without the priuity and allowance of some of your substitutes, and yet nothing done by Maquaes to return the captiues nor seems likely to be vnless by your hono^{rs} advice and influence, which doth not need the p^resence of o^{rs} to make that the more p^rvalent with them. Wherefore (although a salutative meeting might be a faouere unto vs) yet if nothing can be otherwise done wth the Maquaes for restitution of captiues and quiet to the country, we feare that such a partiall meeting will litle auayle. O^r greatest doubt is, that from these occations of the Maquaes incursions we shall haue hard work to withhold all Indians in these parts from prosecuteing their accustomed revenges, which may proue hurtfull to English as well as to Indians one wher or other. O^r cheife argument dissuasive hath been to tell them that a peaceable liuing is very acceptable to o^r King and all his English Governo^{rs} who desire to be friends to peace both betwixt Indians and English subjects. We also tell them that we haue moued your Hono^r vpon that acco^t to farther the quieting the country. All this we doe to allay their reuengfull natures, which we trust may be acceptable to God and the King: but what will be the effect, we must leaue in confidence of your complying endeauoures for so good an end, according to your better wisdom and management, Wth craueing your pardon and takeing leaue to sub-

scribe ourselues, Hon^{ble} Sr, Your affectionate neighbors and humble seruants,

WILLM LEETE } Com^{rs}
JOHN ALLYN }

For the Hon^{ble} Sr Edmund Andross Knight,
Gouerno^r of his royall highness Territories
in America, at Forte James in New York, dd.

No. IV.

ADDRESS TO THE KING. OCTOBER, 1678.

[For. Correspondence, Vol. I. Doc. 11: in hand writing of Sec. Allyn, with occasional interlineations, (here marked by brackets,) in the hand of Gov. Leete.]

To the King's most Excellent Majestie,

The most humble Adresse of his truely loyall subjects and suppliants, the Governo^r and Generall Assembly of his Majesties Colony of Conecticut in New England, holden in Hartford, October 10, 1678.

Dread Sovereigne.

Such and soe great have bin your Maties Princely favor towards vs, especially in the gracious Charter that your Matie (from your owne free motion and most ample grace) hath bin pleased to grant vnto vs, your poore, yet loyall subjects, in this your Collony, by which we are made very sencible of your Royall care concerning our civill and religious liberties, as also of the great and singular benefits that we have enjoyed by that eminent protection, all which hath greatly encouraged and strongly moved vs, in conscience of duty, humbly and hartily to offer vp o^r most sincere acknowledgments of your Maties great goodness towards vs, in those forementioned charter [bounds and] priviledges [which hath beene no small ingagem^t and incuragm^t by w^{ch} to defend and recov^r the whole, wⁿ others that p^rtended a p^rt deserted the same]. Neither can we choose but reflect upon o^rselves that in [so many] halcion dayes of great immunities vnder your gracious shaddow, we have not, with bended knees, testified o^r vtmost thankfullness [for such Royall favour]. But such have been the overtures, by the death of o^r former Governo^r Winthrop, and of late by the breaking forth of the warr with the barbarous heathen, [have retarded till these troubles were ended], of which we have now a hopefull issue, through the help of Almighty God, and the benefitt of your Royall countenance;

for although as to o^r estates we are much impoverished thereby, yet through God's great mercy he hath given vs o^r lives for a prey, whilst many of o^r neighbours round about vs have bin made a desolation. And vnder God, we must acknowledge ourselves debtors to your Matie; the greatness of your name and power, with the gracious aspect thereof towards vs, being a terror to o^r heathen adversaries. Yet these troubles have bin some hindrance to that o^r duty of timeous acknowledging our thankfullnesse. And now what can we say before so gracious a King, [but to beg that we] may we be admitted humbly to prostrate ourselves at your Maties feet, wth earnest beseeching the continuance of your princely grace, in the full enjoyment of [all the limits mentioned in] o^r sayd charter, and the priviledges thereof, [that have] by your Royall selfe [beene] granted to vs, o^r heirs and successors; of which we cannot but mayntaine assured confidence, from your gracious letters at divers times sent vs for o^r encouragement. And we shall, as in duty bound, apply o^rselves constantly to the throne of grace, for your Maties long life and happy reigne over all your kingdoms and territories, to the hono^r of the great God, the good of his Church.

Soe begging your Maties pardon, we subscribe o^rselves, your Majestie's true and loyall subjects,

The Governo^r and Generall Assembly of yo^r Majesties
Colony of Coⁿnecticut,

W^m LEETE, Gov^r.

In their name and by their order signed,

JOHN ALLYN, Sec^{ry}.

For his most excelent Matie Charles the Second, King of Great Brittain, France & Ireland, Defender of the Fayth &c.

No. V.

GOV. LEETE TO MAJOR ROBERT THOMSON.*

[War, Vol. I. No. 142, a.]

Hartford, Octobr 23, 1678.

Honrd Sr: I am desired by o^r Gen^{ll} Assembly to intreat so much favoure from yourselfe as to be concerned on their and

* Major Thomson was one of the referees to whom the adjustment of the charter bounds between Connecticut and Rhode Island was submitted by Gov. Winthrop and Mr. John Clarke, in 1663,—since when the Colony had had frequent occasion to ask his good offices, for the presentation of petitions and management of affairs in England. (See Vol. II. pp. 96, 103, 338, 344.) He was one of the grantees of the township of New Roxbury, (Woodstock,) and received a special grant of 500 acres, from

our behalfe, either by your own hand or some other person of worth that you judg meet and can prevayle withall, to p^rsent this our humble Address into his Matⁱes hand, wth the beseeching his Royall candor to pardon both o^r slownesse and meanesse therein, as comeing from his poore wildernes subjects lately saved out of the hands of a barbarous enemie, and much unskilled in makeing such a sublime p^rsentation of themselves, yet could not in duty forbear the adventuring to make o^rselves knowne in the capacity of loyall subjects, vpon confidence of findeing his Matⁱe vnchangeable in the grace we have formerly experienced. If any thing hereabout shall occasion charge, we shall with all readinesse be responsible, and remayne your obliged and thankfull servants.

W^m LEETE, on behalfe
as abovesaid.

Superscribed, These For the Honor^d
Major Rob^t Tompson Esq^r, at
Newington, neere London.

No. VI.

GOV. LEETE AND JOHN ALLYN TO SIR EDMUND ANDROS.

[War, Vol. I, No. 142, b.]

Hartford, Octobr 29th, 1678.

Hon^{ble} Sr: Since the last from vs of Conecticut, wee have advice from o^r neighbor^s of Massachusetts that their Gen^l Court is very desireous of the release of those poore prayeing Naticke Indian captives, on whome have been great costs expended to encourage them in their religious profession, and doubtless if yourselfe could advantage the same, you might expect a reward from the Lord of the harvest. Those of Massachusetts have done their most allready, vnder the conduct of Captain Salisbury; and if more were needed, we and they are ready to send some suitable Gentⁿ to wayte on you at Yorke or elsewhere, if that can be conceived to ad to your

Massachusetts, in 1683, in acknowledgment of his 'good will and friendship' to that colony. (Mass. Rec. V. 409.) By the settlement of the dividing line between Massachusetts and Connecticut, in 1713, Major Thomson's principal grants fell within the latter colony, in what was then the township of Killingly, and in Oct. 1731, the General Assembly granted a patent for a tract of 2000 acres to "Joseph Thompson Esq. of the Inner Temple, London, grandson and heir of the said Robert Thompson Esq. of the Parish of Stoke Newington, deceased," (Col. Rec. Deeds &c. III. 539). The name of *Thompson* was given to the north parish of Killingly, in 1730; and when the township was divided, in May, 1785, the new town was incorporated by the same name.

owne influence vpon the Moquaes accot, so as to make it be the more effectuall; upon your Honor^s signification of time and place, we shall order some such to waite upon you; meanwhile it is still desired you would order their return and save them from barbarian cruelties, the Maquas haveing subjected to your Honor^s Government and declared (as the Gentⁿ of the Massachusetts have informed vs,) that in your presence, and upon your order they would deliver them.

If any farther or more universall treatment be then thought expedient by yourselfe or by your Indians, we shall endeavour to promoate it in time and place convenient. Hereof we crave your Honor^s answer so soone as may be attained, and remaine,

Hon^{ble} Sr, Your most affectionate
neighbo^{rs} & humble servants,

W^m LEETE,
JOHN ALLYN.

[Superscribed,] These for the Hon^{ble}
Sr Edmond Andross Kn^t, Govern-
or, &c. at Fort James in New Yorke.

No. VII.

SIR EDM. ANDROS TO GOV. LEETE AND MR. ALLYN.

[War, I. 143.]

Hon^{ble} S^{rs}. Both yo^{rs} of the 9th and 29th past were brought mee together the 14th instant, by James Shoare, w^{ch} if not answer'd (as they are effectually by my former, men-
cioned therein) you seeme by yo^r so long delay and late sending them at this season of the yeare, (now past travelling towards Albany) to expect no answer; however, saying you doe, I shall (referring you to my former above men-
cioned) adde, that I doe not know that Captⁿ Salisbury, comander at Albany, or any other in these parts, have beene otherwise concerned in your late transactions wth our or upper Indyan, than in permitting them you employed to passe to or speake wth them (at Albany) to prevent further underhand dealings, which might have proved worse; and (also) notwithstanding inconvenience and charge to myselfe, I offered said meeting, w^{ch} (other endeavours having beene ineffectuall) I thought might resolve and remedy, or settle all said concernes; in w^{ch} if mistaken, I submit, but should have been glad to have seene you in any convenient place, and particularly here for it: and

if you shall send fitt persons so authorized, I am still ready to doe what is fitt for mee, to my power, to serve you accordingly, as soone as season will permit and remaine,

Yo^r affectionate neighbor
& humble servânt,

New Yorke,
Novemb^r 18th, 1678.

E. ANDROSS.

For the Hon^{ble} William Leete Esq^r Governo^r & Mr. John Allyn Magistrate & Secy of his Matie^s Colony of Conecticut, Comission^{rs} for the United Colonyes, These, at Hartford.

No. VIII.

ORDER OF THE GOVERNOR AND COUNCIL, SUSPENDING INTERCOURSE
WITH NEW YORK DURING THE PREVALENCE OF THE SMALL POX.

[Colon. Boundaries, I. 127.]

Whereas y^e holy providence of God hath brought that infection of y^e Small Pox into o^r neighbouring colony of New Yorke as well as in the Massachuset, and that some persons have allready brought the disstemper into this Colony from both those Colony's, which through the mercy of God hath not yet farther spread; for y^e prevention of the spreading of y^e infection, if it may so please God, it is ordered by the Gov^r and Councill that whereas there hath been formerly order sent forth for the examining of all vessells that came from such ports in the Massachuset where y^e infection is, to prohibit their landing till they had lycenss from authority, especially if any were ill in such vessells; so they doe allso now see cause to order and prohibit all and every vessell great or small (that shall come from any porte in his Royall Highness territories of N. Yorke, where the infection is,) from coming in to any of our portes or harbours, wthout lycenss from authority, as they will answer the contrary at their perill; and that no person or persons shall on land pass or repass to those places that are infected, wthout speciall lycenss from some authority, during the time of y^e continuance of this contagion; and the officers of our seaport townes, and the next adjoining townes to such places, are to take care that this order be duely attend- ed, as they will answer the contrary.

Dated in Hartford, Aprill 7, 1679.

p order of y^e Gov^r and Councill, signed,

J. A. S[ecretary.]

No. IX.

GOVERNOR LEETE AND THE COUNCIL,* TO THE GOVERNOR AND
COUNCIL OF RHODE ISLAND.

[Col. Boundaries, I. 126.]

Hartford, April 7, 1679.

Honord Gentⁿ:

Or Com^{rs} lately passing through or Colony to Plymouth,† in their return found sundry of your people settling in the Narragansett country especially in that part between Elsebeth spring and Cowesett,‡ whoe demanded of those they found upon the place, by what authority they did so doe: their return was, by order of the Govern^t of Rhode Island. Our Gentⁿ warned them to forbear settling there (it belonging to the authority of this Colony to settle those affaires there, that place being circumscribed wthin the limits of or charter, and the government thereof by his Mat^{ie} comitted to this Colony,) before they had expended too much in their settlement, w^{ch} would be but labor lost: w^{ch} to prevent we thought it not amiss to give your selves timely notice hereof; and to desire that you would not countenance any such incroachment upon or rights and liberties, but that you timely call back your people from those parts above mentioned, for we cannot suffer their continuance there in such a way, but according to or former declaration must call them to an acco^t: and if they be sufferers and losers in the issue, they may blame themselves and their abettors in such an unrighteous settlement. We thinke it needlesse to recite y^e severall argum^{ts} for or unquestionable title both to the Govern^t and ppriety, w^{ch} (esp^{ly} since the late war) is more ratified, and or duty for orderly settling those pts now made more necessary and incumbent. We have not to ad but or respects and that we are, Honord Gentⁿ, your affectionate freinds and neighbors, the Gov^r & Councill of his Mat^{ies} Colony of Conecticot; p their order signed

JOHN ALLYN, Sec^{ry}.

These for the Hon^{ble} the Gov^r & Councill of his
Mat^{ies} Colony of Rhod Island, at Newport, this dd.

* Present, "Gov^r Leete, Major Tallcot, Capt. Allyn, Mr. Richards."

† A meeting of the Comm^{rs} of the U. Colonies was held at Plymouth, Mar. 20-24th.

‡ In October, 1677, the General Assembly of Rhode Island granted 5000 acres in the Narragansett country for a township, incorporated as East Greenwich; 500 acres near the shore of the bay, to be divided into house lots for fifty proprietors. R. I. Rec. II. 587,588.

No. X.

FROM THE GOVERNOR AND COUNCIL OF RHODE ISLAND.

[Col. Boundaries, I. 128.]

Newport, 21st Aprill, 1679.

Honor^d Gent^{l^m}.

Yours of the 7th instant came to our hands, wherein wee percive yo^r pressing forward that long difference between the two Collonys under his Majesty, viz. Conecticut and Rhode Island & Providence plantations &c. which wee hoped would not againe be raked up, or occasioned further dispute. Yet since you are pleased to comānd those by us settled in the Narragansett neer Coessett &c, and to forwarne them and their abettors with threats, Wee answer that what wee have therein done and for what further wee shall doe in the settlement of the Narragansett and Niantick Lands, Wee have his Maj^{ties} Authorety for; In which wee doubt not a Justification therein, and our Righteous setlment thereof confirmed and approved except only by those whoe under unrighteous pretences lay claime thereunto; wickedly Indeavouring to make strife and debate for senister ends. Wee must owne you are of strength sufficient to compell submission. But if you think his Maj^{tie} will not relieve, maintaine and defend his subjects in their Just and lawfull Rights from userpation, forceable and violent intrusions, you may attempt any thing under the pretence of a setlment. Gent^{l^m}, the absolute descision of this matter is lodged with his Maj^{tie}, and how farr his Royall pleasure hath been declared therein, you may read by his owne Royall detirmination from Whitehall, 10th Aprill, 1666, in the 18th yeare of his Maj^{ties} Reigne, in these words following: And for the better prevention of all diferences and disputes upon the bounds and li^mitts of the severall Collonys, his Maj^{ties} pleasure is, that all detirminations made by his Maj^{ties} Com^{is}sioners, with referance as to the said bounds and li^mitts, may still continew and be observed, till upon a full Representation of all pretences, his Maj^{tie} shall make his owne fynall detirmination; And his Maj^{tie} expects that full obedience be given to this signefication of his pleasure in all pertickulars.

Wee sincerely declare our reall desires is to hold fast peace and neighbourly correspondence, and Resolve to keep and maintaine our Pattent, the bownds and prevelidges thereof, (as God in his infinnit Wisdom shall enable and direct us) untill his Maj^{ties} finall detirmination be further knowne.

And for the prevention of what evill may emerge, Wee

again Apeale unto his Royall Majt^{ie} for a finall descission, which wee hope you will likewise asent unto; but if otherwise an evill happen too late to be repented off, our consciences are cleer before God, and ourselves before our King and country: for it it is both Naturall and lawfull for men to defend their just Rights against all userpers and Invaders.

Wee alsoe desire and forewarne you Exercissing any Authorety in our Pattent Jurisdiction: the bounds and limitts thereof, wee are fully satisfied you have certaine knowldge off, it being for some yeares past owned and submitted unto by the chiefest in Authorety of yo^r Collony, to extend unto the midle of the greatest streame of the River called Pawkawtuck (alias) Norrogansett or Narragansett River, beinge the West boundery thereof: Otherwise wee shall take it an Intrusion upon our Rights, and accordingly shall Indeavour our Reliefe by adress unto his Majt^{ie}.

Wee think it needless at present to speake to your aprihen- tions of the late Revolutions more ratefying your claime as you say.

We comitt our cause to God, in whose hand is the disposing and Issue of all things: And as afore, wee say; the whole matter lyeth before his Royall Majt^{ie} for a finall detirmination, and his Royall pleasure therein, as Loyall subjects, with cheerfulness shall submitt unto.

With our due Respects presented wee Remaine, Honor^d Gent^lm,
Yo^r Reall friends and Neighbours, the Govern^r and Councell of his Majt^{ies} Collony of Rhode Island, Providence Plantations & Kings Province.

By their Order signed,

JOHN SANFORD, Secretary.

To the Honor^{ble} the Govenor and Councell
of his Majt^{ies} Collony of Conecticut,
These dd.

No. XI.

JOHN SAFFIN* TO SECRETARY ALLYN.

[Col. Boundaries, I. 130.]

Rhode Island, 23th May, 1679.

Capt. Jn^o Allen.

S^r. Not long since, the Proprietors of the Narragansett

* John Saffin, formerly of Scituate and, at this time, of Boston, was one of the com-

lands wrott to yo^r Hon^d Council signifieng the strange actings of Rhode Island men, in w^{ch} they still persist, and are Resolved (as they say) to goe on to the uttmost to exert their Authority against the pretensions of Connecticut & their Adherents, haveing kept me here aboue a fortnight in suspence and at last haue pas't a sentence against me most illegally (w^{ch} time at p^rsent will not permitt me to demonstrate) a Copie whereof I haue here inclosed, the w^{ch} I must discharge or lye in prison &c. And as I said, as they haue began so they will goe on, & Mr. Smith is threatned to be the next they will handle,† & so all those that owne Connecticutt Governm^t & disowne Rhode Island's, in those parts. Wherefore S^r, pray lett us heare from you by the first, what yo^r Resolues are, for I haue hetherto aserted yo^r Governm^t & mainetain'd the Cause against them to the uttmost Extent according to my Ability and y^e best advice I could gett; w^{ch} hath puzzl'd & confus'd them very much, they being doubtfully fearefull of the resentment of Connecticutt Governm^t and those with us concerned, touching the p^rmisses. All w^{ch} is certified by him who is, S^r, Yo^r humble Servant,

JOHN SAFFIN.

You see by their sentence that all my lands and estate within Rhode Island Colony is declar'd forfeited, so that it is high time for us to know whether those lands in the Narragansett be in their or yo^r Colony, & here I must abide expecting yo^r Resolue. And as it fares with me, so it is like to bee with all y^e Rest concerned there, seeing yo^r Governm^t and o^r Estates all lye at Stake, and they threaten Stonington men about Pockatoeke as they doe us.

Yo^{rs} J. S.

S^r, since I wrott, the winde being contrary, I haue hastily scribbled out severall copies of y^e Court's proceedings & sev-

mittee of the Massachusetts proprietors, for the management and disposal of the Narragansett lands. In July, 1678, this committee published an advertisement to all persons desirous of settling townships on these lands, that they were ready "to treat and agree on very easy and reasonable terms." Thereupon, the Rhode Island Assembly forewarned all persons against being induced by these "falacious claimes of title and government" to enter on the disputed territory, on penalty of being "deemed as intruders, mollesters and disquieters of the peace," and dealt with accordingly. (R. I. Rec. III. 18, 19.) Mr. Saffin was indicted, before the Court of General Trials at Newport, for adhering to another jurisdiction, and sentenced to pay a fine and forfeit all his estate within that colony. (R. I. Hist. Coll. III. 103.)

† Mr. Richard Smith, in behalf of himself and the other proprietors, had petitioned the King that the Narragansett lands might "be settled and restored unto" the government of Connecticut, "according to his Majesty's precedent grant." This petition was presented to the King in council, July 3, 1678, and referred to the Lords of the Committee of Trade and Plantations. In July, 1679, the Rhode Island Assembly, denouncing this petition as "composed with many false, untrue and unjust charges," ordered the arrest and prosecution of Mr. Smith for his 'unlawful actings' in its presentation. (R. I. Rec. III. 49-52.)

erall passages of pleas made &c, by which you may judge w^t Justice we are like to haue of them y^t judg in their owne case, byased with prejudice and unparralleld partiallity. Note, the lawes of Enggland are held pleadable here in all respects.

J. S.

For the Worppfull Jn^o Allen Esq^r, Secretary to his Majesty's Colony of Connecticutt, These.

No. XII.

RICHARD SMITH TO SECRETARY ALLYN.

[Col. Boundaries, I. 131.]

Capt. Aling, & worthy Sir: This accompaneyes Mr. John Saueng's Leter wherin you haue a full aco^t of all those uniuert proceedings of Rhode Island agaynst those that aserts yo^r right. I longe to here what your Court concludes one; pray lett us here whatt we may trust unto; we must ether be protekted or compleye with ouer aduersareys: the latter being sore against ouer minds, if forsed to it. As to what Rhode Island pretends to haue favor in England, I knowe they lye or haue they any asewerence of aney such thing. I writ you by Mr. James Willett latly. My humbell serues to the honored Gou^r and all the honnor^d gentellmen with yourselfe.

Sir, I am your humbell seruent
Wickford, 26th May,
1679.

RICH^d SMITH.

Rhod island setells dayly in Naragansett: if no stop be made, it will be hard to remoue them.

For the Worship^{fl} Capt. John Aling
These, in Hartford, dd.

No. XIII.

LETTER FROM THE KING, CONCERNING THE NARRAGANSETT COUNTRY, &C.

[For. Correspondence, I. 13.]

Charles R.

Trusty and Welbeloved We greet you well. Whereas in pursuance of an order of our Priuy Councill of the 4th of

December last,* directing our Welbeloved Subjects William Stoughton and Peter Bulkeley, Agents for the Corporation of the Massachusetts Bay in New England, to show by what authority or title Simon Bradstreet Deputy Governor and other Inhabitants of that Colony, had by a printed paper called an Advertisement,† dated at Boston the 30th day of July last, laid claime to the lands of Narragansett and Niantic Countreys called the Kings Prouince; they the said Agents did declare, that the Government of the Massachusetts is not at all concerned in this Claime, but only some Inhabitants, who had purchased those lands from the Indian Sachims: And whereas Our Welbeloved Subjects Randall Holden and John Green Deputies of the Town of Warwick in the Colony of Rhode Island, haue certifyed Our said Privy Councill (of their certain knowledge, as hauing inhabited that Countrey for aboue forty yeares) that neuer any legall purchase had been made thereof from the Indians by the Massachusetts or any others:‡ And there being likewise produced an Act of the voluntary Submission of the Chief Sachim and the rest of the Princes, with the whole people of the Narragansetts, unto the Government of Our late Royall Father of blessed memory,§ together with two Declarations made by Our Com^{rs} on the 20th of March, 1664, and 8th of April, 1665,|| whereby it appears, that they had then received from some of the Principall Sachims of the Narragansett Indians, a Surrender of themselves, their Subjects and their lands to Our Government and Dispose, not onley by their personall acknowledgments and sending Vs Presents, but by putting into the hands of our said Com^{missioners} the Deed aforementioned of the 19th of Aprill, 1644; And that as for the pretended purchases made by Major Ather-ton and others of the Massachusetts Colony, Our said Com^{missioners} did then declare the said purchases to be void, ordering the purchasers to leave the use and possession of those Lands, and that the Magistrates of Rhode Island should exercise the authority of Justices of the Peace in the Narragansett Countrey, by them called the Kings Prouince, & doe whatever they should think fit for the Peace and Safety thereof, untill Our further pleasure should be knowne: We hauing taken the Premisses into Our Royall consideration haue thought fit hereby strictly to will and require you, to take care, that all things relating to the said Narragansett Countrey or the Kings

* See R. I. Records, III. 62.

† Id. 18, from J. Carter Brown's Mss. See note on page 268, *ante*.

‡ R. I. Records, III. 60, 63.

§ Id. I. 134-136.

|| 3 Mass. Hist. Coll. I. 221; R. I. Hist. Coll. III. 179, 181; R. I. Rec. II. 59; Letter from Carr, Cartwright & Maverick, in Doc. Rel. to Hist. of N. Y. III. 97.

Prouince, be left in the same condition as now they are, or haue lately been in, as to the possession and Government thereof. And the absolute and immediate Sovereignty, as well as the particular propriety, of all that Countrey appearing by the Surrender of the Sachims to be vested in Vs, Our further pleasure is, that you doe forthwith signify to all persons within your Government who pretend any right or title to the Soyle or the Government of the said Lands, that they doe with all speed & by the first convenience, send ouer hither persons sufficiently impower'd and instructed to make their right and title appeare to Vs; and that upon default thereof, We will proceed to giue such Order for the Government and Settlement of the said Prouince, as We shall judge to be most consistent with justice, & the good of such of Our subjects, who already doe inhabit, or shall desire to make any further improvement within the said Prouince.

And whereas We haue been alsoe humbly informed by Our welbeloved Subject John Crown Gent.* that his Father William Crown had sustained a great loss by Our surrendring Nova Scotia unto the French, of part of which Countrey he was proprietor, and therefore praying Vs to grant unto him the Lands of Mount hope in New England, in compensation thereof; and We hauing referred the consideration of that his humble Suit to the Lords of the Coñittee of Our Privy Councill for forrain Plantations, and hauing receiued their opinion upon that matter, that it appeares to them, that the said Land did belong to Sachim Philip and his adherents, & was conquer'd by Our subjects of New England in the late warr against the Indians, not without great charge and bloodshed; We haue thought fit hereby to signify the same to you, together with Our pleasure, that you forthwith certify unto Vs, what right or title any of Our Colonies there may pretend unto the said Countrey, and also the true extent, value, and propriety of the said Lands of Mount hope, with the grounds and evidences of their respective Claimes, if any shall be made, that We may thereupon be enabled to give such further direction and Order, as may suit with Our Royall justice and

* Col. William Crowne was admitted a freeman of Massachusetts in May, 1660. The next year he was in England, and in Oct. 1662, the General Court of Massachusetts, at the instance of Lord Say and Sele, granted him 500 acres of land in "acknowledgment of his great pains in behalf of this country", at the court of Charles II. He subsequently became an inhabitant of Mendon, where he was invested with the authority of a commissioner in May, 1669. Mass. Rec. IV. 60, 150, 434. Hutch. Hist. I. 220. His son John was for a time a member of the college at Cambridge, and remained in New England until after May, 1661 (See his deposition, in Chalmers, 263). At the court of Charles II. his talents and enterprise secured the patronage of Rochester and the favor of the King; and these gave popularity to his poems and success to his numerous plays. (See Notes respecting William and John Crowne, in N. E. Gener. Reg. VI. 45-48.)

bounty. And We cannot upon this occasion but take notice to you, that We haue not hitherto receiued from you or any other of the said Colonies the least intimation, much lesse account, of the Conquest, Clayme or Disposall of the said Countrey; not doubting but for the future, you will be more carefull to advertise Vs, or our Privy Councill, of matters of this kind, & which doe any way relate to Our Prerogative & Authority. And soe We bid you farewell. Giuen at our Court at Whitehall the 12th day of February 1678-9 in the one & thirtieth yeare of Our Reigne.

By his Maj^{ties} comānd,

SUNDERLAND.

No. XIV.

THE GOVERNOR AND COUNCIL* OF CONNECTICUT TO THE GOVERNOR AND COUNCIL OF MASSACHUSETTS.

[Col. Boundaries, I. 132.]

Hartford, July 5th, 1679.

Honord Gentⁿ.

Wee lately rece^d a letter, title Charles Rex, subscribed Sunderland, dated White Hall, Feb. 12, 1678-9, whereby is manifest from the complaint of the good subjects Captⁿ Holding & Greene, † that all pretenders to Government or soile within the Narrogancett Country must make their defence against Rhode Island, whoe clayme both, and whoe were thought to be, by some commissioners, to be best deserueing persons for secureing and governing what was called by them Kings Province &c. It therefore seemes expedient and dutifull for your selues and vs to return somewhat suitably to defend the one and the other of o^r pretences there: likewise it may not be amiss for Massachusetts and Plimouth to alledge something on behalfe of the land and money upon Mount Hope acco^t, least all that be lost vnto one John Crowne, and so east be turned into west. What other suggestions may be from these or other male-content persons against the country in generall we know not, but doe yet suppose it may be worth the while for all to consult and consider joyntly and severally to make some apology, and give an acco^t of the late war, to his Mat^{ie}, and therein to shew what haue beene the Rohde Islanders'

* Present,—“ Gov. Leet, Dept. Gov. Treat, Mr. Willys, Capt. Allyn, Mr. Richards, Mr. Jo. Wadsworth.”

† See note on page 37, *ante*.

superrogations and deserts, as also what may be sayd to prevent the loss of all o^r Mount Hope. Wherefore vpon all the premises wee propownd vnto yourselues and unto your Gouvernment, with all the pretenders to propriety in any part of Narragancet Country, whither it might not doe well that a meeting of the Comm^{rs} be called to Boston, and there all may conferr of these matters and doe what shall be most adviseable; in order whereunto and to farther your more mature deliberations, wee haue inclosed a copy of sayd letter; praying for your guideance therein, as for ourselves; and with cheifest respects take leaue and subscribe, Honor^d Gentⁿ, your loueing freindes and confederates,

The Gov^r and Council of Conecticut,
p order signed,

JOHN ALLYN, Secret^{ry}.

Postscript. Wee also intreate you to transmitt the contents hereof to Plymouth Gentⁿ, together with your sence or appoyntm^t about a Commissioners' meeting, when it will be necessary* that the acco^t of the war and the benifits of the conquest be consulted, that the returns of them from the several colonys be not different but as near as may be one and the same.

For the Honor^d Simon Bradstreet Esq^r, Gov^r of the Massachusetts, & his honor^d Council in Boston, this dd.

No. XV.

SECRETARY ALLYN TO JOHN SAFFIN.

[Col. Boundaries, I. 133. "A copy of a Letter to Mr. Saffin."]

Hartford, July 7, 1679.

Mr. Saffin.

S^r. These lines may acquaint you that o^r last Generall Court in May resolued vigorously to p^rsue the outing of the Rohd Islanders from y^e Narragancett Country and to encourage the planting of the s^d country, so as might best accomadate such as should plant there, and the mortgage men also, and were very desireous to know what might accomadate the mortgagers, and would have complied so farr as reason did require, and had appoynted a committee for those affayres, but since a letter from his Ma^{tie} is come to hand (a copy

* A meeting was held, in Boston, August 25th following, when an answer was returned to the King's letter of Feb. 12th. See Records of Comm^{rs}.

w^rof is inclosed to your Governo^r), which puts a difficulty upon that matter; (it was procured by Holding & Green): by that letter it looks as if while we are contending wth Rohd Island about those lands, his Ma^{tie} is inclined to take it from vs both and to make a Province of it for himselfe or bestow it upon some courtier, which may giue us trouble and may much p^rjudice your interest there, if due care be not taken to appeare before his Ma^{tie} by some able and faythful agents to make good o^r claymes, o^rs of goverment and yours of soyle. I doe think if yourselfe could goe, it might doe exceeding well, who may joyne wth Mr. Harris and may doe your business and o^rs also effectually. Or colony would readily comply in answering their part of the charg. If you could not go, Mr. Wharton, or Mr. Rich^d Smith, would doe excellently well. It will be needfull that all writings that may help in the case be p^rpared for such as shall be improved in y^s affayre, and some testimonies from Plimoth Colony I believe might be obtained to certify that Patuckett River was comonly known to be Narogancet riuer, which is a remarkable river, by the known falls, w^r the fresh water falls into y^e salt, and was the bounds (between Wasamequen Sachem of y^e Wampenoakes, and Canonicus and Miantonimoe, sachems of Narrogancett) of their countrys, as I haue heard. Please S^r aduice wth the Governo^r and Mr. Wharton (to whom give my respects) about these affayres, and what you shall judge adviseable hand an acco^t thereof to me. We shall be at a loss to pitch upon suitable persons here to doe the business. Your advice therefore about y^e mode of management, and persons to be employed, and what charge will be necessary to be expended about it, please to comunicate to me by the first, and what your thoughts are is best to be don for the p^rsent in refference to those intruders at Narrogancett &c. I have not to ad but respects & that I am, S^r, your

Affectionate friend & seruant

JOHN ALLYN.

No. XVI.

“INDIAN TESTIMONY ABOUT PAWCATUCK AND NARRAGANSETT RIVER.”

[Col. Boundaries, I. 135.]

These questions were given and answers taken from the

Pequetts and some antient and noated Narragansetts, by Amos Richardson and James Noyes,* in the presence of Mr. Tho. Minor, Comission^r, Aug. 15, 1679.

QUEST. How far the Pequod Countrey extends eastward.

ANSWER. Sucquiskeheeg and Waquechichgun, two antient Pequet indians, affirme vpon their owne certaine knowledge that the Pequet countrey was bounded eastward by Wequa-paug brooke.†

QU. Whither Paucatuck river was euer called Narragansett riuer.

ANS. Corman, an antient Narraganset counsellor, and Tumsquash, Sucquiskeheeg and Waquechickqun, antient Pequots, agree and affirme with the consent of many Indians present that the river called Pacatuck river lies in the Pequot countrey, and was never called Narraganset river to their knowlidge.

Q. Whither Soso‡ an Indian had any title to the land called Squammacutt on the east side of Paucatucke river.

ANS. Corman and Pamotaquet, two noated antient Narragansetts, and Tumsquash, Sucquisheeg and Waquechickqun, noated ancient Pequots, with many other Indians present, affirme that Soso was a Pequott Captaine and noe Sachem, and that he neuer was an owner of land, and ran to the Narraganset in time of warr: And tretcherosly returned to Pequot, and killed a great Pequot Cap^t, and the Narragansett Sachems rewarded him with a bagg full of peage, which bagg was made of a young beare skin, and that they gave him noe land, neither had he any right in Squammacut land.

Q. Where is the head of Paucatucke river.

ANS. The abouesaid Indians all agree and affirme that the head of Pacatuck riuer is a pond called Chipchug, which lies above the pond called Acquibapaug.

Q. Where is the eastward bownds of the Narragansett countrey.

ANS. Corman and Pametaquet and all the Pequot Indians present, [which were many]* agree and [affirm] that the river [near] Mr. Blackston's house, which river is called in

* Mr. Amos Richardson, formerly of Boston, at this time residing in Stonington, was a partner in the Atherton purchase or mortgaged lands. See Vol. II. 541. Rev. James Noyes was the minister at Stonington.

† At or near the present line dividing the towns of Westerly and Charlestown, R. I.; about four miles east of Pawcatuck River.

‡ Soso was the pretended proprietor of the tract called Misquamicut, on which the town subsequently incorporated by Rhode Island, as Westerly, was settled. His deed to the Rhode Island proprietors was made in June, 1660. See Potter's Hist. of Narragansett, 242-250.

* The words in brackets, (which are illegible in the original,) are supplied from an early copy by Sec. Allyn, printed in R. I. Hist. Col. III. 265.

Indian Pautuck (which signifies, a fall), because there the fresh water falls into y^e salt water, and now a saw mill stands there, is the deviding bownds betwixt the Narragancett countrey and the Wampanoags land.

A Pequot woman was the interpreter, called Hannah, who well vnderstands the Indian language and English.

the marke of

HANNAH, (O) Indian interpreter.

Steph. Richardson and Jos. Minor being acquainted with the Indian language and present, they doe attest vnto the trew interpretation y^t it is the substance of what was spoken by the Indians.

Steph. Richardson hath attested to the truth of this above written vpon oath, that he rightly vnderstood it to be soe,
before me, THO. MINOR, Com^r.

Stonington, y^e 15th Sept^r, 1679.

The (O) marke of Simon, an Indian that can speake English attests to the truth of what is above written.

That on the other side and y^e above is a trew copy of the original. Dec^r. 15, 1679.

p JAMES RICHARDS, Assis^t.

No. XVII.

GOVERNOR LEETE TO THE GOVERNOR AND MAGISTRATES OF RHODE ISLAND, (HOLDING COURT AT WESTERLY.)

[Col. Boundaries, I. 137. Gov. Leete's draft.]

N. London, Sept^r 16, 1679.

Gent.

Not haueing intelligence vntill now at N. London of yo^r rash & p^rsumptiue motions to come & keep an affronting Co^{rt} wthin the limits of Stonington, while we are keeping Co^{rt} here for that County & some of those inhabitants are vnder su^mons hith^r to be responsible, but doe not appear (as is supposed by yo^r interruption, or occasion taken frō this intrusion of yo^rs). These things doe looke vpon vs more like incendiary actings than a peaceable carriage of loueing neighbor^s, they being done in a iuncture of great troubles in England, w^{ch} may retarde an issue of o^r applications thither, where the matter betwixt yo^rselues & us is depending, in obedience to his Mat^{ies} L^re vnto all the Colonyes respectively, being the same (for substance) as we are informed; wherevpo wee have been will-

ing to sit silent for the interim, & loth to vse violence to repell yo^r ineroachm^{ts}, although you doe continue thus to be vrgeing vs therevnto: but wee cannot now in duty omit hereby to send & make ptestation against this and all other yo^r illegall & irregular vsurpations of authority & ineroachments within our iust & knowne Pattent limits, & this before yo^r p^rtenses haue had an indifferent hearing & determination in England.

Gent: We would request you not to be too hasty to driue on co^motions, so imediately after o^r late troubles wth barbarians, to begin intestine vexations amongst Christian neighbor^s; yett haueing thus freindly giuen notice and made ptest, we take leaue & subscribe o^rselues,

Yo^r loueing freinds & neighbor^s

WILLM. LEETE, Gov^r, with
consent of the County Co^{rt} assembled.

To the honord Gov^r or other
authority of Rhode Island,
if p^rsent at Squamacuck.

No. XVIII.

GOVERNOR CRANSTON TO GOVERNOR LEETE.

[Col. Boundaries, I. 136.]

Westerly, one of the fronteer Townes in the Kings Maj^ties Province the 17th of September, 1679; At a Court then and there held, in his Majestie's Name.

Gent^{l^m}.

Wee received some lines beareing date Septembr 16th, 1679, in an open pamphlett by the hands of Mr. Thomas Minor, (the 17th instant in the evening) said by him to be sent to us by yo^rselfe, the truth whereof wee very much questioned; first, because the superscription is directed not mentioning the Governo^rs name, nor the Collony he belongs to; 2^{ly}, because the lines doe import untrue charges, together with threats of violence which if wee were certaine the lines were written from yo^rselfe to us: yett niether flattery nor threats can withdraw us from o^r loyalty, nor deterr us from execut^{ing} the King's businis in his Province according to his Royall Co^mands: into which upon all occasions yo^rselves haue striven to intrude; notwithstanding his Maj^ties decision of the matter, in o^r pattent, as alsoe his Maj^ties Hono^rble Comissioners Orders; as if you would violate their actions, in contempt of his Maj^tie; which said orders are mentioned to you in his

Maj^{ties} late letter: which cannot bee deemed but as a justification of our proceeds, and the contrary to you. And whereas you say the matter is depending in England, you know wee have severall times, according to o^r Pattent, signefied o^r Apeale to his Maj^{tie} unto you, by o^r Letters, whereunto you have refused to answer, as by yo^r Letters may be made to apeare. Furthermore bee it knowne to you, Wee come hither, only to continew the jurisdiction of his Maj^{ties} Province, as wee have formerly done, and not to sett up a new one; although you, in yo^r violent intrussion have compelled the inhabittants to the contrary; which wee hope for the future you will forbear: therein you will give occasion for us to Remaine,

Yo^r friends and Neighbours,

[JOHN CRANSTON, GOV^r.]*

To the Honor^d William Leete, Governo^r,
At New London if there, or elsewhere,
These. p Mr. Thomas Minor.

No. XIX.

ADDRESS TO THE KING, OCTOBER, 1679.

[For. Corresp. I. 16.]

To the Kings most excelent Majestie.

The most humble addresse of his truely loyall subjects and supplyants the Governo^r and Generall Assembly of his Mat^{ies} Colony of Conecticut in New England, holden at Hartford, October 9, 1679.

Dread Sovereigne:

Such and soe great haue been your Mat^{ies} princely fauoure towards vs, especially in the gracious charter that your Mat^{ie} (from your owne free motion and most ample grace) hath beene pleased to grant vnto vs your poore yet loyall subjects, in this your colony, by which we are made very sencible of your Royall care concerning our civill and religious liberties, as allso of the great and singular benefits that we haue enjoyed by that eminent protection, all which hath greatly encouraged and strongly moved vs in conscience of duty humbly and heartily to offer up o^r most sincere acknowledgments of your Mat^{ies} goodness towards vs, in those forementioned char-

* The signature has been torn off.

ter bownds and priviledges, which hath been no small engagement and encouragement to vs by our armes against the enemy to stand in the defence of those parts; neither can we choose but reflect upon o^rselues that in so many halcion dayes of great immunities, vnder your gracious shaddow we haue not with bended knees testified o^r vtmost thankfullness for such Royall fauoure; but such haue bene the overtures by the death of o^r former Governo^r Winthrop and of late by the breakeing forth of the war with the barbarous heathen, as hath hitherto retarded; but of that war we haue now a hopeful issue through the help of Almighty God and the benefit of your royall countenance; for although as to o^r estates we are much impoverished thereby, yet through God's great mercy he hath given vs o^r liues for a prey whilst many of o^r neighbours round about vs haue been made a desolation; and vnder God we must acknowledge o^rselues debto^r to your Matie, the greatness of your name and power with the aspect thereof towards vs being a terror to o^r heathen adversaries; yet these troubles haue been some hinderance to that o^r duty of timeous acknowledging o^r thankfulness. Yet now being by your Maties Letter dated at White Hall, Feb. 12 1678-9, comanded to appeare before your Matie by o^r agents to make good o^r claym to the soyle and gouernment of the Narrogancett country, what can we say before so gracious a King, but to beg that we may be admitted humbly to prostrate o^rselues at your Maties feet with earnest beseeching your princely grace y^t we may be continued in the full injoyment of all the limits mentioned in o^r sayd charter, and the priviledges thereof, w^{ch} haue by your Royall selfe been granted to us, o^r heires and successors; and that o^r messenger, Mr. W^m Harris (who is impowred by vs according to your Majesties order afoarsd), may find fauoure with your Matie, who can informe fully the expences we haue been at in the last Indian warr both as to money and loss of men, as also the advantages obtayned, which hath formerly been certified to the right hon^{ble} Earle Sunderland by the com^{rs} of Massachusetts, New Plimoth and this Colony, from Boston, August last.*

Great Sr, so great haue been the assurances we haue rece^d of your princely fauours to this your poore colony by your gracious letters diuers times sent vs, that we cannot but be greatly encouraged to hope for a continuance of your Royall fauoure vnto vs, and we shall as in duty we are bound apply o^rselues constantly to the throne of grace for your Maties long life and happy reign over all your kingdoms and territories, to the hono^r of the great God and the good of his church.

* See Records of Comm^{rs}, August, 1679.

So begging your Majesties pardon, we subscribe ourselves,
Your Maties true and loyall subjects, the Govr and Generall
Assembly of your Maties Colony of Conecticut.

WM LEETE, Govr.

In their names & p their order signed,

JOHN ALLYN, Secry.

No. XX.

GOVERNOR CRANSTON TO GOVERNOR LEETE AND THE COUNCIL.

[Col. Boundaries, I. 138.]

Honor^d Gent^{lm}.

These are to informe you that this Assembly have thought
it very necessary to run the westerly line of this his Majesty's
Collony of Rhode Island and Providence plantations and
Kings Province, the said line (as wee concieve) boundinge
the east part of Conecticut Collony; * and in order thereto
have appointed men to runn the sayd line, and to begin on
that worke on the first Teusday in March next cominge, if
wether be sutable, or else the next faire season, in which
worke yo^r loveinge and neighbourly compliance and assistance
is heartely desired by yo^r Loveing Friends and Neighbours:

By order of the Gen^{ll} Assembly of his Majesties Collony
of Rhode Island and Providence plantations and King's
Province, held at Newport the 29th of October, 1679.

JOⁿ CRANSTON, Govr.

To the Honor^d William Leete Esquir Governour
and the Rest of the Councill of his Maties
Collony of Conecticut, These.

No. XXI.

GOV. LEETE AND COUNCIL TO THE GOVERNOR AND COUNCIL OF
RHODE ISLAND.

[Col. Boundaries I. 139. Draft by Secretary Allyn and James Richards.]

Hartford, Decembr 11th, 1679.

Honor^d Gentⁿ:

Yours of the 29th of Octobr last past we haue this day re-

* R. I. Rec. III. 73; where the order is recorded under the date of Nov. 10th. It is, however, subsequently referred to, as made in October. (Id. 80). In March, the order was renewed, the prosecution of the work having been deferred "by reason of the wetness of the weather and the height of the rivers and ponds." (Id. 81.)

ceiued, and take notice that you haue appoynted the first Tewsday in March next to runn the line between this his Maties Colony of Conecticut & the Colony of Rhode Island & Providence plantations & King's province. In answer thereto we returne, that we know noe other bownds but what is stated in his Majestyes gracious Charter granted to this Colony of Conecticot, which we are fully satisfied in, but inasmuch as you rest not therein but haue giuen us great disturbance, and his Majesty hath taken soe much cognisence as to determin that case himselfe, in obedience to his comand we are by the first oppertunity sending an agent or agents for England to defend o^r right ag^t yo^r vnjust demands, and doe by these giue you notis that you may accordingly send yo^{rs} fully impowred that the controversy soe long depending may receiue its full issue.* In the meane time and till such desision we shall run noe other line then as above mentioned, and doe judge you will not without o^r consent presume to run any other within o^r jurisdiction. In expectation of your compliance herein, we shall giue noe farther trouble, but subscribe o^{rs}elves, Hono^rd Gent^a, Your friends and neighbours, the Governo^r and Councill of his Maties Colony of Conecticut.

p y^r order signed,

JOHN ALLYN, Secy

These for the Hono^rd John Cranston Esq^r, Gov^r of his Maties Colony of Rohd Island and Providence Plantations, to be communicated to the honoured Councill of that Colony, at Newport in Rhode Island, this dd.

No. XXII.

FROM THE LORDS OF THE COUNCIL, TO THE GOVERNOR AND MAGISTRATES.

[For. Correspondence, I. 14, a.]

After Our hearty Commendations. Whereas John Wampus alias *White*, has, by petition humbly represented unto his Ma^ty, that he is, by marriage of Anne the daughter of Roma-

* On receipt of this letter, the Rhode Island Assembly appointed a committee to draw up a letter to the King, in which they write: "But now in this juncture of time, we haueing received an intimation from the Collony of Connecticut, concerning their intention to send an Agent or Agents to plead their cause before your Majesty, and soe may endeavour, by extraordinary expedition to render us negligent or defective; they giueing us no account of the time when they would send." In a postscript, dated Jan. 6th, they complain that "William Harris was soe secret and private in his voyage," that he did not let them know of his going to England until after he had sailed. R. I. Rec. III. 76-78, from J. Carter Brown's Mss.

nock, late Sachim of Aspatuck & Sasquanaugh,* upon the death of the said Sachim, become sole proprietor of those tracts of land where the Town of Fairfeild in y^e Colony of Connecticut is built, That the Pet^rs said Father in law did about Nineteen years since deliver up y^e possession of the said Lands to the Pet^r, who some time after, sold part thereof unto Captain Denison, Amos Richardson & others of Conecticut Colony, for the sume of Three-Hundred and Fifty pounds or thereabouts; and that by the evill practices of Major Nathan Gould and other Inhabitants of Fairfeild, he is not only kept out of his just rights, but was also imprisoned by them in May last, when he went to demand possession of his Estate; Withall complayning of y^e great hardships and miserys he and other Native Indians are subject unto by the Laws of that Colony. His Ma^{ty} taking into his gracious consideration the miserable condition of the Pet^r, and declaring his Royall Pleasure that not only the Pet^r but all such Indians of New England as are his subjects and submit peaceably and quietly to his Ma^{ts} Government, shall likewise participate of his Royall Protection, Wee do by his Ma^{ts} expresse commands signify the same unto you, requiring you to do the Pet^r such justice as his case may deserve, and for y^e future to proceed in such manner as his Ma^{ts} subjects may not be forced to undertake so long & dangerous Voyages for obteyning Justice, which his Ma^{ty} expects shalbe speedily & impartially administered unto them upon y^e Place. And so, not doubting of your ready Compliance herein, Wee bid you heartily farewell. From y^e Councill Chamber in Whitehall, the 28 day of March, 1679.

Your loving Friends

ANGLESEY

CLARENDON AILESBUARY J. BRIDGEWATER

FAUCONBERG

J. ERNLE

JOHN NICHOLAS.

To Our Loving Friends the Governor
and Magistrates of his Ma^{ts} Colony
of Conecticut in New England.

“Rec^d May 17, 1680.”

* In Towns & Lands, I. 196, there is a letter from Richard Thayre to Gov. Leete, dated at Hartford, July 25th, 1681, stating, that he was “employed by the executors of John Wampers to make inquisition after the estate which his father Romanoak gave him:” at the suggestion of some persons in or near Fairfield, he had applied to Wm. Hill, recorder of the town, for further information, “who said he had the evidences in his custody, but would not deliver them nor copies thereof, without advice of Major Gold.” On the 22d of July, he summoned Mr. Hill to give his evidence, before author-

No. XXIII.

SIR EDMOND ANDROS TO GOVERNOR LEETE.

[Colon. Boundaries, II. 41.]

Hon^{ble} Sr. Being advised of an Order or warrant from yourselfe and some of Assistants sent to Fisher's Island, I am much surprized at yo^r intrenching upon his Mat^{ties} Letters Patents to his Royall Highnesse, as well as the Graunt by Governo^r Nicolls to the Hon^{ble} John Winthrop Esq^r (late Governo^r of Conecticut), for said Island: Which Island and graunt, it is my duty to assert, as much as this or any other part of the Government; and therefore desire, that you will without delay recall said Warrant or Order, and forbear any the like proceedings for the future, to prevent greater inconveniences; and remaine,

Yo^r affectionate Neighbour & humble
Servant,

E. ANDROSS.

New Yorke, 29th March, 1680.

To the Hon^{ble} William Leete Esq^r Governo^r of his Maj^{ties} Colony of Conecticut, These, at Hartford.

For his Mat^{ties} special service. MATTHIAS NICOLLS, Secy.

No. XXIV.

SIR EDMOND ANDROS TO GOV. LEETE AND THE ASSISTANTS.

[Miscellaneous, I. 1.]

Hon^{ble} Srs: Being informed by Deposiçons here taken upon oath that Coll. Goth hath been and is still kept and concealed by Capt. Joseph Bull and his sons in the Towne of Hartford und^r the name of Mr. Cooke, the s^d Goth and Coll. Whaley (who is since dead in yo^r parts) haveing been persued as Traitors, that I may not be wanting in my duty, doe hereby

ity, which he refused to do. The townsmen of Fairfield had forewarned him not to stretch any line within their township without satisfactory reasons given them, &c. He asks an order from the Governor, for measuring land and doing all lawful acts for the discovery of the truth. The Governor and Assistants in reply, July 25th, declare their allowance of all lawful acts, in this as in other cases, such as to grant copies of records, take testimony and the like, "but for to suffer strangers to draw lines within townships without order or consent of the town, we think not safe to encourage."

A grant from "Romanock of Aspetock" of "one percell of land commonly called by the name of Aspitock", to his daughter Praske, called by the English Ann, dated Sept. 11th, 1660, is recorded in Col. Rec. of Deeds &c. I. 290.

give you the above intimaçon, noe ways doubting of yo^r loyalty in every respect, and remaine,

Hon^{ble} S^{rs},

New Yorke,

May 18th, 1680.*

Your affectionate neighbour and
humble Servant,

E. ANDROSS.

Presently upon receipt of this letter, June 10th, 80, the Gov^r, Major Tallcott & the Secretary being (when they received the letter) together, ordered the Secretary to send forth a warrant to the constables of Hartford to make search for s^d Col. Goff, in the letter mentioned, which was done accordingly before we parted. The copy of y^e warr^t :—

To the Constables of Hartford. Whereas S^r Edmond Andross Governo^r of N. Yorke, by his letters to us just now received, hath certiyed to vs that Capt. Jos. Bull & his sons of this Town doe conceale Col. Goffe under the name of Mr. Cooke, These are therefore in his Mat^{ies} name to will & require you and strictly to charge & command you, upon sight hereof, to make diligent search in the houses, barnes, out houses, & all places therein, for the sayd Col. Goffe, and if you find him or them or any stranger in their or either of their houses. you are to aprehend him or y^m in safe custody, to convey them to the Governo^r, that they may be examined and disposed of according to his Mat^{ies} pleasure formerly declared to us; and you are also to make search in all places wthin your limitts where they may be any (or the least) susspition that they may be hid or concealed, and you are to make return of the serving hereof to the Governo^r vnder your hands. Hereof you may not fayle, as you will answer the contrary at your perill. Dated in Hartford, June 10th, 1680.

p order of y^e Gov^r &c. signed,
p JOHN ALLYN, Secret^{ry}.

* "For the Hon^{ble} John Leete Esqr, Governo^r, and the Assistants of his Mat^{ies} Colony of Connecticutt att Hartford, These. For his Mat^{ies} Special Service, Matthias Nicolls, Secr."

The informer was one John London, formerly of Windsor; who deposed, April 20th, 1680, that Capt. Joseph Bull Sen. had, for several years past, kept privately, at his own house in Hartford, Col. Goffe, who went by the name of Mr. Cooke; that the deponent and one Dr. Robert Howard, of Windsor, saw said Goffe, at Capt. Bull's house, in May, 1679; that the deponent took measures to seize him and carry him to New York, but that one Thomas Powell, his neighbour, disclosed his plans to Major Talcott and Capt. Allyn,—who caused the deponent to be arrested, charged him with conspiring against the colony, and forbade him to leave the county without license, &c. Deposition in N. Y. Col. Mss. XXIX. (Published by Dr. F. P. Hough, Albany, 1855.)

No. XXV.

THE GOVERNOR AND ASSISTANTS TO GOV. ANDROS.

[Miscellaneous, I. 2.]

Hartford, June 11th, 1680.

Hon^{ble} Sr: Although we must acknowledg o^r engagement vnto your Honor for giving us intimation of what had been offered to yourselfe respecting his Maties service, we should have taken it well had your Honor been pleased to have given vs an accot of the names of the informers (which yet we desire you would be pleased to doe speedily,) and we doubt not but to give you sufficient satisfaction to cleare it vp that we are much abused by those falls reports concerning the good people of this place. For the p^rsent we know not how to acknowledg any thanks to the informers, who, (by the effect) seem to have acted vnder gross misstakes (possibly) to delude your Honor & cast reproach vpon o^rselves of this place; for that we being upon a solemne occasion* together when we received your letter, & information therein, we forthwith dispatcht a speciall warrant to o^r constables and marshall, to make a dilligent search after the person mentioned; whoe being upon oath, returned they had with all care and dilligence made the sayd search but could find no such person as was mentioned nor any stranger that in the least could be suspected to be any such person. After the search, o^r people were amased that any such thing could be suspected at Hartford. But the father of lyes is o^r enemie, & doth instigate his instruments to maligne this poore colony, but we hope the Father of lights will vindicate vs in his due time; and we pray your Honor^s neighbourly charatie in the meane space, with due witness bearing against all that endeavoure to abuse with falls news and stories; as is donè by o^rselves in such case, otherwise enough of such matters had not been wanting against neighbours to rays bad blood, by ill persons, betwixt such as desire to mayntaine good correspondency with o^r professed freinds that are neerly scituate to vs in this wilderness. We have not to ad but o^r respects to your Honor & that we are,

Hon^{ble} Sr, Your affectionate friends & humble servants,

The Governo^r & Assis^ts present,

p their order signed, JOHN ALLYN, Sec^y.

These for the Hon^{ble} Sr Edmun Andross Kn^t and Gov^r of his Royall Highness' Territories in Americah, &c.

* Gov. Andros's letter probably found the magistrates gathered about the death-bed of Hon. James Richards. His will, witnessed by Mr. Allyn and Mr. Samuel Talcott, was executed on the 9th of June, and he died on the 11th,—the day on which this reply bears date.

No. XXVI.

ABSTRACT OF DOCUMENTS RELATING TO THE SEIZURE AND IMPRISONMENT OF STEVEN RICHARDSON, BY THE AUTHORITY OF RHODE ISLAND, &C.

In July, 1677, Mr. Amos Richardson, of Stonington, conveyed to Thomas Wells, then of Ipswich, shipwright, a tract of about 180 acres, in the disputed territory on the east side of Pawcatuck river,—in payment for which Mr. Wells agreed to build one or more vessels, of 50 tons in all. After he had taken possession of the land, he was warned off by the authorities of R. Island, as an intruder, and refused to fulfil his agreement until Mr. Richardson should establish his title or satisfy him for the loss of his land. In September, 1679, Mr. R. sued Wells, at the New London county court, for non-performance of contract, and in March, 1680, attached his person and estate, to answer damages to the amount of £300. The attachment was served by Steven Richardson, (son of the plaintiff,) constable of Stonington. Meanwhile, Wells had submitted to Rhode Island, and taken the oath of fidelity, as an inhabitant of Westerly. *Priv. Controv.*, I. 159–163.

Warrant to the constables of Westerly, signed by Gov. Sanford and Dep. Gov. Clark, (Newport, May 15, 1680,) to apprehend Steven Richardson, “inhabiting in the town of Westerly,” and bring him to answer “for contempt of his Majesty’s authority in the abovesaid colony, in presuming to execute the place and office of a constable or deputy constable within said colony, on or about the 27th day of March last, by seizing the body of Thomas Wells, of said Westerly,” &c. *Col. Bounds.*, I. 141.

Mittimus or warrant to Edmund Calverley, general sergeant and keeper of the jail in Newport, to take into custody the body of Steven Richardson, until he give sufficient bond to answer at the next general court of trials in Newport, &c. Signed by Gov. Sanford and Dep. Gov. Clark, July 6, 1680. *Ibid.* 140.

Letter from the Governor and Council, July 6, 1680, to Gov. Sanford and the Council of Rhode Island,—sent by Mr. Amos Richardson. They are at a loss to know what is meant “by such violent and surreptitious actings,” which “look like a notorious affront to his Majesty’s Government in our hands by charter.” In obedience to the King’s commands, Connecticut had sent an agent to England, to plead their right to the Nar-

ragansett country, and, until the result should be known, had "suspended meddling on the other side of Paucatuck River, choosing rather to be sufferers *pro tempore*, than to manifest the least shadow of disobedience or neglect towards our Sovereign." But if this forbearance is thus abused, "then shall we be forced to vindicate and retaliate, in equivalent motions: yet before we attempt so, we thought meet to send this, as our advice and expectation," that Mr. Richardson be returned to his home, without damage, and that R. Island desist from all further meddling on the west side of Pawcatuck river, till the King's pleasure be known. *Ibid.* 142.

In reply, Gov. Sanford and Dep. Gov. Clarke write from Newport, July 9, 1680, that they had only done their duty to his Majesty &c.; a complaint having been made to them that Steven Richardson had executed the office of a constable within the bounds of the colony of R. Island, without being legally authorized by that government, they could do no less than grant a warrant for his apprehension, in order to a trial "in a legal and peaceable manner." They shall in no wise endeavor to damnify any of his Majesty's subjects, much less their neighbours, &c.; and desire Connecticut to forbear to make any intrusions into the jurisdiction of Rhode Island. *Ibid.* 143.

Declaration and Protest of the Governor and Council, July 15, 1680, against the illegal seizure of Mr. Richardson; directed "to the marshall, to publish in Stonington, on the east and west side the River." They "do, in his Majesty's name, hereby straightly charge and prohibit all persons whatsoever within the limits of the said township of Stonington, that they nor any of them, on or in the place aforesaid, do not nor shall not, now nor hereafter, receive any power or office from the aforesaid authority of Rhode Island, not yet exercise any power or authority in any degree in subordination to the said authority of Rhode Island &c., neither yield any obedience to any such authority in any thing whatsoever," &c. *Ibid.* 144.

The Governor & Council of Rhode Island write to the Governor and Council of Connecticut, July 23, 1680, that they had received information that several persons belonging to Connecticut, "upon the 21st instant, before sunrise, came unto the house of Joseph Clarke, of Westerly," "and in a hostile manner, as thieves and robbers, by force and violence, did break down the door of said house, and thereinto by strong hand enter and forced away the said Joseph Clarke a prisoner; saying they had authority from Connecticut so to do; a copy of which he desired, which was denied him with many words

of derision, void of Christianity." "Such inhumane, violent and disobedient intrusions, if true," speak the intention of Connecticut to subvert the established government,—“of which we do warn you to take care, for in all likelihood if you persist in these your furious, unwarrantable practices, you may cause blood to be shed, of which, for filthy self lucre, it is feared some of your Colony ravenously thirst after,” &c. Connecticut is reminded that the eastern bounds of her charter had been positively set and defined by his Majesty; by the proclamation of the Royal Commissioners, Mar. 20, 1664, and by the subsequent confirmation by the King, of the acts of his Commissioners, April 10, 1666; and that these, as well as his Majesty's letter of Feb. 12, 1678–9, speak “his royal commands for government to remain as now it is or lately hath been.” They require the return of Mr. Clarke to his habitation in peace again, and that his Majesty's subjects in Connecticut should “desist from such rebellious courses.” Ibid. 145.

Letter from the Governor and Council of Connecticut, in reply to the preceding, July 29, 1680. The charge of bloodthirstiness &c. “seemeth very unneighbourly and exceeding cross to that rule, doe as you would be done unto: The officer (who was sent to Stonington to publish the Council's protest against the incroachment of Rhode Island, and who apprehended Mr. Clarke for unduly exerting or pretending authority in the seizure of Mr. Richardson,) had been called to account “for any deriding, inhuman or unchristian words used as you suggest, which the person himself seized denies to remember and saith that he was civilly treated by him all along, and the officer denies that any such speeches were uttered by him as you mention.” “As for the argumentative part” of the letter, the matter of charter bounds “is a case at law to be decided by our superiors, and there we are ready to answer *secundum allegata et probata*.” The decision of the Commissioners in 1664, could not be regarded as binding, nor was the King's confirmation, (easily obtained, when no counter plea was presented by Connecticut,) final and conclusive. Connecticut had never relinquished possession “nor yet had a judicial act passed orderly upon them, only we have hitherto been molested by your insulting intrusions and acts done contrary and destructive to your so much pretended agreement,” &c. Ibid. 150.

Recognizance of Mr. John Wheeler, of New London, July 29, 1680, to the Colony of Connecticut, in the sum of £200, for the appearance of Mr. Joseph Clark, “of Stonington,” to surrender himself to Daniel Garret, keeper of the gaol at

Hartford, on the day before the meeting of the October Court of Assistants. Endorsed by Secretary Allyn, as "by the Court made null and void," Oct 8, 1680. *Ibid.* 145.

Steven Richardson's Petition to the Governor and Council, Oct. 5, 1680, to consider his trouble and charge, ever since he was at Hartford, about the last of June. In the beginning of July, he was seized and carried to Rhode Island, where he remained in prison until the third Tuesday in September. Though the Rhode Island Court imposed no fine upon him, "yet the recorder and the attorney that did plead against him, as they said, in the King's behalf, would have of him fifteen shillings, and the marshal, five shillings; all in money, for they would take nothing else." His imprisonment had cost him five pounds in money, and prevented him from attending to his business or making provision for wintering his cattle.

Ibid. 152.

[Records of Court of Assistants, I. 30.]

"A Court of Assistants held at Hartford, October 7th 1680.

W^m Leet Esqr, Gov^r.

Major Rob^t Treat Esqr, Dep. Gov^r,

Mr. Samuel Willys,

Major John Tallcot,

Capt. John Allyn,

Mr. James Bishop,

Mr. John Wadsworth,

Mr. W^m Joanes,

Capt John Nash.

Mr. Steven Richeson
complayning to the Govern
nor and Magistrates that by
one Babcock, called Con-
stable, and one Mr. Joseph
Clarke, he was surprized in
his owne house & by them
with some others forcibly
taken from his house and

hurried to Rhode Island, and there committed to prison, for seruing a warrant upon one Wells, in the towne of Stoneington in this Colony, the marshall was sent to arrest the sayd Babcock and his abettors and bring them before the Governor and Assistants; sayd Babcock being sick was not seized, but Joseph Clark being brought here, and now appearing before the court, it did by his own confession and other evidence appeare, that he did assist the sayd Babcock in seizing the sayd Richeson and carrying of him to Rhode Island, which to us appears a great violation of the authority by his Mat^{ie} invested in this colony and contempt of his Mat^{ies} commands, in his letters of Feb^ry 12, 1678-9, which hath occasioned great trouble and damages to vs; for which we do adjudg him to pay a fine of tenn pownds to the publique treasury of this colony, short of the charges we have been put to and what the case might justly require; the which he payeing or giueing

good security to be accordingly payd, with the prison keeper's fees and charges, this court doe order his release."*

No. XXVII.

[For. Corresp. I. 20.]

A MEETING OF THE GOV^r AND COUNCIL IN HARTFORD, JULY
15, 1680.

<p>Wm. Leete Esq^r, Gov^r. Major Rob^t Treat Esq^r, Dept. Gov^r. Mr. Sam^l Willys, Major John Tallcott, Mr. Wm. Joanes, Capt. John Allyn, Mr. James Bishop, Capt. John Nash, Mr. John Wadsworth,</p>	<p>The Govern^r and Council doe approve of the answer to the 27 Questions sent to us by the Right Hon^{ble} Lords of the Council, † and of the letter drawn to Mr. Blathwayte, ‡ and doe order that they be drawn out faire by the Sec^{ry}, and signed by the Sec^{ry} in the name of the Gov^r and Council, and sent over by the first oppertunity.</p>
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Also that the letter drawn to the Hon^{ble} the Secretary of State§ be drawn fayre, and signed by the Gov^r, and sent over by the first oppertunity, wth all such coppyes of writings as the Govern^r shall judg necessary to be sent with it.

The protest also drawn up against the unjust molestations and intrusions of authority of Rohde Island within o^r Charter limits at Stonington, || is to be signed by the Sec^{ry} in the name of the Gov^r and Council, together with the warrant now prepared to seize Job Babcock and his ayders that seized Steven Richardson, which is allso to be signed by the Secretary in the name of the Gov^r and Council. The warrant is to be directed to the Marshall, whoe is allso to publish the Protest.

The letter drawn up for L^{nt} Mason and L^{nt} Minor is to be signed by the Sec^{ry} in the name of the Gov^r and Council, and sent to y^m by y^e Marshall.

It is also desired that y^e gov^r would please to write to Mr. Wharton to desire him to endeavoure the redemption of Mr. Harris and to assure him that if the occasion do require it we will alow 50^{li} towards it, we being only engaged to help redeem him ;

* The Rhode Island Assembly, Oct. 27th, voted thirteen pounds, ten shillings, to Mr. Clarke, in recompence of his damage sustained by the 'unjust sentence' of the Court at Hartford. R. I. Rec. III. 92-3.

† Nos. 28-30. ‡ No. 31. § No. 32. || Col. Boundaries, I. 144; p. 287, ante.

If or part shall com to so much, and if it doe amount to more we will not be wanting to attend or duty in making good payment for y^e same.

No. XXVIII.

LETTER FROM THE COMMITTEE FOR TRADE AND FOREIGN PLANTATIONS.

[For. Corr. I. Doc. 14, b.]

After our very hearty commendations vnto you: His Majestie having been graciously pleased to comitt to a select number of His Privy Council, whereof Wee are, the care and manngement of things relating to His Forreigne Plantations;* and it being necessary that all Governors and Commanders in chiefe do returne us a frequent account of the state and condition of their respective governments; Wee do now think fitt to recommend unto you severall Heads of Inquiry concerning His Majestie's Corporation of Connecticut; whereunto Wee expect your speedy and particuler answer. And that Wee may bee able to carry on Our observaçons and knowledge, and bee still in a capacitie to give his Majestie a true representation of affaires and occurrences therein, Wee pray and require you to transmitt unto Us, a clear and full account of the present state of the said Colony, and so from time to time, of what shall happen in relation to His Majestie's service, upon the distinct heads aforesaid: and generally of all things which you in your discretion shall judge necessary for Our full information, and for the better discharge of the trust reposed in Us.† And so, not doubting of your care in the performance hereof, Wee bid you heartily farewell.

* By an order in Council, March 12th, 1675, all such matters relating to Trade and Plantations as had been under the cognizance of the late Council of Trade and Foreign Plantations, were referred to a committee of the Privy Council, consisting of the Lord Treasurer, Lord Privy Seal and 19 others,—who were directed to report from time to time, to the King in Council. The affairs of the Plantations were managed by a similar Committee, in the reign of James II. (Brodhead's *Intro. to Doc. Rel. to Hist. of N. York*, III. xiv.)

† The Lords' Committee ordered, April 8, 1678, "as to New England, that some particular queries be prepared which may lead to those informations concerning them which may give light into their behavior, soe as to guide their Lordships in advising his Ma^{tie} to such method for the settlement and regulation thereof as may best conduce to his Royal Service." (*Doc. Rel. to Hist. of N. York*, III. 258.)

From the Councill Chamber att Whitehall, this first day of August, 1679.

Your very loving friends,
ARLINGTON

ESSEX

FAUCONBERG .

H. COVENTRY

J. ERNLE.

W^m Blathwayt.

To the Govern^r of His Maties Corporaçon of
Conecticut in New England.

No. XXIX.

[For. Corr. I. 18.]

HEADS OF INQUIRY TO BEE SENT TO THE GOVERNOR OF HIS MAJESTIE'S COLONY OF CONECTICUTT IN NEW ENGLAND.

1. What Councils, Assemblies and Courts of Judicature are within your Corporation, and of what nature and kind ?
2. What Courts of Judicature relating to the Admiralty ?
3. Where the Legislative and Executive Powers of the Government are seated ?
4. What Statutes, Laws and Ordinances are now made and in force ?
5. What number of Horse or Foot are within your Government, whether they bee Trained Bands or Standing Forces ; how they are armed, divided, and exercised ?
6. What Castles and Forts are within your Corporation, and how situated and fortified ; as also what Stores and Provisions they are furnished withall ?
7. What number of Privateers or Pyratts do frequent your Coast ; what their burthens are ; the number of their men, and gunns ; and the names of the Commanders ?
8. What is the strength of your bordering Neighbours, whether Indians, or of any other Nation, by sea and land ; and what is the state and condition of their Trade and Commerce ?
9. What correspondency do you keep with your Neighbours ?
10. What are the Boundaries, Longitude, Latitude, and Contents of Land within your Government ; and what number of Acres patented, settled or unsettled ; and how much is manurable land ?
11. What are the principall Townes and places of Trade :

and what manner of Buildings are most used in your Corporation, as to the strength and largeness of them ?

12. How many Parishes, Precincts, or Divisions, are within your Government ?

13. What Rivers, Harbors and Roads are within your Corporation : and of what depths and soundings they are ?

14. What Commodities are there of the production, growth and manufacture of your government, and of what value yearly, either exported or consumed upon the place ; and what materials are there already growing, or may be produced for Shipping : as also, what are the commodities imported, and of what value yearly ?

15. Whether Salt-peter is or may be produced within your Corporation : and if so, in what quantities, and at what rates it may be delivered in England ?

16. What number of Merchants and Planters, English or Foreigners, Servants and Slaves ; and how many of them are men able to bear Armes ?

17. What number of English, Scotch, Irish or Forreigners have (for these seven yeares last past, or any other space of time) come yearly to plant and inhabit within your Corporation. And also, what Blacks and Slaves have been brought in within the said time, and at what rates ?

18. What number of Whites, Blacks or Mulattos have been born and christened, for these seven yeares last past, or any other space of time, for as many yeares as you are able to state an account of ?

19. What number of Marriages, for seven yeares last past, or any other time, for as many yeares as you are able to state an account of ?

20. What number of people have yearly dyed within your Government, for seven yeares past or any other time, for as many yeares as you are able to state an account of ?

21. What estimate can you make touching the Estates of the severall degrees of Merchants and Planters within your Corporation ? And how you may compute the wealth of ye Corporation in generall ?

22. What number of Shippes, Sloops or other Vessells do trade yearly to and from your Government, and of what built and burthen ; and whether there be any belonging to the Country ?

23. What obstructions do you find to the improvement of the trade and navigation of your Corporation ?

24. What advantages and improvements do you observe, that may be gained to your trade and navigation ?

25. What Rates and Duties are charged and payable upon

any goods exported out of your Government, whether of your own growth or manufacture or otherwise, as also upon goods imported? And likewise what other Revenue doth or may arrise within your Corporation, and how the same are applied &c.?

26. What persuasion in Religious matters is most prevalent; and among the varieties, which you are to expresse, what proportion in number and qualitie of people, the one holds to the other?

27. What course is taken for the Instructing of the people in the Christian Religion? How many Churches and Ministers are there within your Government, and how many are yett wanting for the accomodation of your Corporation? What provision is there made for their maintenance; as also for relieving poor, decayed and impotent persons; and whether you have any Beggars or idle Vagabonds?

By command of the Right Hon^{ble} The Lords of His Mat^{ties} Most Hon^{ble} Privy Councill appoynted a Committee for Trade and Forreign Plantations,

WM. BLATHWAYT.

No. XXX.

ANSWERS TO THE QUERIES, &c.

[The original draft (by Sec. Allyn) is in For. Corr. I. 19: recorded, in the volume of "Copies and Letters," pp. 34-43.]

1. *Ans.* (1.) We have yearly two Generall Courts, according as they are stated in his Mat^{ties} gracious charter granted to this Colony.

(2.) We have two Courts of Assistants, which consist of the Gov^r and six Assist^s, which are for the tryall of capitall offenders and for the hearing of all appeales, with a Jury.

(3.) Our Colony is divided into four countys, and in each county there are two county courts annually, consisting of magistrates with a jury, to hear and determine all actions of debts, slander, and of the case, and criminall matters of lesser nature.

(4.) As there is any speciall occasion, the Gov^r calls his Assistants, who are his councill, to meet and consider of such matters as fall in, in the intervall of the Gen^l Courts, and to order and determine the same.

2. *Ans.* We have litle traffique abroad and small occasion for such a court, and so have not considered or stated

any such court at present, distinct from the rest; but it is left wth y^e Court of Assist^{ts}.

3. *Ans.* The Legislative is onely in the Gen^l Court, and the Exec^{utive} in those appoynted courts as before.

4. *Ans.* We have herewith sent you one of our Law Bookes, wherein are what lawes were in force when we printed them; since which some few orders have been made, but are not yet printed, and so have not sent them. Your Lordships may please to take notice that in our preface to o^r lawes we say we have been carefull not to make any repugnant to the statute laws of England, so far as we understood y^m, professing o^rselves alwayes ready and willing to receive light for emendation or alteration as we may have opportunity. What we then sayd is o^r present purpose, and shall be our practice, as occasion requires.

5. *Ans.* For present we have but one Troope settled, which consist of about sixty horss; yet we are upon raysing three Troopes more, one in each county, of about 40 horss in each Troope. Our other forces are Trained Bands. There is a Major in each county, whoe commands the militia of that county, vnder the Gov^r for the time being, whoe is the Generall of all the forces wthin our Colony. The whole amount to 2507. The names of our severall countyes are

Hartford county, where are about 835 Trained soldiers.

N. Haven county, where are about 623 Trained soldiers.

N. London county, where are about 509 Trained soldiers.

Fayrefield county, where are about 540 Trained soldiers.

Total, 2507.

Our horsemen are armed wth pistolls and carbines. The foot souldiers with muskett and pike. For the present, in o^r late warrs wth the Indians, we found dragoones to be most usefull, and therefore improved about 800 of them in the service, to good successe.

6. *Ans.* We have one smale Forte within our colony, which is at the mouth of Conecticot River, at a place called Saybrooke [*where our fortifications are not over strong, though considerable*]*; and o^r stores of provission are but slender, we haveing townes about it that can convay provission to it upon all occasions. Other good harbours we have, and one especially at a towne called New London, formerly called Pequot, near which the English of Conecticott obtayned a memorable victory over the Pequots, the first and most fatal blow the

* These words are crossed out from the original draft.

Indians received from the English in N. E. till the late warr in '75 and '76. The harbour lyeth about a league up the river, where the towne is. Ships of great burthen may com up to the town and lye secure in any winds; where is great need of fortification, but we want estate to make fortification and purchass artilery for it, and we should thankfully acknowledg the favour of any good benefactor^s that would contribut towards the doeing of something towards so good a worke.

7. *Answ.* It is rare that ever there comes any here on these dangerous coasts, only about two years agoe there came a French Captaine called Lamoine,* wth 3 ships, one of which wintered at New London, and in y^e spring went off to sea; [*and one of them he carryed to Yorke: the other was sunk at Yorke.*]†

8. *Answ.* As for our Indian neighbours in this Colony, we compute them to be about 500 fighting men. As for our neighbours of Yorke, Massachusetts and Plimouth, we suppose they are to answer the same Questions, and know better what their strength and the number of the Natives is amongst them. As to the French, we are strangars to them, and know nothing of their strength or commerce.

Our cheif Trade, for procuring of cloathing, is by sending what provissions we rays to Boston, where we buy goods with it, to cloath vs.

The trade wth the Indians in this Colony is worth nothing, for by reason of warrs they have wth other remote Indians they get litle pelfry.

9. *Answ.* We have neighb^{rly} correspondence wth N. Plimouth, [*indifferent wth*] y^e Massachusetts, and, since S^r Edm. Andross is come to Yorke, or correspondency wth him is not like what it was with his predecessors in that government [*by reason of his demands he makes upon o^r limits and ill titles he lays upon us*].† As for Rhod Island, we have not s^b good correspondence with them as we desire.

10. *Answ.* Our Boundaries are expressed in our Charter. As to the number of acres setled or unsetled, or how much is manureable, we cannot guess; the country being a mountainous country, full of rocks, swamps, hills and vales. Most that is fitt for planting is taken up. What remaynes must be subdued, and gained out of the fire as it were, by hard blowes and for smal recompence.

* "About fiftene yeares ago," wrote Edw. Randolph to the Lords of the Committee, in May, 1689, "Captain l'Moin a Frenchman brought in two or three very rich Dutch prizes worth above one hundred thousand pounds. Mr. Richard Wharton one of the Agents soliciting for the Charter, (if in England) was L'Moins Attorney. He was a great undertaker for pyratts and promoter of irregular trade." Doc. Rel. to Hist. of N. York, III. 582.

† Crossed out from the original draft.

11. Our principle Townes are Hartford, vpon Conecticut river; New London, upon Pequot river; New Haven, and Fayrefeild, by the sea side: in which townes is managed the principall trade of the colony. Our Buildings are generally of wood; some there are of stone and brick: many of them of good strength and comelynesse, for a wilderness, both those of wood, stone and brick: [*many 40 foot long and 20 foot broad, and some larger; three and four stories high.*]*

12. *Answ.* We have 26 small Townes all ready settled in o^r colony, and in one of them we have two churches.

13. *Answ.* Betweene y^e Naraganset River, o^r east bound, and Mamaronock Rivulet, o^r western bound, are these Rivers following:

(1) The River of Conecticott, at the entrance of which there is but about 10 or 12 foot at high water. Vessells of fifty or sixty, sometimes 80 tun, will goe up sixty mile in that river, to the town of Hartford; but by reason of flats and falls they canot goe above six mile beyond Hartford.

(2) New London or Pequot River, wher a ship of 500 tunn may go up to the Towne, and com so near the shore that they may toss a biskit ashoare: and vessells of about 30 tunn may pass up about 12 mile above N. London, to or neer a town called Norwich.

(3) At New Haven and Fayrefeild, ships of three hundred tunns or bigger may come in to y^e harboures.

(4) At Guilford, Milford, Norwalk, Stratford, Standford, Ry, vessells of about 30 or 40 tun may come in; and they are pretty good tide harboures.

14. *Answ.* The Comodities of the country are Wheat, Peas, Ry, Barly, Indian Corn, and Porck, Beif, Woole, Hemp, Flax, Cyder, Perry, and Tarr, deal boards, Pipe Staves, Horses; but to say the yearly value of what is exported, or spent upon the place, we cannot. The most is transported to Boston, and there bartered for cloathing. Some small quantities directly sent to Barbadoes, Jamaica, and other Caribia Islands, and there bartered for suger, cotton wool and rumme, and some money; and now and then, rarely, some vessells are laden wth Staves, Pease, Porck, and Flower, to Maderah and Fyall, and there barter their comodities for Wine. We have no need of Virginia trade, most people planting so much Tabacco as they spend. Our wheat haveing been much blasted and o^r pease spoyled with wormes for sundry years past, abates much of o^r trade.

* Crossed out.

(2) For the materials for Shipping, here is good Timber of Oak, Pine and Spruce for masts, oake boards and pine boards, and tarr and pitch, and hemp. [*Some sayle cloth is already made in these parts, but no great quantity.*]*

(3) The value of the comodities imported yearly we cannot compute, but possibly it is 8 or 9000^{li}.

15. *Answ.* We have no Salt Peter raysd in or Colony, neither doe we know how to rays it or whether here be the materials that will make it.

16. *Answ.* In or Colony there are about 20 petty merchants. Some trade only to Boston, som to Boston and the Indies, other to Boston and New York, others to Boston, the Indias and Newfoundland.

As for forrain merchants, few, and very seldom, trade hither.

As to the number of planters, they are included in or Train Bands, all from 16 to 60 being to beare armes.

There are but fewe servants amongst us, and less slaves, not above 30, as we judge, in the Colony.

17. *Answ.* For English, Scotts and Irish, there are so few come in that we cannot give a certain accot. Som yeares come none; somtimes, a famaly or two, in a year. And for Blacks, there comes sometimes 3 or 4 in a year from Barbadoes; and they are sold usually at the rate of 22^{li} a peice, sometimes more and sometimes less, according as men can agree with the master of vessells, or merchants that bring them hither.

18. *Answ.* We can give no accot of the perfect number of either born; but fewe blacks; and but two blacks christened, as we know of.

19. *Answ.* We can give no perfect accot of it.

20. *Answ.* This we cannot give accot of; but as to the increase, take as followeth:

In the year 71, our numbers of men were	2050
In the year 76, our numbers of men were	2303
In the year 77, our numbers of men were	2365
In the year 78, our numbers were	2490
In the year 79, our numbers were	2507

21. *Answ.* As to the Estates of the merchants, we can make no guess of them: but as for the estates of the Corporation in generall, it doth amount to 110788^{lis}. Houses are

so chargeable to mainetaine, that they are not valued in the above mentioned summ.

22. *Answ.* It is rare any Vessells come to trade with us, but what come from Massachusets Colony or N. Yorke; but sundry of their vessells doe come and transport or provision for or merchants to Boston.

Our own vessells are as followeth :

- In Standford, 1 Pinck of 80 tunn & 1 Sloop of ten tunn.
- In Stratford, 1 Sloop, 12 tunn.
- In Milford, 1 Pinck, 80 tunn; 1 Bark, 12 tunn; 1 Ketch, 50 tunn.
- In N. Haven, 1 Pinck, 60 tunn; 1 Sloop, 30 tunn; 1 Ketch, 24 tunns; 1 Sloop, 12 tunn; and 1 Sloop, 8 tunn.
- In Brandford, 1 Barque, 30 tunns.
- In Kenilworth, 2 Sloops, one 18 tunn, one 14 tunns.
- In Saybrook, 2 small Sloopes.
- In Midleton, 1 Ship, 70 tunn.
- In Hartford, 1 Ship, 90 tunn.
- In Lime, 1 Ketch, 70 tunn.
- In N. London, 2 Ships, 1 70 tunn, 1 90 tunns; 3 Ketches about 50 tunns apeice; & 2 Sloopes, 15 tunn apeice.
- In Stoneington, 1 Sloop, tenn tunn.

23. *Answ.* The want of men of estates to venture abroad, and of money at home for the management of trade, and labour being so deare with us.

24. *Answ.* If so be Hartford, New London, New Haven and Fayrefeild might be made free ports for 20 or 15 yeares, it would be a means to bring trade there, and much increase the navigation, trade and wealth of this poore colony.

25. *Answ.* We take no dutys of goods exported out of or goverment nor of any goods imported, except on wine and liq^{rs}, which is inconsiderable and improved towards the maintenance of free schooles.

26. *Answ.* Our people in this Colony are, some strict Congregationall men, others more large Congregationall men, and some moderate Presbeterians; and take the Congregationall men of both sorts, they are the greatest part of people in the Colony.

There are 4 or 5 Seven-day men, in or Colony, and about so many more Quakers.

27. *Answ.* (1) Great care is taken for the instruction of y^e people in the X^{tian} religion, by ministers' cattechizing of them and preaching to them twice every Sabboth dayes and

sometimes on Lecture dayes; and so by masters of famalyes instructing and catechizing their children and servants, being so required to doe by law.

(2.) In or corporation are 26 Townes, and there is one and twenty Churches in y^m.

(3.) There is in every towne in our Colony, a setled minister, except it be in two townes new begun, and they are seeking out for ministers to settle amongst them.

(4.) For the maintenance of the ministers, it is raysd upon the people by way of rate, and it is in some places 100^{li} p annum, some 90^{li}., some 80^{li}., some 60; but in no place less than 50^{li}. p annum, as we know of; and so the proportion raysd is according as the occasion of the minister calls for it and the people's ability will allow.

(5.) For the poore, it is ordered that they be releived by the townes where they live, every towne providing for their own poore; and so for impotent persons. There is seldom any want releife; because labour is deare, viz. 2*sh.* and sometimes 2*sh.* 6*d.* a day, for a day labourer, and provission cheap, viz. Wheat, 4*sh.* bush. Winchester measure; Peas, 3*sh.* bush.; Ind. corn, 2*sh.* 6*d.* a bush.; Porck, 3*d.* p lb.; Beif, 2½*d.* p lb.; Butter, 6*d.* p lb.; and so other matters proportionable.

(6.) Beggars and vagabond persons are not suffered, but when discovered bound out to service; yet sometimes a vagabond person will pass up and down the country, and abuse the people with false news, and cheate and steale; but when they are discovered they are punisht, according to the offence.

Hartford, July 15, 1680.

WM. LEETE, Govern^r.

p order signed, p JOHN ALLYN, Secy.

No. XXXI.

FROM THE GOVERNOR AND COUNCIL OF CONNECTICUT, TO THE LORDS OF THE COUNCIL.

[Original draft (Sec. Allyn's), in For. Corr. I. 19.]

These for W^m Blathwayte Esq^r, at the Plantation Office, at Whitehall dd, p him to be delivered to the Right Hon^{ble} the Lords of his Mat^{ie}'s most Hon^{ble} Privy Councill.

Right Hon^{ble}:

Your letter of the 1st day of August, 1679, we have received, and it is gratefully accepted p vs that such Hon^{ble} personages as your selves are pleased to take notice of vs your

Hono^{rs} poore countrymen in so remoot a part of this wilderness, and that you are soe studious to promoate o^r publique good. We have returned a brief answer to those Questions your Hono^{rs} have been pleased to require an Answer of us unto; with all plainness and truth, and hope it may be acceptable to your Hono^{rs}. You may farther please to understand, that we are but a poore people. We have lost and spent much of o^r estates in the last Indian war. O^r expence, wth o^r loss, cannot be estimated less then 30,000*L.*, and no other advantage gayned by it then the riddance of some of o^r bad neighbours [and, what lands they possessed would be taken from us by Rhode Island, who disbursed nothing in the war].* In o^r Answers you will understand o^r way of living; for the most part, we labour in tilling the ground, and by that time a yeare's travell & labour hath gathered some small parcell of provision, it is transported to the market at Boston, and then half a crown will not produce so much goods of any sort as 10*d.* will in England. Besides, for sundry years past, the holy providence of God hath smitten vs, year after year, wth blastings and mildews, w^{ry} we have lost a great part of o^r wheat every year; and these 3 or 4 last yeares there is a worme breeds in o^r pease, which doth much damnify them. So that we are like (by reason of o^r losses at home and the heightened price of goods from abroad) to remaine a poore, but loyall, people; and we humbly request your Hono^{rs} to represent vs soe to his Sacred Matie. And if by your Lordships' mediation, his Matie be pleased to cast any rayes of his favoure upon vs, and grant vnto vs that New London and some others of portes, might be made free portes for 20, 15, or ten yeares, it would be a great means to move men of estates to trade and setle there; it would bring trade thither, so that the wealth of this his Matie's colony would be encreased, and his Matie in the conclusion receive no damage thereby.

Right Hon^{ble}, we request your pardon for our boldness herein, and desire that we may enjoy your favoures, and that you would graciously be pleased so to tender us that we may be upheld vnder your Honor^{rs} shadow, in the full injoyment of all those priviledges and immunities his Matie hath been pleased to grant vnto vs; and for your Honor^{rs} we shall ever pray, and remayn

Your Hono^{rs} most obedient and dutifull
Servants,

The Gov^r & Councill of Conecticott,

Hartford, July 15, 1680.

WM. LEETE, Gov^r.

* Interlined, by Gov. Leete.

No. XXXII.

THE GOVERNOR AND COUNCIL OF CONNECTICUT, TO THE SECRETARY
OF STATE.

[For. Corresp. I. 22.]

Right Hon^{ble} :

We request your consideration of o^r pleas of right to the Government and soyle of the Narroganset Lands &c.

1. O^r Patent, dated 23 Aprill in the 14th yeare of his Ma^{ties} reign, doth circumscribe those lands and makes them Conecticut's which Pattent is precedent to Rohd Island Charter.

2. That the bownds of o^r Charter as to the eastern limits was not newly devised, but was so described in a grant made formerly to some Lords and Gentⁿ bearing date Ano. Dom. 1631, which, at a deare rate, was purchased by the Colony of Conecticut; which grant though so purchased we were unwilling to rely upon, it wanting a regall stamp, and therefore soon after his Ma^{ties} happy restauration to his crown and dignities, this Colony did request and impower the Honrd John Winthrop Esq^r, o^r then Gov^r to vndertake a voyage for England, and to present o^r humble address to his Ma^{tie} and procure a charter for this Colony; which, through assistance of Almighty God and the abundant grace of o^r Lord the King (whom God preserve) he was successfull therein.

3. That Pawcatuck river, which Rohd Island procured his Ma^{tie} to call Narrogancett River in their Charter, lyeth about 6 miles within the Pequot country that was conquered by us above forty yeare agoe, which his Ma^{tie} is pleased to take notice of as a ground for y^e grant of o^r Charter, in part of which lands we have been forced to settle some of o^r friend Indians who were helpfull to vs in y^e warr when the Narrogancets were o^r enemies and y^e Rohd Islanders no good friends. That it should be taken from them for Rhode Island to possess and govern, will be to them intolerable.

4. After o^r Charter was procured and sent over to us, the Honrd John Winthrop his agency was expired: and therefore any agreement Rohd Island may pretend they made with Governo^r Winthrope doth not binde the Colony.

5. Conecticut have dealt plainly, and have antiquity of their side, before either donation of the Indians to his Ma^{tie} and before Rhode Island Charter grant.

6. Conecticut hath been long and lately in possession of great parts of those Narrogancett lands, which, according to his Ma^{ties} letter of Feb. 12, '79, (we humbly conceive) ought

so to continue, untill his Maties decision and pleasure be farther known. Notwithstanding which, y^e Goverment of Rhod Island have been contending wth us, incroached upon o^r rights, and given us great molestation.

7. In the late Indian warr, Rohd Island Goverment neglected to grant assistance to defend the people planted in the Narrogancett country or to recover y^e lands out of the hands of the Natives o^r enemies, who strongly fortified y^mselves there and ruled as lords both of soyle and Goverment, till they were recovered out of their hand by this Colony and o^r allies; yea, when in the sharpest of the winter o^r souldiers had a cruell fight wth the enemy, beat them out of their workes and burnt them wth fire, and retreated to Rhod Island for recruit wth o^r wounded men, we were forced to pay dearly for what releife they had there; and o^r souldiers when they were so well that they could be removed into o^r Colony for cure, they having not money there to pay, their late Gov^r Cranston tooke indentures of o^r souldiers to serve him for yeares, for what they had had, before he lett them pass; and yet again they give us trouble, and would re-assume a Goverment there, which how they manage we hope you will heare from other hands. Sundry other such things, wth sufficient proofes we had sent over; but they are all lost wth o^r Agent.

We request your favourable construction hereof, and you will thereby oblige your most humble servants, The Gov^r and Council of Conecticott.

W^m LEETE, Gov^r.

Hartford, July 15, 1680.

No. XXXIII.

SECRETARY ALLYN TO MR. BLATHWAYT.*

[For. Corresp. I. 23.]

Boston, Sept^r 21, 1680.

Hon^{ble} Sr:

My occasions haveing called me hither, and this oppertunety of conveyance p^rsenting; I thought it my duty to informe your Hono^r that just upon my coming from home o^r Gov^r acquainted me that he had then rece^d a letter from your Hono^r and one from Mr. Wm. Harriss, w^rby he understood your good affection to o^r Colony and your particular care of Mr.

* William Blathwayt Esq., clerk of the Lords' Committee of Trade and Plantations. He was commissioned, May 19th, 1680, Surveyor and Auditor General for the American Colonies (Mass. Rec. V. 521.)

Harriss, wth the assurance that o^r disapoyntment should not p^rejudice o^r interest in reference to that affayre of y^e Narrogancett land. All which favours doe unspeakeably oblige us to your Honor. O^r Gov^r purposeth, by the first, to pay you his acknowledgments for these kindnesse of yours, and to request your farther favour and countenance ; which I was desireous to acquaint you wth, and allso to request that your Honor would be pleased still to continue your favour and respects to us, and that you would stand o^r friend, as occassion shall require at Court. I hope by the next Ships you will hear farther from us. By this convayance I have sent a copy of o^r Answer to the Queries we formerly rece^d from the Hon^{ble} Lords of the Councill, wth one of o^r Law Bookes wth them ; that so if o^r former should miscarry, possibly these might com to hand. I have not to ad, Hone^r^d S^r, but my duty to your Honor, and that I am, your humble servant,

JOHN ALLYN.

These for y^e Honor^d W^m Blathwayt Esq^r,
at y^e Plantation Office, at Whitehall.

No. XXXIV.

THE GOVERNOR AND COUNCIL,* TO MR. WM. HARRIS.

[For. Corresp. II. 7.]

Hartford, Octobr 2^d, 1680.

Mr. Wm. Harris.

The sad tidings of your being captivated January last, last June we received, which was matter of great sorrow to us and put us upon it to endeavour your redemption ; but we then rec^d a letter from Wm. Blathwait Esq^r, who informs us of his perticular care of your redemption, and by others we understand that it is hoped you may be redeemed before this come to you, which we pray God to grant that it may be soe. Our Governour hath given Mr. Blathwayt his acknowledgment for his kindness therein, and that you may not be wholly incapacitated to attend our affayres, we have sent you herewith a copy of our commission we gave you, and of our instructions, with some evidences of the Narrogancett River &c. by some Indians, † as allso Gov. Winslow his evidences, wth a cobby of our Address to his Ma^{tie} and coppys of our letter to the Secretary of state ; desireing that you would be pleased, so far as you are

* "Present: Wm. Leete, Gov^r, Major Tallcot, Capt. Allyn."

† No. XVI.

able, to act in our behalfe. Mr. James Richards, who in our behalfe gave you a bill of 50^{li}, dyed June last. We have now desired his brother to furnish you with the like order, but we know not his resolves. If that fayle, if you can sute yourselfe we shall readily repay it here, in New England money wth reasonable advance. We have not to add, but to request your helpfullness to doe what in you lyeth by vertue of the commission we formerly gave you, and according to those instructions, coppyes whereof we now send you, desireing the Lord to bless and succeed you, and in his own good time to return you to us again, which is all at p^rsent from your affectionate freinds,

The Governour & Council of the Colony of Conecticut;
p y^r order signed,

JOHN. ALLYN, Sec^ry.

These for Mr. Wm. Harris, in London.

No. XXXV.

THE GOVERNOR AND COUNCIL TO CAPT. WINTHROP AND THE
OTHER PROPRIETORS OF NARRAGANSETT LANDS, AT BOSTON.

[Col. Boundaries, I. 153.]

Hartford, Nov. 22, 1680.

Gentⁿ :

We hope you are not unmindfull of Mr. Harris his suffering condition, and that all meet endeavours will be used for his release. We shall readily make good what we have formerly engaged for him, and hope that he yet may be an instrument to obtayne a settlement of o^r affayres in England. We have sent over to Mr. Harris a renewed power of agency, and allso som thing of o^r plea and evidences by former ships, which we hope may meet him in England. In a letter to vs of Aprill last he mentions some papers may be usefull which we have not sent and he thinkes may be by you obtained, as 1st. that the King's order was not observed in the acts first made by Col. Cartwright &c. : 2, that their order about land for Hermon Garrett was violated by the Rohd Islanders : 3, that they exercise govern^t in the Narrogancetts, not as justices of the peace of King's Province, but as Gov^r and Assis^{ts} of Rhode Island : 4, that they alter the propriety of those lands and setle them as they please : 5, that John Green gave away the land he sayd was the King's, by turff and twigg : 6, a copy of their grant to Mr. Roger Williams : 7, that a great part of the

Narrogancett country is without their pretended grant, first and last. For all these things, he sayth he doth not doubt but Mr. Brindley can get sufficient evidence of, out of their own records and from the testimonies of sufficient persons, and from Mr. Saffin's tryall; which we pray you to endeavour after, with what els you judg may be necessary for the effectual management of the business, that so a good issue may be obtayned at last: [and for Mr. Harris his own redemption, by depositing vpō o^r letter of credit, w^{ch} (we hope) may be as responsible as their mortgage is, your readynes to pmove his redemption by so doeing will (doubtlesse) oblige his vtmost sedulity in yo^r imploy as well as o^{rs} wherein he signifyes himselfe ingaged.]* We have not to enlarge, but to commend the p^rmisses to your consideration and just endeavoures. Wth o^r best respects to you, we rest your affectionate freinds, the Gov^r and Councill:

p y^r order signed, JOHN ALLYN, Secy.

Thes for Captⁿ Wayt Winthrop, Mr. Rich^d Wharton, Mr. John Saffin, Captⁿ Hutchinson &c. at Boston, dd.

No. XXXVI.

RICHARD WHARTON† TO JOHN ALLYN.

[Col. Boundaries, I. 154.]

Boston, Decr 14, 1680.

Honrd Sr.

A full answer to what in y^e name of yo^r Gov^r & Councill you wrote y^e 25th of Octobr^r, respecting Mr. Harris his redemption, and settlem^t of y^e Narroganset Countrey, hath hitherto been, and must a little longer bee deferrd, by occasion of my brother Winthrop's long stay att New London, and p^rsent occasions at Salem, and Mr. Saffin's absence from Boston. But as to y^t just and charitable care expressed in y^e first, it is highly approved, and indeavours answerable already resolved vpon [and] recomendaçons forwarded from such as were present (by [] ships) and will be followed with duplicates [] saile. Wee can neither procure

* This clause added, in Gov. Leete's hand, to Mr. Allyn's draft.

† Richard Wharton, of Boston, was a son of Philip, Lord Wharton. He was one of the proprietors of the Narragansett lands, and had a large estate in Boston; was interested in the 'Million purchase' in New Hampshire, and some years later (June, 1686,) received a grant of a large tract in Maine, between the Kennebec and Androscoggin rivers. He returned to England, and died in London in May, 1689. He was twice married,—his first wife, a daughter of Rev. John Higginson, of Salem. Coll. Maine Hist. Soc. III. 329; Doc. Rel. to Hist. of N. York, III. 365.

Bills of Ex[change, nor have any] of us a fond in England to answer y^e oc[asion]. We can] only offer our selves as security for yo^r Collony to [such as we] p^rsume may lend y^e money, with 8 p C^{to} interest if need bee till payment. And as to y^e settlem^t of y^e Countrey, wee have already by other hands petitioned his Majesty* that y^e Jurisdic^on may bee confirmed to yo^r Collony, to whose regula^on for publique good (if property be not invaded) I p^rsume all concerned will cheerfully conforme, and in all means conducibile comport themselves as may reasonably be expected. This with humble service and y^e inclosed (which this day came to hand) I desire may be p^rsented to yo^r Hono^rd Govern^r & Councell, and accepted by yo^r worthy selfe from, Sr,

Yo^r humble & faithfull Serv^t,
RICHARD WHARTON.

Thes to the much hon^d Captⁿ John
Allen Assis^t and Secretary of y^e
Collony of Conecticott, at Hart-
ford.

No. XXXVII.

THE GOVERNOR AND COUNCIL TO THE COMMISSIONERS OF THE
CUSTOMS.

[For. Corresp., I. 24.]

[A letter from the King, dated Nov. 12th, 1679, announced the appointment of Edward Randolph, collector of the customs imposed by the "Act for better securing the Plantation Trade" (25 Charles II.), with authority to appoint deputies and under officers &c. † and commanded the Governor to take effectual care for the due observance of all former laws relating to the trade of the plantations, particularly, the Act for encouraging and increasing of Shipping and Navigation (12 Charles II.); the Act for Encouragement of Trade (15 Charles II.); the Act for better regulating the Plantation Trade (22 & 23 Charles II.); and the Proclamation of Nov. 24th, 1675, for enforcing these laws. Returns were to be made by the Governor of all vessels which should lade within the colony any of the enumerated plantation commodities, and of all bonds taken by him, &c. (For. Correspondence, I. 17.)

With the King's letter came one from the Commissioners of the Customs, dated May 24th, 1680, (signed Geo. Downing, Ch. Cheyne, and H. Millington,) giving more particular instructions for the enforcement of the laws relating to the Plantation Trade; enclosing copies of the acts, a book of rates, and copies of the Proclamation of 1675, which prohibited the importation to the colonies of any commodities of Europe not laden in England &c; blank forms of bonds, returns &c.; and impressions of the several "customers or patent collectors and comptrollers, both in the port of London and the out-ports." For. Corresp., I. 21.]

* Referring, probably, to the petition of Richard Smith, in behalf of the proprietors. See p. 268

† May 19th, 1680, the King granted a commission to William Blathwayt, Esq., as Surveyor and Auditor General of all revenues arising in America. Oct. 15th, 1681, Mr. Blathwayt, by direction of the commissioners of the treasurer, appointed Edward Randolph his deputy for New England, (except New Hampshire.) See Mass. Rec. V., 521-529.

Hartford, January 24th, 1680.

Much Honoured:

Yours of May 24th, 1680, came to our hand January following, wth the Inclosed from his Mat^{ie}, with the Statutes, Box of Seales & Booke of rates &c. The contents whereof were of so much sattisfaction vnto vs, viz. to be informed & directed how we might serve his Mat^{ie} preventive to frauds in Customes & Dutys, that being part of our alegiance and duty incumbant, vnto which we apprehend ourselves sufficiently impowered by his Mat^{ies} gracious Charter granted to this Colony. And we have the greater happyness by your early care thus to suggest to vs, before we arrived at any capacitie soe to defrawde; for though we may not boast of our own goodness, yet penury hath hitherto obstructed; for after above forty yeares sweating & toyle in this wilderness to enlarge his Mat^{ies} Dominions at our own costs and adventure, we have neither had leasure or ability to lanch out in any considerable trade at sea, haveing onely a fewe small vessells to carry our corne, hoggs & horses vnto our neighbours of Yorke & Boston, to exchange for some cloathes and vtensils, wherewithall to worke and subdue this country; likewise some of those comodities are carryed to the Barbadoes & those Islands, to bring in some suger and rumm, to refresh the spirits of such as labour in the extream heat and cold, so to serve his Mat^{ies} enlargement of dominions; and yet a poore liveing to themselves, mean while; the substance whereof (we suppose) Mr. Randolph can informe, whoe haveing lately taken an interveiw of our parts & colony, vnto whome we have shewed civility according to our capacitie, & offered any furtherance in soe good a designe to prevent fraude towards our soveraigne in trade & navigation. We have also appoynted Customers or Colectors in our severall countys, to take speciall care that those Acts of Navigation & Trade be duely observed and kept, and have commissioned them accordingly. They are the most aptest persons we could pitch upon for that affayre. This worke is yet novell and unknown to them, thorow want of experience in such occasions, but we have no cause to doubt of their fidelity and care in the due attendance of the worke and trust reposed in them; And we shall be ready to grant Mr. Randolph such necessary ayd and assistance as shall be requisite, if he also shall see cause to take any cognissance of these affayres in our Colony. If yourselves, or any Lords of the Privy Councill or Treasury will concerne themselves to farther our light in this or any thing proper to our loyalty, we shall thankfully accept the same, and doe our duty therein; praying allways for the long life and happy reigne of his

Matie, and the wellfare of yourselves and all protestant professors, as our owne, whoe are your Honor^s very humble servants,

W. Allen Leebe Gov^r.

JOHN TALCOTT,
JOHN ALLYN,

These for the Honourable the Commissioners
of his Maties Customes, at the Custome
house, in London, Present.

No. XXXVIII.

[Col. Records of Deeds, &c. II. 313, 314.]

ARTICLES OF AGREEMENT BETWEEN THE GOVERN^r AND COMPANIE OF HIS MAJESTIES COLONIE OF CONNECTICUTT AND VNCAS SACHIM OF THE MOHEEGS.

Whereas the Colonie of Connecticutt and Vncas, Sachim of Moheage, are and have been neighbours one to another for the space of about fortyfive years, and whereas there hath been good friendship betweene us maintained in the daye of the first govern^{rs} of the Colonie of Conecticut, and agreements of mutuall respect and friendship made by and between us, which through the length of time are almost forgott, to the end that that antient amitie and respect between the English of said Connecticutt and the said Vncas and people of Mohegin may be continued and maintained for ever :

I the said Vncas, Sachim of Mohegin, for myselfe, my heirs and successors, doe enter into a league of amitie with the Colonie of Connecticutt, and their successors, as followeth.

1st. That I with all my people will carry it as friends and allies to the said Colonie of Connecticutt, and their successors, and will doe no wrong nor iniurye nor damage to them or any of their people, and if any thing be by us or any of us done, upon complaint thereof it shall be forthwith redressed and reparation made.

2. I doe resign up to the said Colonie of Connecticutt all my lands and Territories, hereby for myselfe, my heirs and successors, binding myselfe and them that I will make no other

dispose of them to any person or people whatsoever without their grant and allowance first had and obtained, and that they shall be disposed in plantations, villages or farms, according as the Generall Court of Connecticut shall order and determine the same, I alwayes to receive such reasonable satisfaction for my proprietie in them according as we shall agree.

3dly. I doe hereby confirme all grants of land I have already made to any plantations or perticular person or persons that stand now possessed and seized of them, to be to them their heirs and successors forever firme and goode, the Court approving of them.

4ly. I doe for myselfe and successors covenant and agree to and with the said Generall Court of Connecticutt aforesaid that I will not plott nor practice any evill against them nor consent to any that shall so doe, but upon knowledge of any evill designe against them will timely discover it to the authoritie of Connecticutt from time to time.

5ly. I doe promise that in all matters of weight and concernment, I and my successors will take advice of the Generall Court of Connecticutt from time to time, especially in the making of peace and warre with any persons or people, and in all leagues of friendship that I shall make, and that I will make no league of friendship with any persons or people that are in enmitie with the Colonie of Connecticutt.

6. I doe bind my selfe my heirs and successors to be ready to assist the Colonie of Connecticutt upon any occasion when their peace shall be disturbed with any enemy intestine, or forreign, with a competent number of fighting men to be improved for their safetie in such way as they shall judge most expedient and as I am able to spare.

7. I doe desire that this league of amitie may include my son Owaneco and grandson Josiah and their posteritie and all our people, and that it may remain inviolate forever.

The Gen^r Court of Connecticutt doth receive Vncass and his son Owanecoe and grandson Josiah and their people into friendship with them, and desire the perpetuating of it from generation to generation, he or they attending and observing the sixe articles above written, then the sayd Gen^r Court will carry it towards the said Sachim, his soñe and Gransoñe, and their people and successors, as to our friends and allies, and will doe them no wrong nor suffer any of our people to doe them wrong, but upon complaint and proof will redress it and grant due satisfaction.

2. They shall have equall justice from us as our own people, in all matters which they shall bring before us, and that with-

out delay, in all wherein they shall have beforehand declared their subjection to our lawes.

3. In what cases they need our advice (they inguaginge to attend it) we shall be ready to grant them it freely.

4. Whatever plantations we grant to any people in their countrie and territories, they shall take care that a sufficiencie of land for the said Indians and their successors be still reserved for them to plant on, and that a just price be paid for the residue as shall be agreed.

5. In case the said Sachims shall be invaded by a forreign enemy or neighbour heathen upon uniuist grounds and reasons, we shall furnish them with am̄nition at a just price, and our best advice, doing what the Cōmissioners shall allow and this Generall Court thinke fitt, that may be done with our owne peace and safetie, to preserve him and his people.

6. The said Sachims and their people and successors attending what is herein inguaged by them to the Colonie of Connecticutt, We also the Generall Court of Connecticutt doe oblige our selves and successors to attend what is inguaged on our parts to the said Sachims and their people as aforesaid.

For the confirmation hereof, We the Generall Court of Connecticutt, and Vncass Sachim of Moheag, have sett to our hands, this 18th of May, 1681. Signed in the name and p^r order of the Generall Court.

This signed and delivered in presence of us and before the Gen^rl Court of Connecticutt.

WILLIĀ LEETE, Govern^r.

p^r me, JOHN ALLYN, Sec^y.

The above written, with what is on the other two foregoing pages, is a true copie.

Test, ELEAZER KIMBERLY, Sec^y.

No. XXXIX.

JOSEPH DUDLEY TO SECRETARY ALLYN.

[Miscell. I. 3.]

Boston, Feb. 9, 81.

S^r. I received your letters by Squire Toto.* I humbly

* Toto was an Indian captain living near Windsor or Podunk.

thank your respect and shall attend your orders referring to your Indian Money,* but for that letters arived so late it will be long before money will be had. I thank your sympathy with me in the loss of my Brother,† whom I can not forget, being every day hastening to him & indisposed much after the same manner that he was before me; on which account I beg your prayers. Forreigne news will be communicated by other hands. Mr. Randolph,‡ whom you so deeply complemented in your superscription, *et ex ungue leonem*, I guess at the inside, hath besides a power to govern your trade, an order to examine your Treasury & make you vomit up all deodands, escheats, felons' goods & fines upon penall lawes, which will dismiss your County Schooles &c. For that & other things I am exceedingly greived, but less for that I may be removed before the mischief comes upon us all, which is hastening. I wish y^e vnited Colonyes could joyntly agree in meet agents for them all, for that nothing els will prevent our utter ruine, & y^e charge borne according to articles would not be intoltable, and such generall agents might obtain good reception when single despatches will be despised. If such a thing were moved to our Generall Courte to sit next week, I am persuaded it might obtayn.§ I humbly offer my service to your good Gov^r, my kinsman Woodbridge,|| Dame Richards & your Lady, & am

S^r, your unworthy & sorrowfull Serv^t,

J. DUDLEY.

To the Worsh^l Capt. John Allyn Esq^r,
at his house, in Hartford.

* The colony's proportion of the money received (through the commissioners of the united colonies) from the Corporation in England for the propagation of the gospel.

† Paul, youngest son of Gov. Thomas Dudley; a merchant in Boston, and for some time Register of Probate for the county of Suffolk; died, Dec. 1, 1681. He was the only brother of Joseph Dudley, of the full blood. He married Mary, third daughter of Gov. John Leverett. (Dudley Genealogies: Shurtleff's Memoir of the Leverett Family.)

‡ Edward Randolph had returned from England, with commission as deputy surveyor and auditor general of his Majesty's revenues in America.

§ Mr. Dudley was himself appointed, March 17th, by the Massachusetts Court, one of the Colony's agents to England; and sailed, with his colleague, Major John Richards, early in the summer of 1682. Fortunately, Connecticut did not adopt his plan of a general agency or joint commission. Concurrence in the selection of Mr. Dudley would in all probability have paved the way for the fall of the charter and the annexation of the colony to the government of which, four years afterwards, he was by royal appointment placed at the head.

|| Rev. John Woodbridge, son of Rev. John W. of Newbury who married Mercy Dudley (sister of Joseph); grad. H. C. 1664; settled at Killingworth, 1666, and thence removed to Wethersfield, where he was installed in 1679, and remained until his death, in 1691. His younger brother, Timothy, grad. 1675, settled at Hartford in 1685.

No. XL.

THE GENERAL COURT'S LETTER TO THE GOVERNOR OF NEW YORK.

[Reprinted from the Report of the New York commissioners on the Boundary Line 1857. Appendix K: p. 105.]

Hartford, May 11, 1682.

May it please your Honor,

We your friends the Governo^r and Generall Assembly of his Maties Colony of Connecticutt, haveing at o^r present Session had Information and complaint made unto us that sundry persons under your jurisdiction, and particularly Mr Frederick Phillips have erected, and lately, and are erecting certaine Mills* and other edifices, and making improvements of land, within the limits of the township of Rye, and in the Bounds of this his Maties Colony of Conecticut, neere unto Hudson's River; alledging to such as have questioned with them thereabout, that they doe it by virtue of a patent or patents or other allowances from the Governo^r of his Highness Territory of New York; † and not only so, but some of the sayd Improvers doe give out Threatening Speeches, that if any of our Colony's cattle shall come there, that they will not suffer our people peaceably to have them away; and allso that others of your Jurisdiction are purchasing or have purchased large tracts of land on the east side of Hudson's River's, within our limitts, from the Indians, in order to planting there, by patents or lycensse so to doe, from his Highness Governo^r at New York. The consideration hereof, hath given us this occasion to signify hereby the same unto your Hono^r, a person with whome, as with your predecessor, Gen^l Richard Nicolls and Co^l Francis Lovelace, we never were so unhappy as to differ, and herewith to send to your Hono^r a cobby of the settlement of the line between this his Maties Colony and that his highness Territoryes, which you have also the originall of, as we doubt not, which for the authority of it being done by his Maties Commissioners, to that end Impowered, by mutuall consent of the parties concerned and for the perspecuity of its determining, that a north north west line from Mamorroneck River to the Massachusetts lyne, shall be the bounds between us on that part, is in our

* "These mills are supposed to be on the creek above the present village of Tarrytown." Report of N. York Boundary Commissioners.

† In 1680, Mr. Frederick Philipse purchased of the Indian proprietors a large tract of land, on both sides of the Pocantico River, "whereon to set a mill": and a patent was granted him therefor, by Sir Edmund Andros, April 1, 1680. In December, 1681, and April, 1682, he made additional purchases, embracing the northwest part of the modern township of Greenburgh and a portion of Mount Pleasant. Bolton's Hist. of Westchester Co., I. 175, 176, 319.

understanding so indisputable, as we would not doubt but your Honor will desire to hold (as we do) the same inviolable; and farther, and therewithall it may please your Honor to know that certain persons of our colony having runn the sayd line from Mamorroneck River unto Hudson's River have found it to come upon Hudson's River to the southward and westward of the places where the said edifices, mills, purchases &c. are sayd to be; Also that a surveyor by Sr Edmun Androsse his order, running the sayd lyne found it to fall somewhat nearer the sea than it was run by some of ours, of which survey[or], Mr Robert Ryder, youre Honor may especially enquire, if living with you, and we are willing and desireous if your Honor see cause, at any time by you assyned, to run the sayd lyne, to put it out of doubt.

Wherefore we do hereby desire of your Honor, for the preventing of all injury and strife between us, well to testify yoursele in all the premises, and by your speedy and effectuall order to cause all further proceedings of that or the like nature, first mentioned, to cease, as far as it is done under countenance of Authority from his highness the Duke of Yorke his Govr, and that the sayd places within the line of this colony on the eastward side Hudson's River may, without obstruction from your Honor, be regulated and ordered as other parts of this colony are, by such as his Matie of his especial grace hath betruusted with the dispose and Government thereof; the signification whereof, by the bearer hereof, to our Govr and his Council, with our desire of your Honor's happyness, is all at present from

Your Honor's reall freinds,

The Governór and Gen^l Assembly of his Maties
Colony of Connecticutt, per their order signed

per me, JOHN ALLYN, Secretary.

No. XLI.

DANIEL WETHERELL TO GOV. LEETE.

[Trade and Maritime Affairs, I. 6.]

New London, July 25, 1682.

Honrd Sir. These maye informe yo^r Hon^r that lately arrived at Easthampton on Longe Iland a Catch and 2 small Sloopes with about 30 or 40 privateers or rather pirates; one of the Sloopes laye some time at Plumbe Iland where 5 of her men left her and came hither, the rest went for the Baye Col-

lonie and at Nantasket met with more of their companions and gave chase to a Sloop of Mr. Isack Arnold's y^t was bound to Virginia and tooke her wth a thousand pound cargoe as he informes me: the Ketch was aboute 130 tunne, which they made sale of at Easthampton to one Hutchinson of Bostone, and with part of y^e mony bought another Sloop of Capt. Hubbard of y^e same place; which came over to this harbour with eight privateers pretending to buy some provisions, but bought not any, only a litle bread. I doe suppose they intend to supply themselves by piracy. The next day after they were gone, I receaved the enclosed, which gives account of the surprizall of the third small Sloop by the govenor of Rhode Island: Since which here arived Mr. Jonas Clarke, bound to Southold, to put Mr. Arnold ashoare there, and from thence to Conneticut, who was chased by that privateer y^t went out of this Harbour and lyes still about Fisher's Iland and Garner's Iland: but they were too nimble for y^e privateers, and came into this harbour, where they desired some men and armes to secure them, haveing as they s^d a very considerable cargoe on boarde. I durst not without yo^r Hon^{rs} authority impress any men, but wee sent them armes and ammunition; and the winde bloweing favorable, they set sayle yesterday morning, and I hope are got safe over, although several persons informed me they saw the privateers pursue them, but their wings were too short; so they tacked, and I sawe them, as I conceive, goe in for Fisher's Iland.

Sir, my humble desire is that yo^r Hon^r with yo^r honrd Councell would please to informe what to doe in these exigencies, for they are yet wayting for to take all they can master, being well armed and fitted with granados for y^e worke. I earnestly begg yo^r Hon^{rs} advice in this weighty concerne, wherein men's lives and estates are dayly in hazard, and shall wayte for an answer frome yo^r Hon^r & Councell: Meanwhile shall rest yo^r Hon^{rs} humble servantt to be commanded,

DANIELL WETHERELL.

A Catch of Mr^s Raymonds comeing from Virginia was spoken with off Block Iland eight days since; is not yet arrived; wee feare shee is taken by some of these Rogues.

Honrd Sir, Since the imprisonment of those privateers at Rhode Iland, they have confessed of their roberys in Virginia.

No XLII.

THE GOVERNOR AND COUNCIL* TO MR. WETHERELL.

[Trade & Maritime Affairs, I. 7.]

Hartford, July 28, 1682.

Sir : Your letter of the 25th instant we have rece^d wth those inclosed from Gov^r Sandford and Mr. Arnold, and are sorry for his great losse, and doecommend the prudence of Gov^r Sandford in securing those 6 pirates that cam into their harbour, and should have been glad you had done the like wth those that came to your town ; and if the like opportunity be given, we desire that it may be taken, for the securing of them. Your accommodating of Mr. Clarke wth armes and ammunition, we approve of, and should allso as well approved of your pressing men for his security, if he would have payd them their wages for the time they should be in his service. We doe doubt of your abillity in fitting out a good vessell of sufficient strength to deal with these robbers, and therefore cannot see reason to order you so to doe ; yet if they still be in those parts or should come wthin your reach, we would have you use the most prudent ways and means to seiz and secure them by strength, [and we think y^t yo^r owne authority wth our advice may sufficiently bear out the apprehending of theeves and keeping peace &c,] † by employing persons of good conduct to govern and order the affaire ; whoe may be suitable, you best know, upon the place. Allso it may be good to give notice to all vessells that are passing upon the coast, of the danger that they may run into ; and indeed we thinke it necessary that they be advised not to goe out of o^r partes untill these pirates be gon off the coast, or surprized. Which wth best respects is all at p^rsent needful from

the Gov^r and Assistants present ;
by their order signed, JOHN ALLYN, Sec'y.

No. XLIII.

THE DEPUTY GOVERNOR AND ASSISTANTS FOR NEW HAVEN COUNTY,
TO GOVERNOR LEETE.

[Trade & Maritime Affairs, I. 8.]

N. Haven, 5th Aug^t, 82.Hon^{ble} Sr. Wee rece^d yo^r l^re of y^e 3^d instant, and have

* In Margin, "Present, Gov. Leete. Major Tallcott. Capt. John Allyn."

† Interlined by Gov. Leete.—in Mr. Allyn's draft.

heere met and consulted w^t to doe, upon y^e advise you are pleased to signify. Our thoughts are y^t if anything be don to purpose, a sutable vessell must be fitted out, wth 15 or 16 men at least, to pursue, surprise and take and soe bring y^e s^d Pirats or sea robbers on o^r coasts, dead or alive: and to send vnder sutable conduct; to w^{ch} end a commission wth instruc^{co}ns from yo^rselfe and Councill we think necessary: for both vessell and men must be prest for y^e service, on y^e Countrys^e's charg. Heere is a smale sloop belonging to this place, but bound to York and in pt laden: but wee look for Mr Trobridg vessell, a bigger sloop, frō York, every day. W^t orders you shall please to send by y^e post's returne, we shall endeavour to attend. It might have done well if on y^e 1st sure intelligence frō N. London, a vessell well fitted had bin soe sent wth Comⁿ out thence, being more convenient and neere then these pts. We cannot tell well what furth^r to ad but to wait for w^t ord^r yo^rselfe and Councill shall send. Wth o^r service p^resented to yo^r hono^r and y^e oth^r Gent^m, reste
Yo^r Hono^r's humble Serv^{ts}

ROBERT TREAT
WM JONES
JNO. NASH.

Postscript. We heare Capt.
Bond is lately com in to
York from England; noe oth^r news.

These, to the hon^{ble} Wm. Leet Esq^r, Gov^r
of Connecticut Colony, att Hartford, P^rsent. Post hast.

[The Governor and Council, in reply, (from Hartford, Aug. 7th,) express doubts of their authority to grant a commission to search and pursue, or to apprehend suspicious persons, out of the colony limits, before damage done or injury received by the colony. They had already advised the authorities at New London to apprehend all such persons for examination, &c., and will add "a sutable limited commission, within our precincts;" "what more to do, is dark to us." If the Assistants at New Haven see any expedient "for surprizing of such rogues," "we conceive it is in your power to act and doe in the case as well as our selves here; but with as little charge as may be." (Trade & Mar. Affairs, I. 9. Gov. Leete's draft.)]

No. XLIV.

[Trade and Mar. Affairs, I. II. Secretary Allyn's notes.]

EXAMINATION OF SEVERAL PRIVATEERS, BEFORE THE GOVERNOR AND ASSISTANTS IN HARTFORD, AUGUST 8, 1682.

Robert Darnton's Examination.

Q. How came you into these parts?

A. I came in the ketch that the privateers came in at Long Island, with John Williams who was commander of her. And saith that John Williams, Richard Heartnell and Daniel Tatum came in the said ketch also.

Q. How long have you been in company?

A. The Spaniards tooke the ketch in y^e end of Nov^r. or beginning of Decemb^r, and kept the ketch till the day after Christmas last; and he was in her when she was taken; and then John Williams and his company tooke her from y^e Spaniards againe; at Cape Cattoach* they tooke her; from thence we sayld to Grand Camanus.† Next they came down y^e coast of Cubia to y^e Gulfe, and from thence to Virginia, to Accamack. He sayth he went not ashore but once, and that was wⁿ he went to Capt. Curtice his house. He was askt what they did there, or whoe they robbed? he sayd he knew not; it was askt, w^t they brought aboard? he s^d nothing but cloathes and sundry sorts of lining; but wher they had it, he knew not, nor what they did with it.

Where went you next? As soon as we cam out of y^t place we cam next to Longe Island.

How cam you up into these parts? In a whale boat, wth Ben. Gaylord and one Perkins.

What did you give them for bringing you up? Ten shillings. Where did you pay them? At Windsor Ferry. What money have you now? My money is in John Williams' hand, but I have of Dan^l Tatum's 14^{sh} money, which he showed me.

Who went out in y^e first sloop, comander, that took Mr. Arnold's sloop? The Sloop that cam in before us, Adam Balderre he was comander; there were 5 men besides himself in her.

How many men came in y^r ketch, sloop and all? 29, and a boy. Who was master of y^e ketch you came in, before she was taken? One Edward Ohely, who, when the Spaniards tooke y^e ketch, run ashore wth his company in the Bay of Bandoras.

* Cape Catoche?

† Grand Cayman Island?

John Williams

being examined, sayth he tooke the ketch that was brought in to Long Island, at Bandorus, by a French commission. He was in at Virginia, but was ashoar onely at Capt. Curttice's and he did not pillage or plunder any there.

How much money have you? 42^{sh}.

What gave you Gaylor and Perkins for bringing you up? They askt us nothing, but I gave Perkins 5^{sh}, and they gave y^e oth^r man 5^{sh}.

He sayth allso, he was turned out of command of the ketch, and another, one Cap^t Dan^{ll}, made captain of her; and that because he would not consent to sell her before she was condemned, they bound him, and forced him to doe what he did.

Dan^{ll} Tawtum, a Barmodoian sayth he was wth John W^{ms} when they tooke y^e ketch that y^e cam in to Long Island with; y^e Spaniards run ashoar and left the vessell, and so they tooke her, and cam in to Long Island in her. He also sayth he was at N. London with the sloop, but he went away wth them, and when he understood y^r purposes was to take a vessell, he left y^m at Mr. Gardner's Island. He ownes they were in Virginia about a fortnight wth the ketch, but he was not ashoar. Cap^t. Dan^{ll} sold the ketch; he had his share of y^e money.

Nic. Heartnell, born at S^{nt} X^{rs}. He denies he was at Virginia. He ownes he cam in the ketch to Long Island: Was one of those that tooke her, under the comand of John W^{ms}; and had a share of the money they sold her for. 3^{li} 7^{sh}.

W^m Leete Esqr, Gov^r The Gov^r and Assist^s doe order that
Major John Tallcott John W^{ms}, Rob^t Darnton, Dan^{ll} Taw-
Capt. John Allyn. ton and Nicholas Heartnall be secured
in the co^mon goale till farther order; and the Sec^ry is to make
their mittimus for that end.

The Gov^r and Assist^s mett againe in Hartford, August 9th, 1682, and ordered that Marshall Grave, wth Sarj^t Zach. Sanford and another, shall take y^e foure privateers in y^r custody and them secure in irons, and in Benj. Gaylor's whale boat carry y^m over to Mr. Isack Arnold. The whale boat proving insufficient, the Gov^r and Assist^s agreed wth Mr. Jonas Clark to carry the prisoners over to Sowthold, for which he was to have three pownd, and them to be delivered aboard at Midleton.

Hartford, Aug^t 14, 1682.

W^m Leete Esqr, Gov^r The Governo^r and Councill ordered
Major John Tallcott that those 4 privateers now in the

Mr. John Wadsworth comon goale be secured in irons, viz.
 Capt. John Allyn two and two chained together legs and
 hands, and that they be shipt aboard

Mr. Jonas Clark and sent to Sowthhold, to be by him dd to the
 authority there; which the Marshall is appointed to see don.

It was allso ordered that Mr. Clarke and company and
 Sloope be impressed to carry over the sayd privateers to South-
 hold as afoarsayd: and that Mr. Clarke be payd by the Country
 Treasurer fower pownd for y^e same. And that the Sec^{ry} by
 order of the Gov^r and Councill order them to receive them,
 and deliver them to Mr. Arnold or the other authority there
 &c.

No. XLV.

THE COMMISSION FOR INQUIRY INTO THE CLAIMS TO THE NARRA-
 GANSETT COUNTRY.

[For. Correspondencè, I. 29.]

A copy of the Commission from Charles II., to Edward
 Cranfield Esq., Governor of New Hampshire, William Stough-
 ton, Joseph Dudley, Edward Randolph, Samuel Shrimpton,
 John Fitz Winthrop, Edward Palmes, John Pincheon Jun.,
 and Nathaniel Saltonstall, Esquires, “Commissioners for ex-
 amining and inquiring into the respective claims and titles as
 well as of ourself as of all persons or corporations whatsoever,
 to the immediate Jurisdiction, Government, or Propriety of
 the soil of or within our Province commonly called the
 King’s Province or Narragansett Country”; to report with all
 convenient speed to the King, for a final determination by the
 Privy Council. Dated at Whitehall, April 7th, 1683.*

[Copies and Letters, p. 133.]

Copy of “his Majesty’s Commissioners their certificate or
 summons to give publick notice of their meeting, at Mr.
 Richard Smith’s, in Narragansett,” on Wednesday, August 22,
 1683, “there to hear and receive the claims, proofs, pleas and
 pretensions of all persons whatsoever, either in behalf of his
 Majesty or any other persons or corporations,” who “possess or
 claim any right or title to the soil or jurisdiction of or within
 the King’s Province or Narragansett country” &c. Attested
 by William Wharton, Register. Sent to the several governors

* The commission and summons are printed in 1 Mass. Hist. Collections, V.
 232-234.

of the Colonies of New England, to be affixed and published in all convenient places.

[Colonial Boundaries, I. 158.]

Report of the Commissioners, to the King, October 20th, 1683.* After having "seriously weighed and considered all evidences, pleas, proofs and allegations, and added our own observations of the course of the Narragansett River or Bay, and situation of the country so far as we have travelled therein, and with most humble submission and reservation of your Majesty's right, so far as it may appear to your Majesty," the commissioners offer their opinions,—

"That by virtue of your Letters Patents granted to Connecticut, jurisdiction in and through the said Province, or Narragansett country, of right belongs to the said Colony of Connecticut;

"And that propriety of soil, as derived from Mr. Winthrop and Major Atherton, is vested in the heirs and assigns of said Winthrop, the heirs of Thomas Chiffinch Esq^r, Major Atherton, Mr. Richard Smith, Mr. Symon Lynde, Mr. Elisha Hutchinson, Mr. John Saffin, Mr. Richard Wharton, and partners, and such as derive from them; no considerable opposition being by any corporation or persons given before us to their claim and title; † the same being granted by the said agents of Connecticut. Notwithstanding we do not conceive that their purchases do any ways entitle them to any part of the Pequod country lying between Wecapaug and Paucatuck River; nor that the former lawful purchases and possessions of the inhabitants of Providence and Warwick ought to be prejudiced thereby.

"And finally, we hold it our duty humbly to inform your Majesty, that so long as the pretensions of the Rhode Islanders to the government of said Province continue, it will much discourage the settlement and improvement thereof; it being very improbable that either the aforementioned claimants or others of like reputation and condition, will either remove their families or expend their estates under so loose and weak a government."

An addition to the report, relates to the Duke of Hamilton's claim to the Narragansett country, presented by Mr. Randolph, after the close of the commission. See No. LIV.

* Printed in 1 Mass. Hist. Coll. V. 235-244; Potter's Hist. of Narragansett (R. I. Hist. Coll. III.) 229-338; R. I. Coll. Records, III. 140-145; and, so much of it as relates to Connecticut, in Trumbull's Hist. of Conn., I. 359, 360.

† The Governor and Council of Rhode Island disowned the authority of the commissioners, refused to appear before them, and formally prohibited them from keeping court within the jurisdiction of that colony. R. I. Records, III. 130.

No. XLVI.

FROM KING CHARLES II.

[For. Corresp. I. 28.]

Trustly and Welbeloued We greet you well. You will see by an Affidavit whereupon an Order of Councill hath been made (Copies of both which are herewith sent you), that one William Kelso, Chirurgeon of the Ship Anne and Hester, did in his voyage to New England confesse that he had been Chirurgeon Generall to the Forces engaged in the late rebellion in Scotland, having also given out suspicious words as if he had been concerned in that horrid and barbarous murder of the late Archbishop of St. Andrews, which We hold Ourself bound by the Lawes of God and Man to prosecute upon all those that shall be found guilty thereof. We do therefore hereby require and command you forthwith to cause diligent search to be made throughout all your Government for the said William Kelso, and being found to cause him to be apprehended and sent over hither in safe custody, by the first Ships bound from thence to England, in order to his being proceeded against for the said crimes, according to law. Hereof you are not to faile, as you tender Our displeasure. And so We bid you farewell. Given at Our Court at Whitehall, the 30th day of September, 1682, in the Four and Thirtieth yeare of Our Reigne.

By his Ma^{ties} Command,

To Our Trusty and Welbeloued,
The Governour and Councill of Our Colony
of Conecticut in New England.

L. JENKINS.*

“ This received June 15, 1683, and the same day Warrants were granted for the search for and apprehension of W^m Kelso according to his Ma^{ties} order in his Lettr, as attests.

JOHN ALLYN, Sec^y.

* Sir Leoline (or Luellin) Jenkins, a native of Glamorganshire in Wales, had been a Judge of Admiralty and of the Prerogative Court; ambassador to France, 1669, plenipotentiary to Cologne, 1673, and at Nimeguen, 1675; succeeded Henry Coventry as Secretary of State, April 14, 1680. (Granger.)

Mr. Allyn occasionally writes the name, “ Sir *Lionel* Jenkins; ” and so Hutchinson, (I. 366.)

No. XLVII.

DEPOSITION OF FRANCIS BRANSON.

[For. Corresp. I. 25.]

Francis Branson, Commander of the Ship Anne & Hester, aged 30 yeares or thereabouts, in the behalf of his Ma^{ty} testifiyeth, That William Kelso, Chirurgeon, and John Bowland, Mate of the said Ship, being aboard in the great cabbin, at sea, the 16th day of Aprill last, 1680, amongst other discourse that then passed betweene them, the sayd William Kelso, in hearing of this deponent did declare, in the great cabbin, that he was the Chirurgeon Generall in the late Rebellion in Scotland, and that after the Duke of Monmouth had been there and qualifed them, Kelso cutt off his haire and wore a Perriwig, and made his escape into the north of Ireland, and from thence transported himself to Dublin, and was there some small time, and from thence he made his escape to Bristoll, and there he stayed a while and after went up to London. He then at the same time did declare, that he knew those persons that murdered the Archbishop of St. Andrews, and that they had made their escape disguised and could not be found; that there were six of them that sett upon him when he was in his Coach going over a plain 3 miles from a village; that they hauled him out of his coach and told him that he had betrayed them, and therefore nothing should satisfy them but his blood. His daughter being in the Coach with him opened her bosome, and desired them to spare her father and kill her; but they fell upon him with three pistolls, first pistolling him and then hewed him in pieces with their swords. All which words were spoken by the said Kelso when we were coming from England, being then bound for the Isle of May. Sworne to in Court, the 4th January, 1680, in Boston in New England.

That this is a true cobby taken & compared with the Original, 4 January, 1680, Attests,

EDW. RAWSON, Secretary.

ORDER IN COUNCIL FOR THE APPREHENSION OF WM. KELSO.

[For. Corresp. I. 26.]

At the Court at Whitehall, this 22th day of March, 1681.

By the Right Hon^{ble} the Lords of his Ma^{ties} most Honourable Privy Council.

Vpon reading this day at the Board the annexed copy of a Deposition of Franis Branson, Commander of the Ship Anne and Hester, setting forth that one William Kelso, chirurgeon of the said ship did in his way from hence to New England confesse (in the presence & hearing of the Deponent) that he was Chirurgeon Generall in the late Rebellion in Scotland, and likewise gave out suspicious words as if he had likewise been concerned in the horrid and barbarous murder of the late Archbishop of St. Andrews: It was this day ordered by their Lord^s in Councill, that the Right Hon^{ble} Mr. Secretary Jenkins (upon perusall of the said Deposition) prepare Letters for his Mat^s Royall Signature requiring and commanding the Governors or Commanders in Chief of his Mat^s severall Colonies in New England forthwith to cause the said William Kelso to be apprehended and sent over hither in safe custody, by the first Ships, in order to his being proceeded against for the said crimes according to law.

PH: LLOYD.

[A warrant, signed by Secretary Allyn, June 15th, 1683, to the constables of Hartford, directs diligent search to be made for the above named Wm. Kelso, and that, if found, he be secured in the common gaol at Hartford till he may be disposed of according to his Majesty's pleasure. The return by John Shephard and John Pratt, constables, June 19th, is, that they "cannot find nor hear of him." Crimes & Misdemeanors, I. 154.]

No. XLVIII.

“A COPY OF WHAT WAS GIVEN TO HIS MAJESTY'S COMMISSIONERS IN NARRAGANSETT,” RESPECTING THE CLAIMS OF CONNECTICUT TO THE JURISDICTION OF THE NARRAGANSETT LANDS. AUGUST, 1683.

[Col. Boundaries, I. 157.]

To the Hon^{ble} his Maj^{ties} Com^{rs} for examining and inquireing into the claymes and titles to the government and soyle of the lands in King's Province or Narrogancett country.

Much Honrd: His Mat^{ie} haveing been pleased to take notice of us so farr as to commission your Honoured selves to hear all claimes to government and soyle in the King's Province or Narrogancett country and to make such returns thereupon to his Mat^{ie} as in your wisdome you shall thinke meet, that soe a just issue may be given at last by his Mat^{ie}, in obedience to his Royall pleasure herein, we doe in the behalfe of the Colony of Conecticut present before you or claime to the government of y^e whole of the Narrogancet and

Niantick countrys, and allso to the propriety of soyle in all those lands that were not legally purchased or possest before o^r Charter was renewed; they being by his Ma^{tie} settled and confirmed to the Government of Conecticut by his gracious charter, as we are ready and hope to make appeare.

JOHN ALLYN.

Wickford, August 22, 1683.

JOHN WADSWORTH.

Then we delivered to the Com^{rs} :

Gov. Winslow's Testimony that more then 20 yeares agoe Pautucket River was owned to be Narrogancet River, and that it divided between Narrogancet and Wampanoakes country.

As allso the Testimony of severall Indians to the same effect.

We allso shewed how properly it might be the river mentioned in our charter, in regard of y^e fall it had into the sea, and allso it being at the head of the Narrogancet Bay.

We allso presented the agreement made by Mr. Winthrop and Mr. Clarke, and shewed Mr. Winthrop had no power so to act; and allso how, according to that agreem^t, the claymors to Narrogancet had chose to be under this Government.

And gave a copy of the bounds of o^r Charter.

The Com^{rs} and claimors of soyle in the Naragancet country urging us under our hands to say what we had to say against their claymes, we putting it off as long as we could, at last gaue in this following writeing:

Whereas we have been desired to declare before this Hon^{ble} Court whither we did alowe of those deeds or mortgage that have been made to Major Atherton and company which now have been p^rsented and read before the Court, in answer thereto, we doe not object against those deeds nor doe we lay claime propriety in the soyle of any such tracts of land as have been legally past away to the afoars^d Gentⁿ before the renewall of o^r Charter; and we shall not oppose the s^d Gentⁿ in the peaceable improvement of the same, they attending such prudent regulations in the settlement of those lands as may best advantage the co^mon good of all concerned.

JOHN ALLYN.

Wickford, August 23, 1683.

JOHN WADSWORTH.

No. XLIX.

THE GOVERNOR AND COUNCIL TO GOVERNOR DONGAN.

[Colon. Boundaries, II. 42.]

Hartford, Octobr 5th, 1683.

Hon^{ble} Sr. This being the first oppertunety we have had since your arrivall of meeting in councill, we could doe no less than congratulate your safe comeing into these western parts of the world and entrance into the Govern^t of his Royall Highness Territories, wishing you all prosperity and happiness therein, assuring you that we shall endeavoure amicably to deporte ourselves towards yourselfe and government; and if any thing should happen otherwise, upon the first intimation we shall endeavour a right understanding between us.

And by the way, we can do noe less then give your Honour advice of that which transiently is come to our cognizance, viz. a warrant s^d to be granted by Mr. John Pell, requireing the constables of Ry, Greenwich and Standford severally to appeare at N. Yorke on the 1st Wednesday in October instant, to make presentment at your grand assizes; notwthstanding the s^d Townes are indubitably within the precincts and bounds of this his Mat^{ies} Colony of Conecticut, not onely by his Mat^{ies} gracious Charter grant but by agreement and settlement of bownds between his Royall Highness' province and this Collony, as your Hon^{ble} predecessors well knew; at which time and before, those Townes peaceably were, and ever since have continued, under this his Mat^{ies} Government: the which, for the mutuall weale and safety of all his Mat^{ies} good subjects concerned, we heartily desire may not be interrupted or molested by any such injunctions or impositions from any of o^r good neighbours.

Hon^{ble} Sr, we beg your pardon for this trouble, which, wth our best respects to your Honor, is all at p^rsent from, Sr,

Your affectionate neighbours & humble servants,

The Gov^r & Council of his Mat^{ies} Colony of Conecticut,
p their order signed,

p JOHN ALLYN, Sec^y.

For the Hon^{ble} Col. Tho. Dongan Esq^r.,
Gov^r of his Royall Highness Territories,
at Forte James, in N. York, this dd.

The Gov^r & Council ordered the above written letter.

No. L.

GOV. DONGAN TO SECRETARY ALLYN.

[Colon. Boundaries, II. 43. Holograph.]

New York, Octobr^r ye 9th, 1683.

Sr. I am much obliged to your Governor and Council for the complements they made me, and do really desire that a firm friendship may be established, assuring you that if there be not, it shall be none of my fault.

Itt is the usuall way, when one Government writes to another, for the Chief and Principall to signe it, but since the Gentlemen have not, tis to you, Sr, that I adresse this Answer.

Tis well known that his R^{ll} Highness has a patent for all the lands on this side of Hudson's River, and if my predecessors, as you hint, haveing power to be kinder to you than some think you deserved, were pleased to quitt the rest of the lands within twenty miles of Hudson's River, I am not, as I think, obliged to confirm it.

For, instead of being contented with that, you have hindred the people which belong to this Government from comeing hither; and not that only, but some of your Colony have come to settle within six or 8 miles of Hudson's River, and that without any leave of this province, as I am informed.

If it be so, I take it to be my Master's opinion that you have abused the former contract, if any such was, and therefore you cannot blame me to take notice of it, and make claime to the whole from Connecticut River.

Your pretence to Virginia, this place, and all other of the King's dominions as far as the South Sea, would be as good as the other.

I am obliged in his R. H. name to wish you to find out some course to make an end of this difference, whereby a foundation may be laid for a good correspondence, and I will not fail to acquaint the Duke with your resolutions.

Wishing your Governor and Councell all prosperity and happnesse, I do assure you that none shall endeavour to deport himself more amicably with them than, Sr,

Your servant,

THO. DONGAN.

For Mr. John Allyn,
Secretary of Connecticut.

No. LI.

THE GOVERNOR AND GENERAL COURT TO GOVERNOR DONGAN.

[Colon. Boundaries, II. 44.]

Hartford, Octob^r 16, 1683.

Hon^{ble} Sr. Our Secret^{ry} hath acquainted us with a letter he received from your Honor by Ens. John Miles,* that was the post that conveyed a letter to your selfe from the Govern^r and Councill of this Colony, and doe return you our hearty thanks for those expressions in yours wherein you manifiast your reall desire that a firme friendship may be established, which we hope we shall not be wanting in contributing too, according to our ability.

And we must assure your Honor that the former letter you rece^d from o^r Govern^r and Councill, signed by o^r Secretary was signed according to o^r usuall custome in such cases, wherein was no designe of disrespect to yourselfe, whom we honour in that quality and capacity wherein you stand, as Governour of his Royall Highness' Territories and our good neighbour, hoping our future converss may allso speak the same.

As to his Royall Highness his just rights and interests, we would no way interrupt or molest, and cannot but hope to receive the like kindness from your Honour, and shall so endeavoure to deporte o^rselves that we may so deserve.

Sr, we doe judg that what seeming or reall differences were in his Royall Highness his Charter and his Mat^{ies} Charter granted to this Colony, is fully resolved and issued in that agreement that was made by his Mat^{ies} Hon^{ble} Commissioners, whoe were impowered and commissionated to settle differences of bownds between Charter and Charter, w^{ch} was fully stated and concluded at New Yorke,† and well approved by his Mat^{ie} as his gracious letter to this Colony did fully mani-

* Of New Haven.

† Nov. 30, 1664. "The creeke or river called Momoronock, which is reputed to be about twelue miles to the east of West Chester, and a lyne drawne from the east poynt or side where the fresh water falls into the salt at high water marke, north north west, to the line of the Massachusetts" was established as the western bounds of Connecticut. (Cert. copy, in 'Copies & Letters,' 2, 3.) This agreement had been recognized by the Duke of York himself, in his instructions to Andross: "Touching the boundaries of your government towards Connecticut you are in the right that they were settled by Commissioners in 1667," &c., but he suggested that it was "best to make accommodations of this kind temporary, so if possible to preserve the utmost limits for me that my Patent gives me a title to." (Doc. Rel. to Hist. of N. York, III. 230.) In Jan. 1675-6, he directed Andros not to proceed further in prosecuting his claim to the territory west of Connecticut River, hoping "hereafter for more convenient means of adjusting the boundaries in those parts," and repeats this caution in 1677. (Id. 235, 247.)

fast; coppyes of which we perswade o^rselves may be found amongst your records.

S^r, we have not to o^r knowledg acted any thing to violate or p^rjudice the agreement and issue made by his Ma^{ties} Hon^{ble} Commissioners. If any thing by us be done ignorantly, when we understand it we shall redress the same.

We have allwayes endeavoured to mayntaine a good correspondency between his Royall Highness his Government and this, and shall still be ready to joyne with your Honour in the laying a foundation for that end; and therefore desire that nothing by your Honour or ourselves may be acted otherwise.

S^r, it hath been and still is a time of great sorow with vs by reason of sickness that is still amongst us, whereby many are made very weake and low, that we have not oppertunety to wayt upon your Honour by such persons as we would gladly employ in such a service, and therefore desire your excuse therein.

Hon^{ble} Sir, we wish you all prosperity and happyness, wth your honourable Councill, and whole Colony, and subscribe ourselves, your most affectionate neighbours and humble servants,

The Governo^r & Generall Court of Coⁿecticut.

In their name and by their order signed,

JOHN ALLYN, Sec^y.

For the Hon^{ble} Colonel Thomas Dongan Esq^r,
Gov^r of his Royall Highness his Territories in
Americah, at Forte James in New Yorke,
this dd.

No. LII.

GOVERNOR DONGAN TO GOVERNOR TREAT.

[Col. Boundaries, II. 45. Holograph.]

Honored S^r. I am heartily sorry to hear that you have been so much indisposed; and I assure you, as gladd of your safe recovery.

It is my earnest desire to be in a right understanding with all my neighbours; and in particular with so good a person, as the world gives you the character to be; and if I must have any contention with you, I wish it might be who should do one another the better offices; but, S^r, I must be obedient to my Master and not unmindfull of his interest; therefore

you cannot take it amiss from me if I claime twenty miles from Hudson's River eastward, as I am informed the agreement was between the King's Commissioners and your Colony. The King's Commissioners being strangers, and relying upon your people, were assured by them that the River Mamaranet was twenty miles every where from Hudson's River; as we have very creditable witnesses can testify, and that it was Coll^m Nicolls his intentions. Notwithstanding all that, you pretend to within 16 or 17 miles of this town and, for ought we know, to Esopus and Albany also; which is argument sufficient it was none of Coll. Nicolls his intention:

If you do not submitt to let us have all the land within twenty miles of Hudson's River, I must claime as far as the Duke's Pattent goes; which is to the River Connecticut. There is land enough for us all, and I love not to do my neighbors ill offices.

Since you are pleased to promise to do me the honour to see me, pray come with full power to treat with me; and I do assure you, whatsoever is concluded betwixt us, shall be confirmed by the King and his R^l Highness, w^{ch} ye other agreements, I heare, are not. If you like not of it, pray take it not ill that I proceed in a way that will bring all your patent in quæstion.

The Gentleman who brings you this letter is one of the Councell, and, as I find by him, a friend of your Colony; and will better cleare things to you.

I have no more but that I shall be very gladde to shake hands with you, and that we may lay a foundation that we may allways live like good neighbours.

I am, S^r, with all respect,

Y^r most affectionate & humble Serv^t,

[THO. DONGAN.]*

New York, Novembr 5th, 1683.

For his Honoured Friend, Governour Treatate.

No. LIII.

ARTICLES OF AGREEMENT, concluded November the twenty eighth, One thousand six hundred eighty three between the Right Honorable Coll^o Thomas Dongan, Governour under his Royall High^s James Duke of York Albany etc. of New

* The signature has been torn off.

Yorke and its Dependence and the Councell, And Robert Treat Esq^r Governour of Connecticutt, Major Nathan Gold, Capt. John Allyn, Secretary, and Mr William Pitkin, in commission with him.

It is agreed that the bounds, meares or dividend between his Roy^{all} High^{ss} Territory in America and the Colony of Connecticutt forever hereafter shall begin att a certain Brooke or River called Byram Brooke or River, which River is between the Towns of Rye and Greenwich, that is to say, att the mouth of the said Brooke where it falleth into the Sound at a Point called Lyon's point which is the Eastward Point of Byram River, and from the said Point to goe as the said River runeth, to the place where the Common Road or Wading place over the said River is and from the said Road or Wading place to goe north north west into the Country soe farr as will be Eight English miles from the aforesaid Lyons Point; and that a Line of twelve miles being measured from the said Lyons Point according to the Line or Generall Course of the Sound eastward where the said twelve miles endeth, another line shall be runn from the Sound Eight miles into the Country north north west; and alsoe that a fourth line be runn, that is to say, from the north most end of the line first mençoned unto the northmost end of the Eight mile line being the third mençoned line, which fowrth line with the first mençoned line shall be the bounds where they shall fall to runn. And that from the eastward end of the fowrth mençoned line (which is to be twelve miles in length) a line parralell to Hudson's River in every place twenty miles distant from Hudson's River shall be the bounds there between the said Territory or Province of New Yorke and the said Collony of Connecticutt soe far as Connecticutt Collony doth extend northwards, that is to the south line of the Massachusetts Collony.

Only it is Provided that in case the line from Byram's Brook's Mouth north north west Eight Miles and the line that is thence to runn twelve miles to the end of the third foremençoned line of Eight Miles, doe diminish or take away any land within twenty myles of Hudson's River, that then soe much as is in land diminished of twenty miles from Hudson's River thereby shall be added out of Connecticutt bounds unto the Line aforemençoned and paralell to Hudson's River and twenty miles distant from it, the addition to be made the whole length of the said paralell line and in such breadth as will make upp Quantity for Quantity what shall be diminished as aforesaid.

That what arrearages are due from the Towne of Rye to

the Collony of Connecticut for former yeares and the present year's Rate shall be paid to Connecticut.

That two Surveyors be appointed the one from New Yorke and the other from Connecticut to make a Survey and runn the before mençoned lines, partitions, limitts and bounds between His Roy^{ll} High^{ss} Province of New Yorke and the Colony of Connecticut; And the Surveyors are to meete all the towne of Standford on the first Wednesday of October next ensueing, and to be directed by one of the Councill and two more Commissionated from each Governm^t.

That if it shall please the King's Majesty and His Roy^{ll} High^{ss} to accept and confirme these Articles they shall be good to all intents for ever between his Roy^{ll} High^{ss} and his heires and assignes and the Corporaçon of Connecticut and their Successors, and this Agree^mt is to be in full force, power and virtue from the day of the date hereof. In Witsesse whereof the Partyes above mençoned have to these Presents Interchangably sett their Hands and Seales, at Fortt James in New Yorke, the twenty eighth day of November in the thirty fifth yeare of his Maj^{tie} Reigne, Annoq Domni 1683.

Signed, sealed and delivered in the presence off JOHN SPRAGGE Sec ^{ry} MATTHIAS NICOLLS GEO. BREWERTON.	}	ROBERT TREAT	(Seal)
		NATHAN GOLD	(Seal)
		JOHN ALLYN	(Seal)
		WILLIAM PITKIN	(Seal)

[The foregoing agreement is here printed from the New York copy, as published in the Appendix to the Report of the Commissioners on the Boundary, (1857) pp. 110, 111. Of the copy, which was formerly in the Secretary's office at Hartford, only the last half sheet is now preserved, (bound, by mistake, with papers relating to Trade &c., I, 10), with the signatures and seals of Gov. Dongan and "Antho: Brockholz, Fredryck Flypsen, S. V. Cortlandt, John Youngs;" witnessed, as above.]

No. LIII. (2).

GOV. TREAT AND THE CONNECTICUT COMMISSIONERS TO THE INHABITANTS OF RYE.

[Reprinted, from Bolton's History of Westchester County, II, 26, 27.]

Fayrefield, December 3, 1683.

Loveing friends,

We had purposed in our passage to York to have called upon you, but the badness of the weather and taking our passage by water, we mist the opportunity of seeing you in our going theither and in our return, and therefore we take

this first opportunity to acquaint you that although we were loath to have parted with you and would have been glad to have continued you in this Government, yet the providence of God hath so disposed that by our agreement with Governor Dongan we were forced to part with you and could not help it; and the governor promised us that he would not by this change alter any man's property or propriety; and therefore we thought it necessary to acquaint you of this change, and also to advise you speedily to apply [to] him to grant you confirmation of your bounds and proprieties, which we doubt not but he will do also. We must acquaint you that you must by our agreement, pay to this colony this year's rates, which the treasurer will appoint you, to whom you shall pay it speedily; it is one penny half penny upon the pound, according to the list presented to the General Court in October last.

By the agreement with the Governor Dongan, the west bounds of our Colony is now Byram River, and it runs as the river till it comes to the road, and from thence it runs north north west, till it hath run eight miles from the east point of said Byram River. Gentlemen, we do request you to be satisfied and content with this change and to carry it suitably to the Government under which you are now stated, and apply yourselves to the Honorable Governor who is a noble Gentⁿ and will do what you shall desire in a regular manner to promote your welfare which with best respects is all the needful from yo^r assured friends,

ROBERT TREAT, Governor.
 NATHAN GOLD, }
 JOHN ALLYN, } Assistants.

[Endorsed;] These for L^{nt} Joseph Horton
 [and] the selectmen of the town of Rye.

Copia vera, David Jamison, Cl. County.

No. LIV.

ABSTRACT OF DOCUMENTS RELATING TO THE CLAIM OF THE DUKE
 OF HAMILTON AND HIS HEIRS.

[Miscell., I. 58; Copies & Letters, pp. 133-137.]

Copy of the Patent or grant from the Council at Plymouth, to the Right Honorable James, Marquis Hamilton, his heirs and assigns, of "all that part, purparte and portion of Main Lands of New England aforesaid, situate, lying and beginning

at the middle part of the mouth or entrance of the River of Connecticut* in New England, from thence to proceed along the sea coast to the Narohigansetts River or Harbor, there to be accounted about sixty miles, and soe up the western arm of that river to the head thereof, and into the land northward till sixty miles be finished, and so to cross over land southwestwards to meet with the end of sixty miles to be accounted from the mouth of Connecticut up northwest," with adjacent Islands &c., and also "all that other parcel or portion of lands, woods and woodgrounds lying on the east side of the River of Sagadehock in the easterly part of New England" &c. April 22d, 1635. Copy, certified William Wharton, Register, Nov. 15, 1683, from a copy certified by William Blathwaite, which was exhibited by Edward Randolph before the Court of the King's Commissioners, in 1683.

[Miscell., I. 59; Copies & Letters, p. 138.]

Petition of William and Ann, Duke and Duchess of Hamilton, to the King, May, 1664, reciting the grant of 1635, to the petitioner's father, and asking that their case may be heard by the King's Commissioners for New England, and that they may be restored to their just rights &c.†

Order in Council, May 6th, 1664, for the reference of the petition to the Commissioners, to examine the allegations thereof, and preserve and restore to the petitioners' their just right and interest, or otherwise to report, &c.

[Miscell., I. 60, 61; Copies & Letters, pp. 128-130.]

The answer of the Governor and General Court of Connecticut, to the Duke of Hamilton's claim and petition.‡

1. They are wholly ignorant of any river within the extent of their charter that is known as *Coverticu*.

2. If Connecticut river be intended thereby, they plead the original patent to Lord Say and Sele and his partners, purchased by the colony, and lately ratified and confirmed by the charter of 1662.

3. A considerable tract of the land in question was in the Pequot country, attained by conquest, with loss of life and great expense to the colony.

4. Thirty years' peaceable possession by Connecticut, with-

* It appears that in the original patent the name of the river was written *Coverticute*. See Miscell., I. 59, and the reply of the General Court to the Commissioners, in 1665.

† Printed in Appendix (No. XV.) to Trumbull's Hist. of Conn., Vol. I.

‡ Trumbull's Hist. of Conn., I. App. XX. The date there given (March 25th, 1665,) is that of the letter from the commissioners, to which this answer was returned. The latter, both in the rough draft and the recorded copy, is without date.

out any adverse claim preferred, has extinguished the Duke's right if such ever existed.

[Miscell., I. 62; Copies & Letters, p. 134.]

Letter of Attorney from William and Ann, Duke and Duchess of Hamilton, and James, Earl of Aran, their son and heir, to Edward Randolph Esq., to ask and demand and sue for all lands &c. in New England, and to sue for and recover all right, title and interest, they have or may have to the sayd lands &c. Executed at London, July 30, 1683. A copy attested by Wm. Wharton, Register, Boston, Nov. 15, 1683.

[Miscell., I. 62.]

“The substance of what was offered,” by the Narragansett proprietors, at the Commissioners' Court, in reply to the Duke's claim, preferred by Mr. Randolph. In the hand writing of Hon. John Saffin.

[For. Correspondence, I. 30.]

Additional report by the King's commissioners, in 1683, At the instance of Mr. Randolph, they had again convened,—heard Mr. Randolph's pleas and improvements thereon, and received the answer and defence of the proprietors, which they transmit for his Majesty's consideration; and have caused copies of the Duke's deed and proprietors' pleas to be sent to Connecticut, &c.* Copy, certified by Wm. Wharton, Nov. 19, 1683.

[Miscell., I. 64.]

Proceedings of the Governor and Council, at a meeting in Hartford, December 13, 1683.†

The claim of the Duke of Hamilton not having been presented to the King's Commissioners till the closing of their commission, the Council have had no opportunity to hear the particulars thereof; but having received from the Commissioners, a copy of the deed to the Marquis of Hamilton, as the ground of said claim, they offer thereto, as the present time will admit, this answer,—so far as relates to that part of the claimed territory which is included within the colony of Connecticut:—

That there is no evidence of the ratification of the deed from the Great Council of Plymouth; but if this deed were authentic,

That the grantees had not complied with the conditions or consideration on which all the grants of the Plymouth Council

* 1 Mass. Hist. Coll. V. 244; R. I. Hist. Coll. III. 237, 238.

† Trumbull's Hist. of Conn., I. 362, 363.

were founded, by propagating the Gospel and planting a colony to the enlargement of the King's dominions; and that they had never taken possession, purchased the native right, or made any legal claim to the territory.

That the grant or Patent from the Council to Lord Say & Sele, Lord Brooke &c. in 1631, preceded that to the Marquis of Hamilton and included the greater part of the same territory: and that this patent, assigned to Connecticut, was confirmed by the charter of Charles II. who in his letter of April 23, 1664, "was pleased to call his grant, a *renewing* of our charter."

That the Duke having failed to make known his pretensions, the colonists of Connecticut had purchased the native right and, under the protection of the King's Letters Patent and special encouragement, had planted and improved, &c. and engaged in chargeable and bloody wars to secure their right, &c.

That the Duke's title, if his deed had been good, fails by the statute of Limitation, he not pursuing his title in twenty years.

No. LV.

[For. Corresp., I. 31.]

CHARLES R.

Trusty and Welbeloved, Wee greet you well. Whereas Wee are informed of great disorders and depredations dayly committed to the prejudice of Our Allyes contrary [to the] Treaties between vs and a good correspondence that ought to bee maintained between Christian Princes and States; And Wee having already given strict order in Our Island of Jamaica against such illegal proceedings, by passing a law for Restraining and punishing Privateers and Pirats; Our will and pleasure is, that you take care such a law (a copie whereof is herewith sent you)* bee passed within Our Colony under your Government, which you are to certify unto vs by the first opportunity. And soe Wee bid you heartily farewell. Given

* Recorded in book of "Copies of Letters," pp. 47-50. See p. 151, *ante*. Since that page was printed, it has been ascertained that the copy there referred to, (Trade & Maritime Affairs, I. 35,) was received from England at a later period, enclosed in a letter from the Council of Trade, March 21st, 1697-8. The endorsement is therefore correct.

at Our Court at Newmarket, the eighth day of March, 1683-4, in y^e 36th year of Our Reigne.

By His Matys^s Command,
L. JENKINS.

To Our Trusty and Welbeloved
Our Governour and Company of Our
Colony of Connecticut in New
England in America.

“Rec^d June 28, 1684, night before Saboth day. The proclamation was published June 30th, being Munday.”

No. LVI.

REPORT OF THE COMMISSIONERS AND SURVEYORS, FOR LAYING OUT
THE LINE BETWEEN CONNECTICUT AND NEW YORK.

[Col. Boundaries, II. 46.]

Pursuant to a Commission from the Right Hon^{ble} Thomas Dongan, Governour Generall of all his Royall Highnesses Territories in America, &c., bearing date the 26th day of September, 1684.*

Wee underwritten did upon the first Wednesday of this instant October meet, at y^e towne of Stanford, Major Nathan Gold, Capt. Jonathan Sellick, Ensigne Daniel Sherman, Mr. John Harriman† Surveyor, comissionated at a Generall Court held att Hartford, as by theire comission they produced bearing date May the eighth, 1684, doth fully appeare.

Wee went to Lions Point on y^e east side of Birom River and from y^e mouth of s^d River where itt falls into y^e Sea, we measured up the said River and found itt to be one mile and halfe and twenty rodts, bearing North halfe Easterly, and so came to a great Rock stone at y^e Wading Place, where the road cutts y^e s^d River, and from thence directed our course North North West, six miles and a halfe, and there marked
D three white oake trees as in the margent; thence
C R directed our course West and by North seven miles
C and one hundred and twenty rodts, which brought

* Doc. Relating to the Hist. of N. York, III. 356.

† Mr. John Harriman, (grad. H. C. 1667,) had previously been employed by the General Court to make observations for determining the Colony's north bounds, and the correction of Woodward & Safigery's line. See p. 33 *ante*.

us to y^e Northernmost end of a Reach of Hudson's River, which bears as we judged South and by West a quarter West-erly, and North and by East a quarter Easterly, which above-said line falls upon the s^d Reach about Three miles above Frederick Philips upper Mills over against Tapan, and y^e said River bearing North as to itt's generall course upwards, we conclude the above mentioned West and by North line to be the shortest from s^d Three marked Trees to Hudson's River, and having unanimously concluded that part of the Sound from Lions Point Easterly to beare East North East, we did from said Trees at eight mile distance run a paralell to the Sound, vizt. East North East twelve miles, and still continued y^e said Twelve Mile line East North East one mile and sixtyfour rodds, which then gave twenty miles from Hudson's River, and is eight miles North North West from y^e Sound. Then finding the Oblong of twelve miles East North East and eight miles North North West did deminish sixty one thousand foure hundred and forty acres from y^e twenty miles from Hudson's River, we added to y^e abovesaid twenty miles upon y^e East North East line, three hundred and five rodds more, to run at y^t additional breadth, paralell to Hudson's River, till it meets with the Mathethusetts Line, which we demed one hundred miles distant from our eight mile line, which severall courses, with their distances, together with the three hundred and five rodds added, doe clearly appear in y^e Platt by the surveyers drawne and hereunto annexed; which addition of three hundred and five rodds we refer for itt's confirmation and ratification to the two Governments from whence we are employed; and that the above written is a true report of our proceedings, we have this tenth day of October, one thousand six hundred eighty and foure, subscribed our names in Stand-ford.

JOHN YOUNGS

JOHN PELL

ROBERT VAUQUELLIN

PHILLIP WELLES Survr.*

Millford, February the 23^d, 1684-5. The Report made by the within mentioned persons is this day assented unto, and

* The names of "Nathan Gold, Jonathan Sellick, Daniel Sherman and John Heriman, Commr's for Connecticut," are also subscribed to this report,—as published in the Report of the New York commissioners, (1857) App. O. p. 113.

ratified by us; & it is ordered that it be recorded in the books of Record for both Governments, as witness o^r hands.

Witnesses.

J. PALMER
J. SPRAGGE
JOHN YOUNGS
NATHAN GOLD
WM JONES
JOHN ALLYN
JOHN NASH
WILLIAM PITKIN.

Thos. Morgan

Robert Treat

No. LVII.

FROM THE LORDS OF THE COUNCIL, ANNOUNCING THE DEATH OF CHARLES II., AND THE ACCESSION OF JAMES II.

[For. Correspondence, I. 33.]

After our hearty Commendations. It having pleased almighty God this day to take to his Mercy out of this troublesome life our late Sovereign Lord King Charles of most Blessed Memory; and thereupon His late Ma^{ts} only Brother and Heir King James the Second being here proclaimed, wee have thought fit hereby to signify the same unto you, with directions that with the Assistance of the Council and other the Principall Officers and Inhabitants of Conecticut, You proclaim His most sacred Ma^{ty} according to the Form here inclosed, with the solemnities and ceremonies requisite on the like occasion. And wee do further transmit unto you His Ma^{ts} most gracious Proclamation, signifying His Ma^{ts} pleasure that all men being in Office of Government at the decease of the late King, His Ma^{ts} most Dear and most Intirely Beloved Brother, shall so continue as during His late Ma^{ts} life, untill His Ma^{ts} Pleasure be further known; which wee do in the like manner Will and Require you forthwith to cause to be proclaimed and published in the Chief Place or Places within your Jurisdiction. And so not doubting of your ready compliance herein, wee bid you heartily farewell.

From the Councill Chamber in Whitehall the sixth day of February, 1684. Your very Loving Friends,

W. CANT.	GUILFORD C S.	ROCHESTER	HALIFAX C.P.S.
	PETERBOROW	CHESTERFIELD	BEAUFORT
	CRAVEN	CLARENDON	HUNTINGDON
	AILESBURY		J. BRIDGEWATER
	MIDDLETON	J. ERNLE	L. JENKINS
	DARTMOUTH		JOHN NICHOLAS

Endorsed, "Received 19th of April, 1685. King proclaimed y^e 22^d, at Hartford.

No. LVIII.

THE GOVERNOR AND COUNCIL TO SIR LEOLINE JENKINS.

[For. Corresp. I. 36 b.]

Hon^{ble} Sir: The Right Hon^{ble} Lords of the Council's letters of the 6th of February past were received by our Govern^r upon the 19th day of this moneth, who thereupon repayed to this place and called his Councill forthwith, who, according to their Hono^{rs} direction, ordered that his Mat^{ie} James the Second be proclaymed King of England, Scotland, France and Ireland, Defendor of the Fayth, wth great solemnity and affection; which was accordingly attended this day about two of the clock; and order is taken that his Mat^{ie} be in like maner proclaymed in the other county townes of this Colony forthwith.

S^r, we take this opportunity to return our hearty thanks to the right Hon^{ble} Lords for their respect and favoure to vs in granting vs their orders and direction in the afoars^d great affayre, requesting their Hono^{rs} good affection may be continued unto vs. We request you would be pleased to informe their Lordships of our ready compliyance with their directions.

Allso, that you would so far favour us as to present the inclosed Address to our Sovereigne Lord King James the second, and represent us to his Mat^{ie}, his most loyall and dutifull subjects.

Honourable S^r, We are your Hono^{rs} most affectionate freinds and humble servants, the Gov^r and Councill of the Colony of Conecticut.

ROBERT TREAT, Gov^r.

p order of the Councill,

Hartford, April 22^d, 1685.

JOHN ALLYN, Secret^{ry}.

For the Hon^{ble} S^r Lyonell Jenkins,
at White hall, humbly p^rsent.

No. LIX.

ADDRESS TO THE KING ; APRIL, 1685.

[For. Corresp. I. 36.]

To the most high and mighty Prince, James the Second, by the Grace of God, of England, Scotland, France & Ireland, King, Defendor of the Fayth, Supreme Lord of the Plantation and Colony of Conecticut in New England and all other your Maties Territories and Dominions.

The humble Address of your Maties Governour and Council of your Colony of Conecticut in New England humbly sheweth,—

That we your Maties most loyall and dutifull subjects haveing received from the Right Hon^{ble} Lords a letter dated at Whitehall the sixth day of February, 1684, signifying y^e death of o^r late Sovereigne Charles the second, of blessed memory, which we doe heartily condole,

As also an order for the proclamation of your Royall Matie King of England, Scotland, France & Ireland, Defendor of the Fayth &c., which we have readily and heartily attended and proclaymed this day in a solemne maner, in the head town of our Colony, with acclamation of joy and affection followed with o^r prayers to Almighty God (by whome Kings reigne) to bless your Matie with long life and a happy reigne for the glory of God and the good of all your Maties subjects ;

Humbly beseeching your most excelent Matie to grant the benigne shines of your favour to this your poore Colony of Conecticut, in the continuance of the liberties and properties granted to us by o^r late Sovereigne Charles the second of blessed memorie, that we may be encouraged in our small beginings and live under your royall shadow a quiet and peaceable life in all godlyness and honesty, who are your Maties loyall, dutifull and obedient subjects, the Governour and Council of your Maties Colony of Conecticut.

ROBERT TREAT, Gov^r.

by order of the Councill,

JOHN ALLYN, Secretry.

Hartford on Conecticutt,
April 22^d, 1685.

No. LX.

SECRETARY ALLYN TO MAJOR PELEG SANDFORD.*

[War, I. 145, b.]

Hartford, May 29, 1685.

Honord Sr. I am comanded to informe you that the Gov^r presented to our Gen^l Court, May 14, 1685, an acco^t he received from yourselfe of severall disbursments you say you made in the late Indian war, which they have considered and examined, and canot looke at it as a just acco^t, and sundry artickles in it being to their judgments unreasonable and this Colony very litle if at all concerned, and the time sett for ajusting of acco^{ts} being past, they doe not see reason to alow your demands. Yet notwthstanding seeing possibly you may have shewed kindness to some of our soldiers, they have agreed to alow you ten pownds if you please to rest satisfyed therewith; but if that will not content you, if you see reason and can make your clayme to be just from this Colony, they will pay what so appears, provided it be done by October Court next. Your answer hereto will be necessary, if you expect farther from this Colony. But I shall not enlarg, yet remayne, Honord Sr, your humble servant,

p order, JOHN ALLYN Sec^r.

Postscript. Sr, your damage by pilfering &c. in your acco^t, how *we* came to be chargeable wth it is wonderfull; and sundry perticulars are too high charged.

For the Honord Major Peleg Sandford Esq^r, at his house in Newport on Rhode Island, dd.

No. LXI.

ACCOUNTS OF THE COLONY TREASURER, OCTOBER, 1685.

[Finance &c. Vol. I. Doc. 4.]

We whose names are underwritten being appointed by y^e Gen^l Court to auditt the Treasurer's acco^{ts} for y^e yeare past, doe find the result as to debt & credit as followeth:—

* Major Peleg Sanford, of Newport, was one of the Assistants of the colony of Rhode Island, from 1667, to March, 1680, when he succeeded Mr. Cranston as Governor, and continued in office until 1683. In September of that year, he was chosen, with Capt. Fenner, the Colony's agent to go to England, to present an address to the King. R. I. Rec. III. 80, 122, 134.

Country, Cr.

	Li. s. d.
Imp ^r . To arrears of rates as p pticulars appeare,	93.10.03
It. To overpayd sundry psons,	04.07.10
It. To arrears of appeals,	05.00.00
It. To arrears of fines,	07.00.00
	<hr/>
	109.18.01

Arrears of debts upon losse.

	Li. s. d.
It. To Jere. Adams his estate,	275.04.00
It. To Richard Smith y ^e butcher,	040.13.09
	<hr/>
	315.17.09
It. To arrears of appeals as que.	14.00.00
	<hr/>

Cash.

It. To Mr. Skinner as p bill appeares,	20.00.00
It. To Mr. Joseph Whiting, as Treasurer,	19.07.04
	<hr/>
	39.07.04

- It. To petitions, none as wee heare of.
- It. To country stocke of Amunition &c.
- It. 4 barr^{lls} of Powder.
- It. about 100^{lbs} of bullets & a parcell of flints.
- It. 3 firkins of lead, about 12^c.
- It. 5^c of bread, in Mr. Lord's hands.
- It. 2^c $\frac{1}{2}$ ditto, lent Mr. Willis by y^e Gentⁿ.

Country, p contra, Dr.

	Li. s. d.
To several psons unpayd as by pticulars appeares,	153.07.06
To y ^e Treasurer, to ball.	16.00.04

Cash.

To Mr. Wharton at Boston,	85.12.01
To Mr. Rich ^d Smith, Narragansett,	12.06.04
To Capt. Peleg Sanford,	10.00.00
Hartford, Octob ^r 14 th , 1685.	

Errors Excepted
p us

{

JAMES BISHOP,
SAM^{ll} TALCOTT,
THOMAS LEFFINGWEL,
JOHN BURR.

No. LXII.

[Trade & Mar. Affairs, I. 12.]

“INSTRUCTIONS by the Commission^{rs} for managing and causing to be leavyed and collected his Maj^{ts} Customs, Subsidiyes and other Dutyes in England, to William Dyre Esq^r,* sent by them Survey^r Gen^l of his Maj^{ts} Customs in his severall Colonys and Plantations in America, &c.” Signed by Charles Cheyne, Andrew Newport, Richard Temple, George Downing, Nicholas Butler: Custom House, London, 4 Jan. 1682. Copy, certified by John Allyn, 31 March, 1686. 8pp.

No. LXIII.

[Trade & Mar. Affairs, I. 13.]

INSTRUCTIONS from William Dyre, Surveyor General &c. to Daniell Wetherell Esq^r, appointed Deputy Collector and Chief Searcher of his Majesty's Customs, Subsidies and other Duties in the Colony of Connecticut in New England. New London, Mar. 9, 1685. 6 pp.

[Trade & Mar. Affairs, I. 14, 19.]

Complaint preferred by Mr. Dyre, to the Court of Admiralty, at Hartford, March 31st, 1686,† of the illegal importation of goods, at or near New London, on or about the beginning of March: said goods being of the growth and production of Europe, and not shipped, laden nor taken in, in England, Wales nor Berwick &c. as the Act requires; declaring the said goods forfeited, and asking that they may be condemned.

Warrant by Daniel Wetherell, March 15, 1685-6, to the Marshall of New London county, to search for and seize certain goods imported in the Brigantine Prosperous, John Prentice master, and several other vessels, without certificate

* William Dyre was commissioned by the Duke of York collector of his customs in America, and came to New York with Andros, in 1674. In 1681, the arbitrary imposition of customs was resisted by the merchants of New York, and Dyre was indicted for high treason, for having enforced the collection of unlawful duties and customs, and was sent to England for trial. Doc. Rel. to Hist. of N. Y., III. 221, 259. No one appearing to prosecute the charge, in September, 1682, he was discharged from his bonds; and a few months afterwards was again despatched to America, with more ample powers. See his Commission, in Mass. Rec. V. 530.

† The record of this court is not found. The files, including warrants, returns, testimonies, pleas, &c., are in Trade & Maritime Affairs, I. 15-33.

produced, and by said Prentice put into the ware-house of Mr. Cristopher Christophers, merchant, in New London; with the marshall's return of seizure of European goods in Mr. Christopher's ware-house and in the house of Mr. William Gibson.

No. LXIV.

[For. Corresp. I. 34.]



Trusty and Welbeloved, Wee greet you well. As Wee cannot doubt of the ready and dutifull assurances and expressions of Loyalty and Obedience from Our good subjects vnder your Government since Our Accession to the Crown, so Wee shall at all times extend Our Royall Care and Protection to them in the Preservation of their Rights and in the Defence and Security of their Persons and Estates, which Wee think fitt that you signifie vnto the Inhabitants of that Our Colony whereof you are Governour; as also that vpon the meeting of Our Parliament, they have for the repaires of Our Navy and for providing Stores for Our Navy and Ordnance and other Our important occasions, chearfully and vnanimously given and granted vnto vs an ayd and assistance to be raised and levyed vpon all Tobacco and Sugar to be imported into this Our Kingdom, according to such Rates and during such time and in such manner and form as by the Act herewith sent you is more particularly set forth, which imposition as it is not layd on the Planter or Merchant but only vpon the Retailer, Consumptioner or Shopkeeper, Wee are well assured will not be inconvenient or burthensome to Our subjects in America, but that on the contrary it will be of great benefitt, credit and advantage to them by the enabling vs the better to defend and protect the Navigation of this Kingdom and the Trade of Our Plantations, which cannot but be of great satisfaction and security to the inhabitants of that Our Colony.

Wee have likewise thought fitt to acquaint you for the information of Our Subjects vnder your Government, that the Peace and Quiet of Our Kingdom of Scotland has received

some disturbance, from the traiterous practices and rebellions of the late Earl of Argile, by his landing in the West Highlands with men and arms, but that it has pleased God to deliver that Traitor and his Rebellious Followers into Our hands, so that upon seizing his ships and arms and materials of warr, and defeating the multitude he had gathered together, he is now secured in Our castle of Edinburgh in order to his execution, whereby the peace of that Kingdom is perfectly establisht, and Our forces there ready and att leasure to receive and obey such orders as Our service shall require elsewhere.

Wee are likewise pleased to inform you that the late Duke of Monmouth, since attainted of Treason, is in the same Traiterous and Rebellious manner landed in the Western Parts of this Kingdom, and with a number of men of the lowest degree, and many of them vnarmed, has given disquiet to those Parts; But by the care Wee have taken in sending thither a sufficient number of Our standing forces of horse, foot and dragoons, who are now in pursuit of him, Wee are expecting to hear of the total defeat of that Traitor and his Accomplices, and We being at the same time perfectly assured of the constant and vndoubted fidelity of the Nobility and Gentry as well as of the Militia of this Kingdom, and having for the better confirmation of the Peace and Tranquility of Our Dominions ordered such other new levyes of horse, foot and dragoons as will be requisitt, Wee cannot fail by the blessing of God of a happy issue and success in Our affairs. All w^{ch} Wee have thought fitt to intimate unto you for the preventing any false rumors or reports which might be spread amongst Our subjects at that distance, by the malicious and traiterous insinuations of ill men. And so Wee bid you Farewell. Given at Our Court at Whitehall, the 26th day of June, 1685, in the first year of Our Reign.

By His Ma^{ty}s Command,

SUNDERLAND.

To Our Trusty & Wellbeloved,
The Govern^r of Our Colony of Conecticut
in New England in America.

No. LXV.

EDWARD RANDOLPH TO THE LORDS' COMMITTEE, PRAYING WRITS OF QUO WARRANTO AGAINST RHODE ISLAND AND CONNECTICUT.

[Reprinted, from R. I. Rec. III. 175, (from J. Carter Brown's MSS. IV. 196.)]

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

May it please your Lordships: In pursuance of your Lordships order of the 5th of May last, directing me to prepare papers containing all such particulars then complained of, upon which Writs of Quo Warranto might be granted against the Collonys of Connecticut and Rhode Island, in New England, I have accordingly drawn up several articles of high misdemeanors (herewith annexed), the proofs whereof I am ready to make out against those Collonys.

And to the intent no time may be lost in prosecuting those articles to effect which will otherwise much hinder the settlement of New England, it is humbly prayed that writs of Quo Warranto may be forthwith issued out against the Governors and Companys of those Collonys, that their Charters being vacated, they also may thereby be united under his Majesty's laws and government.

All which is humbly submitted, by
(Signed)

E. RANDOLPH.

No. LXVI.

ARTICLES OF MISDEMEANOR AGAINST CONNECTICUT.

[N. England Entries, II. 241. Re-printed from Chalmers, 301-304.]

ARTICLES of high PROOFS out of the law-book of that colony, misdemeanour, exhibited against the governor and company of Connecticut, to the Lords-Commissioners for Plantations, the 15th of July, 1685. printed at Cambridge, in New England, 1673.

1. They have made laws contrary to the laws of England.

1. Page 1. It is ordered that no man's life shall be taken away, unless it is by virtue or equity of some express law of this colony, and

sufficiently published ; or in case of the defects of a law in any particular case, by some clear and plain rule of the word of God, in which the whole court shall concur.

Page 30. Title, Houses and Lands. It is ordered, that no inhabitant of this colony shall have power to make sale of his accommodations of houses or lands to any but the inhabitants of the town, wherein the said house and land are situated, without the consent of the town ; or unless he hath first propounded the sale thereof to the town where situated, and they refuse to give so much as any other chapman will.

Page 37. Title, Judges and Jurors. It is ordered, that the judges of the courts shall have liberty, if they do find, in their judgement, the juries not to have attended the evidence given in, and true issue of the case in their verdict, to cause them to return to a second consideration of the case ; and, if they shall still persist in their former opinions, to the dissatisfaction of the court, to nominate another jury, and commit the consideration of the case to them. And it is also left in the power of the bench to vary and alter the damages given in by any jury, as they shall think most equal and righteous ; provided that what alteration shall be made in that kind be done in open court, before the plaintiff and defendant be released from their attendance.

Page 46. Title, Marriage. For the prosecution* of unlawful marriages, it is ordered, that no person, within that jurisdiction, shall join any persons together in marriage but the magistrates.

2. They impose fines upon the inhabitants and convert them to their own use.

3. They enforce an oath of fidelity upon the inhabitants without administering the oath of supremacy and allegiance, as in their charter is directed.

2. Page 3. Title, Alarm. Five pounds fine to be paid to the public treasurer.

3. Page 53. Oath of fidelity.

* An error of the copyist or printer. Read "preventing."

4. They deny to the inhabitants the exercise of the religion of the church of England; arbitrarily fining those who refuse to come to their congregational assemblies.

5. His majesty's subjects, inhabiting there, cannot obtain justice in the courts of that colony.

6. They discourage and exclude [from] the government all gentlemen of known loyalty, and keep it in the hands of the independent party in the colony.

4. Page 22. It is ordered, that, where the ministry of the word is established, according to the order of the gospel, throughout this colony, every person shall duly resort and attend thereunto respectively upon the Lord's day, and upon such public fast-days, days of thanksgiving, as are to be generally kept by the appointment of the authority: And, if any person within this jurisdiction, without necessary cause, withdraw himself from the public ministry of the word, he shall forfeit for his absence from every such meeting five shillings.

5. Page 41. It is ordered, that whosoever shall defame any court of justice, or the sentences or proceedings of the same, or any of the magistrates or judges of any such courts, in respect of any act or sentence therein passed; and, being thereof lawfully convicted in any court of assistants, or general court, he shall be punished for the same, by fine, imprisonment, disfranchisement, or banishment, as the quality or nature of the offence shall deserve.

All which is humbly submitted by
EDWARD RANDOLPH.*

No. LXVII.

ORDER IN COUNCIL, AND REPORT FOR QUO WARRANTOS &C.

[Reprinted, from Doc. Relating to Hist. of N. York, III. 362.]†

At the Court at Whitehall y^e 17 of July, 1685.

By y^e KINGS MOST EXCELLENT MAJESTY and y^e Lords of his
Ma^{ts} most hon^{ble} Privy Council.

A Report from y^e Right Hon^{ble} y^e L^s of y^e Com^{tee} for

* "Decem. 20, [1684.] I was ordered to prepare Articles ag^t y^e two Colonies of Rhode Island and Connecticut." (Randolph's "Short Narrative," in Mass. Archives.) The articles exhibited against Rhode Island are printed in R. I. Records, III. 175, from J. Carter Brown's Manuscripts.

† Plantations General Entries, XXXII. 230.

Trade & Foreign Plantations being this day read at the Board in y^e Words following:

May it please yo^r Majesty,

Wee have received from Edward Randolph Esq: Surveyor of yo^r Ma^ts Customs in New England several articles of high misdemeanors exhibited by him against y^e Gov^r & Comp^a of y^e Colony of Connecticut & against y^e Gov^r & Comp^a of Rhode Island & Providence Plantation in N. England upon consideration whereof wee are humbly of opinion that your Ma^ty be pleased to refer y^e said articles to yo^r Attor^y Gráll wth order forthwith to bring Writts of Quo Warranto against those Corporations.

Wee have also received a Lrè from y^e Mayor, Alderman and principal Officers of y^e City of New York dated y^e 13th of May last setting forth that since yo^r Ma^ty hath been pleased to p^rmit Delaware & y^e two Jerseys to be separated from y^e Gov^{mt} of New York that City hath extreamly suffered by the loss of at at least one third p^t of its Trade and hath ever since much decayed in the number of Inhabitants, Rents & Buildings. And that yo^r Ma^ts Revenue doth likewise suffer thereby whereupon wee likewise offer o^r opinions that yo^r Ma^ts Attorney Gráll. may have directions to consider the several Grants & Proprietyes of East & West New Jersey & of Delaware aforementioned & to enter y^e like Writts of Quo Warranto against y^e respective Proprietors if he shall find cause, it being of very great & growing prejudice to yo^r Ma^ts affaires in y^e Plantaçon & to yo^r Customs here that such independent Governments be kept up & maintained wthout a nearer & more Imediate Dependance on yo^r Ma^ty. All which is most humbly submitted,

ROCHESTER,

HALLIFAX, P.

CLARENDON, C. P. S. ORMOND,

Council Chamber 15 July, 1685.

BEAUFORT.

His Ma^ty being graciously pleased to approve of the same is pleased to order and direct that y^e said Articles be & they are hereby referred to Sr R^t Sawyer Kn^t his Ma^ts Attor^y Generall who is forthwith to bring Writts of Quo Warranto against y^e Gov^r & Comp^a of y^e Colony of Conecticut & against y^e Gov^r & Comp^a of Rhode Island & Providence Plantaçon in New England And it is further ordered that Mr. Attorney Gráll do forthwith consider of y^e severall Grants & Proprietors of East & West New Jersey & of Delaware & enter y^e like writts of Quo Warranto against y^e respective Proprietors thereof if he shall find cause.

WILLIAM BRIDGEMAN.*

* William Bridgeman, clerk of the Privy Council; sworn Jan. 16, 1684.

MEM:

My Lord President is desired by the Right Hon^{ble} ye Lords of y^e Com^{tee} for Trade and Plantaçõs to move his Ma^{ty} that the directions to Mr Attorney Grall that y^e prosecution of severall Writts of Quo Warranto against the Propriety of the Province of Maryland & against the Colonies of Conecticut & Rhode Island & y^e Proprieties of East and West New Jersey & of Delaware in America may be renewed & that y^e Same may be prosecuted to effect.

Councill Chamber, 21 April, 1686.

No. LXVIII.

MR. RANDOLPH'S PROPOSALS ABOUT QUO WARRANTO.

[Reprinted. R. Island Records, III. 177, from J. Carter Brown's MSS., IV. 197.]

August 3, 1685.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

May it please your Lordships: Pursuant to his Majesty's order in Council, of the 17th of July last, to Mr. Attorney General, I have received three writs of Quo Warranto, issued out against the several proprietors of East and West New Jerseys and Delaware; and also two other writs of Quo Warranto, with summons from the Sheriffs of London, ordered to be brought against the Collonys of Connecticut and Rhode Island, in New England, which are returnable the next term.

Now to the intent the time limited for serving the writs upon the Governors and Companys of those Collonys may not be lapsed by delays, and the difficulties of a winter voyage and his Majesty's prosecutions thereby rendered ineffectual, as it was in serving the Writ of Quo Warranto against the Boston Charter:

It is humbly proposed, that in three weeks time, at farthest, a ship is bound from London, directly to New England, by which (if your Lordships think fit), the Quo Warrantos may be sent and served accordingly, to the end there may be no delays made in that affair.*

All which is humbly submitted.

* "August 15, [1685], I was directed to serve y^e Quo Warranto upon my Ld Baltimore, Proprietor of Maryland and y^e Proprietor of East and West Jersey, and to serve y^e two Writs upon y^e Colonies of R. Island & Connecticut: all wch I duly performed."
 "Jan. 20, [1685-6], I and my family embarked upon y^e Rose Friggot, for N. England." Randolph's "Short Narrative of my Proceedings" &c. in Mass. Archives, (Usurpation Papers, II. 218-220.)

No. LXIX.

MR. RANDOLPH'S PROPOSALS ABOUT QUO WARRANTO.

[*Reprinted.* R. I. Records, III. 178, from J. Carter Brown's MSS., IV. 198. The first portion of the paper (which is dated August 18, 1685,) relates to affairs in Massachusetts, and proposes an order for the temporary government of that Colony, until his Majesty's Governor General of all the New England Colonies should be despatched from England. He then adds,—]

I likewise humbly represent, that I have solicited the five Quo Warrantos mentioned in his Majesty's order of Council of the 15th of July last, and served three writs upon the several proprietors of East & West New Jersey and Delaware. I am now attending to receive your Lordships' further commands about the two Quo Warrantos against the Collonys of Connecticut and Rhode Island, which are returnable the next term. Now to the intent his Majesty's prosecutions against those Collonys be not by the difficulty of a winter's voyage rendered ineffectual, it is necessary (as I humbly conceive) that some person be despatched thither with orders to that purpose, upon the first ship which sails from hence to Boston; and if his Majesty please to commit that service to my charge, with the conveyance of a Commission to erect a temporary government there, I question not but to give his Majesty a good account of that affair; and also the two Collonys against which Quo Warrantos are issued; and so by that means bring the several Collonys in New England to a united and nearer dependance upon the Crown.

All which is humbly submitted by, &c.

E. RANDOLPH.

 No. LXX.

EDWARD RANDOLPH TO GOVERNOR TREAT AND COUNCIL.

[*Reprinted,* from "Documents Relating to the Col. Hist. of N. York," III. 368.]

Boston, May y^e 27th, 1686.

Gentl^m.

I am heartily glad for your sakes that I am, through the blessing of God, safe arrived in Boston, where on the 25th instant Joseph Dudley Esq^r and the persons named in his Majesties Commission of Governm^t (some few indisposed excepted) entered upon y^e Governem^t wth y^e generall Consent and applause of the people. My time forbids me to be to particular wth you in that matter: I am now to address to the

concernes of yo^r Colonie; against w^{ch} I have wth me two Quo Warrantoes as also against Road Island: his Mat^{ie} intends to bring all New England under one Governem^t and nothing is now remaineing on yo^r part but to think of an humble submission and a dutifull resignation of your charter, w^{ch} if you are so hardie so* offer to defend at law, whilst you are contending for a shaddow you will in the first place loose all that part of your Colonie from Conecticot to N. Yorke and have it annexed to that gouern^t, a thing you are to certainly enformed of already: & nothing will prevent, but yo^r obuiating so generall a callamitie to all New England by an heartie and timely application to his Mat^{ie} wth an humble submission, wth an annexed petition: to grant libertie of conscience, a confirmati^o & continuation to you of all y^e lands now under your Gouvernement and such other fauor^s as yo^r wants can best dictate unto you: A Court by y^s Gouvern^t is ordered shortly to be kept in y^e Narragansit to assert the Authority graunted by His Mat^{ies} Comission & to prevent y^e Road Islanders further incursions: I expect not that you trouble me to enter your Colonie as a herauld to denounce warre; my friendship for you enclines mee to perswade an accomodaⁿ, and to that end desire you to send me word whether you will fauor yo^rselues so farr as to come to me in Boston, where you will be witnesses of our peace & beleife of His Majesties Gouvernm^t not such a scare crow as to afright men out of their estates & liberties rather than to submit & be happie: Wee expect some ships will be in a moneth at farthest readie to saile fr^o hence for England: and therefore whatever is intended must be compleated on your part before that time: now if besids your selues and some members of yo^r Counsell in and about Hartford yo^r Governor & Deputie Gouvernor & Major Gold and some of yo^r Southerne Gentleⁿ will vouchsafe to come as far Mr Smith's in Narroganset, send me & expresse a time appoint^d, I question not but you will have Oppertunity to conferre wth some of y^e principle Gentlemⁿ of this Gouvernm^t. Sr^s bless not yourselues wth vaine expectation of advantage & spinninge out of time by my delay: I will engage tho' the weather be warme the writs will keep sound and as good as when first landed: † my great care for your aduantage swells my paper beyond y^e size of a letter; should I wright but what

* "as to" ?

† The time of return had lapsed and the writs were harmless *before* he landed. His object in this and subsequent letters, was to hold the Quo Warrantos *in terrorem* over the Colony, so as if possible to secure a surrender of the charter without serving them. He even endeavored to construe the Council's acknowledgment of the receipt of this letter, into an admission of service of the writs. (See No. LXXII.)

were necessary twoulde tyre you & my selfe to : I desire you to reach me out any oppertunity of serving you : and to appoint you a speedie day : that I may communicate what is not fit now to wright : and I assure you that I am always at leisure to surve you becaus I am resolu'd to continue Gentlⁿ
Your humble Seruant,

ED. RANDOLPH.

I greatly wrong Mr. Blathwaite if I forget to acquaint you y^t he is much your friend in y^s matter.

"Copie of Mr. Ed. Randolph's letter. Rec^d 9 May 87, From Coll. Dongan."

No. LXXI.

GOVERNOR TREAT TO GOVERNOR DONGAN.

[Reprinted, from "Documents Relating to the Col. Hist. of N. York," III. 385.]

Honor^{ble} Sir

Yo^{rs} by Mr. Marshall I receaued and am glad to heare of youre safe returne from Albanie and was enformed by Mr. Shippe of Boston as he past wth his packet from me to yo^r hono^r that you had full intelligence therein of affaires at Boston and our Colonie also, And concerning Mr. Randolph's Letter written in great haste w^{ch} was a priuate letter to my selfe and two other gentlⁿ in my absence; the grounds of his opinion we know not, of any calamitie to N. E. if Conecticot Col. must fall and part of it be Westward but it may be as easie for us to fall that way as Eastward. I think I may say that by any of Mr. Randolph says to moue us to encline eastward hath not at all p^rjudiced us against yo^r hono^r or yo^r Gouverm^t wth whom we haue had so neighbourly a Correspondence and desire it may long continue so. Mr. Randolph enformes us of a Quo Warranto y^t is wth him against this Gouverm^t but we have seen nothing (as yet) but abide according to his Majesties proclamation and Royall pleasure be further known, waiting wth sylence and patience what may be next, hoping that we shall in all things approue o^rselves his Matie^s loyall and good subjects and shall finde his princely fauo^{rs} and protection for our encouragem^t therein and request yo^r hono^r would please to render us so to his Majestie (as you have opportunity) w^{ch} is said Cap^t Legge is to saile frô Boston to Londô ye 24th instant; and for all yo^r freindly counsells and advice, I returne yo^r hono^r many thanks, and think they may

be of good use to us, w^{ch} wth my humble service to yo^r honor,
I remaine,

Yo^r hono^{rs} humble Servant,

R. TREAT, G. C.

N. Hauen, June y^e 14th, 1686.

For the Right Hono^{rl} Collonell Dongan
Gouerno^r of Ma^ties Territorys of N. Yorke.

No. LXXII.

GOVERNOR TREAT TO GOVERNOR DONGAN.

[*Reprinted*, from "Documents Relating to the Col. Hist. of N. York," III. 386.]

Milford, July y^e 3^d, 1686.

Hono^{rl} Sr

I haueing so greate experience of your neighbourly curtesies am imboldened to request yo^r hono^{rs} fauor & justice for a neighbor, vid. Daudid Bull of Seabrook, who was as he saith Constable there y^e last yeare and had a prisoner comitted to him, and he charging a man wth him while seeking a second to haue charge also, the first let him escape and cannot recouer him, who is known to be anointed* rogue and villaine for stealing horses et cet. And this bearer tells me he is greatly damnified in one of our Courts for his letting him run away and he hears he is fled westward, he humbly craues yo^r hono^{rs} good countenance and order to any of your inferiour Officers for his aid and assistance if he proues to need it & desire it for his apprehending and securing him for justice if he proues to light on him within your province, and you shall assure yourselfe of the like readiness to serue yo^r hono^r and it hath been no small trouble y^t could not answer yo^r desires of the same kinde, w^{ch} I alwayes stand ready to doe, but y^e wilderness is wide and so many rogues that entertaines and conseales them y^t we cannot serue our freinds as we would.

Sr, Mr. Randolph in his laste letter to Gov^r and Companie seemes to winde up his resolve, instead of seruing his Quo Warranto, to report as a priuate Gentleman lineally y^t he hath such a thing, and y^e receipt of such a letter is owned by o^r Counsell, w^{ch} he saith, is sufficient for to justifie him at White hall without any further seruing or shewing any authority from his Majestie at all about this Colony, w^{ch} way of proceeding we understand not, seing its his Majesties proclamation to continue as we were till his Royall pleasure be

* This word is doubtless an error of the transcriber; perhaps for "a noted."

manifested to us, and there we stand and must doe so for ought I see yet. I have on Tuesday next 6th inst. call'd our Court to meet and consult, but what issue I know not. I could be glad if [of] any good advice from yo^r hono^r who am Sr,

Yo^r hono^{rs} humble Seruant

R. TREAT, Go^r.

For the hono^{ble} Gouverno^r Dongan
at New Yorke, be these.

No. LXXIII.

FIRST WRIT OF QUO WARRANTO.

[Miscellaneous, Vol. I. Doc. 10.]

Jacobus sc'dus Dei. Gra. Angl. Scot. Franc. & Hib'nie Rex, fidei Defensor &c. vicib^s London. Sal'tm. P^recipim^s vob. q^d venir. faciat. corā. nobis in Octab. Scti. Martini ubicunq. tunc fu'im^s in Angl. Gub'nator. & Societat. Colonie Anglican. de CONECDICOT in Nova Angl. in America ad respondend. nobis *Quo Warranto* clam. h'ere & uti divers. Lib'tat. privileg. & Franches. infra Coloniam p^rfd. videl't in paroch. Scti. Mich'is, Cornhill, London, unde impetit. sunt Et h'eat. ibi hoc bre. T. G. D'no Jeffreys, apud Westm^r viij^o die Julij, Anno R. M. primo.

p Jud. Tr. 1^{mo} Jacobi R. p Rege,

ASTRY.

This rece^d of Edward Randolph Esq^r, upon the 20th of July, 1686, about 12 or one in the morning.

pr vs JOHN TALCOTT Ass^t
Dd y^e Gov^r, July 21, 1686. JOHN ALLYN Secre^{tr}y.

No. LXXIV.

R. NORMANSELL, FOR THE SHERIFF OF LONDON, TO THE GOVERNOR
AND COMPANY OF CONNECTICUT.

[Miscellaneous, I. 12.]

London, July 25th, 1685.

Gentlemen.

This day was delivered to my hands (as I am Secondary to the Sherriffs of London) a writt of QUO WARRANTO, issueing out of the Crowne office of the Court of

King's Bench at Westm^r against you the Governour and Company of the English Colony of Conedicot in New England in America, requiring yo^r appearance before his Mat^{ie}, wheresoever hee shall then bee in England, in eight dayes of St. Martin,* to answer vnto our Lord the King by what warrant you claime to have and use divers lib'tyes Priviledges and Franchises within the said Colony, viz^t in the parish of St. Michae'll, Cornhill, London, of w^{ch} you are impeach't. And that you may not bee ignorant of any part of the contents of the said writt, I have enclosed sent you a true copy of the same, (in his Mat^{ies} name) requireing your appearance to it, & acquainting you that in default thereof, you will bee proceeded ag^t to the outlawry, whereby the Lib'tyes, priviledges & franchises you claime & now enjoy will be forfeited to the King, and yo^r Charter vacated and annulled. Of this, Gent. please to take notice from

Yo^r humble Servant (vnknowne)
RI. NORMANSELL.

[Superscribed]

To the Governour & Company of the English
Colony of Conecticut in New England,
in America, These.

This rece^d of Edward Randolph Esqr, the 20th of July,
1686, about 12 or one of the clock in the morning.

Dd y^e Gov^r, July 21, 1686. p vs JOHN TALCOTT Asst.
JOHN ALLYN, Sec^y.

[“ Pursuant to his Majesty's order in Council . . . I accordingly served those writs; though by a tedious passage of almost six months from London to this place, the time of their return was lapsed. However the Governor of Connecticut, upon my delivering the writ to him at Hartford, on the 21st instant, has appointed a meeting of the Generall Court of that Collony to be called together to surrender their charter to his Majesty, if not persuaded by the factious party here (who are unwilling to depend upon his Majesty's favor) to stand a tryall, only to gain time, and delay his Majesty's sending over a Generall Governor.” Randolph, to the Lords of the Committee of Trade and Plantations, July 28th.]

No. LXXV.

SECOND QUO WARRANTO.†

[Miscellaneous, Vol. I. Doc. 11.]

Jacobus sc'dus Dei gra. Angl. Scot. Franc. an Hib'nie

* “ In octabis Sancti Martini,”—the third return day of Michaelmas Term,—November 18th.

† A copy of the letter from the under-sheriff of London, enclosing the second writ, dated Oct. 6th, 1685, is in “ Copies and Letters,” p. 55.

Rex, fidei Defensor, &c. vic. London Sal'tem. P^recipim^s vob. q^d venir. faciat. corā nob. a die Pasche in quindecim dies, ubicunq. tunc fu'imus in Angl. Gubernator. and Societat. Colonie Anglican. de Conedicot in nova Angl. in America, ad respondend. nob. Quo Warranto clam. h'ere & uti div^rs. Lib'tat. Privileg. & Franches. infra Coloniam p^rd. videl't in Paroch. Sci. Mich'is, Cornhill, London, unde impetit. sunt. Et. h'eat ibi hoc bre. T. G. D'no Jeffreys, apud Westm^r: viij^o die Julij A^o R. M. primo.

p Jud. Tr. 1^o Jac. p Rege.

ASTRY.

Rob'tus Sawyer Mil. Attorn.
D'ni Regis nunc Gen^rall. p eodem
D'no Rege sequit^r hoc bre. sup^r.
Quo Warranto.

This rece^d of Edward Randolph Esq^r the 20th of July,
1686, about 12 or one of the clock in the morning.

pr vs JOHN TALLCOTT Ass^t.
JOHN ALLYN Sec^y.

Dd y^e Governor, July 21, 1686.

[Translation, by Secretary Allyn.]

Octob^r 6, 1685. James y^e 2d, by the grace of God, of England, Scotland, France and Ireland, King, Defender of y^e fayth &c. To y^e Shreife of London, Peace; We require you to warne y^e Gov^r & Company of y^e English Colony of Conecticut in New England, in Americah, to appeare before vs wherever we shall then be in England, from the day of Easter in fifteen dayes,* to answer by what warrant they clayme to have and to use divers liberties, privileges and franchizes wthin the s^d Colony (viz.) in y^e parish of Sn^t Michael, in Cornhill, London, of whom you are to impeache, and y^r they shall have this writ of Quo Warranto. Teste, George, Lord Jefferies, at Westminster, y^e 8th day of July in the first yeare of o^r reigne. By the Judge of the Terms in y^e first year of James the second. For the King,

ASTRY.

Rob^t Sawyer Knight now attourney generall, for o^r Lord the King, prosecutes y^e Writ upon y^e Quo Warranto, for y^e same Lord and King.

No. LXXVI.

JOSEPH DUDLEY† TO GOV. TREAT.

[Miscellaneous, Vol. I., Doc. 5.]

Boston, July 21st, 1686.

Sir:

Wee are very sensible of the difficulty and entanglement of

* Easter in 1686, fell on April 4th; and the Easter term began on the second Wednesday after. *Quindena Pascha*, or the fifteenth day after Easter, (the first return day of the term,) was April 19th.

† With Randolph, in the Rose frigate, in May, came the commission of the Council

your affairs as they are circumstanced by his Majestyes commands and expectation, the contrary inclination and desire of your good people, and the satisfaction of yo^r neighbours in the other of his Majestyes Provinces near you, and for that we know that the considera^on of the new modelling and perfect settle^mt of all his Maj^{ties} Provinces from Pemaquid to New York is now lying before his Maj^{tie} and probable to have a sudden and lasting dispatch, and that your parts as lying between the two seats of governm^t may be the more easily poysed either way if early sollicit^d and good reasons layd before his Ma^{tie} therefore, in which we cannot suppose your selves so indifferent as to be unconcerned, and haveing had no advantage of discourse with any of your Gentlemen lately, and that we might not shew any neglect to inform or advise you in any thing that might after prove the detriment or hurt of y^e many good people under your care, with whom wee have so long had a happy understanding and good agreem^t in the common interest of Religion and Liberty, Wee have perswaded Major Jn^o Pincheon and Mr. Waite Winthrope* to undertake a visit to so many of your Councill as can be conven'd at Hartford, which we hope then will come by the third day of August next, and have written to Major Winthrope pursuant hereto to give his assistance, of whose integrity and advice Wee are well assured you have no doubt, and who will lay before you such considera^ons and accounts of affairs as Wee believe necessary for you to know in order to an election (if any be) in your future managem^t. Wee are in considera^on of sending an Agent to attend his Ma^{tie} in the affairs of this province, by whome, or by any other means, if we can be serviceable to you, Wee sincerely offer it, and are

S^r, your Serv^t,

[JOS. DUDLEY.]†

Please to be so just as not to make us sufferers by our kind offer, in making this letter publique or by givinge any copie or intimation thereof.

Superscribed: To The Hono^{ble} Robert Treat Esq^r, Govern^r of the Colony of Connecticut,—Present.

Filed: The President of Massachusetts Letter, 21 July, 1686. Rece^d July 26, 1686.

for the government of Massachusetts and the New England provinces, of which Council Mr. Dudley was constituted President. The commission bears date, Oct. 8th, 1685. (A copy certified by Randolph, as secretary of the Council, is in Miscellaneous Papers, I. 6.) It was published in Boston, May 25th; when Mr. Dudley and the Council assumed the government.

* Both members of the new Council.

† The signature has been cut from this letter,—by some collector of, or trader in autographs.

No. LXXVII.

“MINUTES ABOUT THE QUO WARRANTO.”

[Miscell. I. 14. In the handwriting of Wm. Jones Esq. Suggestions and memoranda, for the action of the General Court, at the special session of July 28, 1886.]

1. A L're to y^e Sheriffs or Vnder Sherifs of Londⁿ.
2. A L're to attourney, to an Agent.
3. An Address to his Maj^{tie}.

1. *A L're to y^e Sheriffs or Vnd^r Sheriffs of London.* Y^t a letter be writ to y^e Sheriffs or Vnd^r Sheriffs of London for y^e tyme being, giveing him an accompt of o^r receipt of 2 Quo Warrantoes ag^t y^e Gov^r & Company of o^r Colony, soe & soe attested & subscribed and soe & soe returnable, o^r receipt of them being at such a tyme, and soe y^e tyme or tymes assigned by y^e s^d writs for o^r appearance being lapsed & past, we are at a loss about o^r duty till his Maj^{ties} furth^r pleasure be knowne to vs.

2. *A L're of Attourney to o^r Agent to appeare in o^r behalfe &c.*

Because we doe not know w^t returne Mr. Randall* will make of y^e d^y or serving y^e Q. W^{ts}, besides y^e fores^d L're, y^t a L're of Attorney vnd^r y^e Seale of y^e Colony and subscribed by y^e Secretary in y^e name & by ord^r of Gov^r & Company of &c. to impow^r him to appeare on o^r behalfe; in case, vpon returne made by Mr. Randall, we are called to answ^r or defend &c. to make plea in o^r behalfe, of y^e laps of y^e s^d Q. W. y^t we are not bound to appeare noe new day or dayes being assigned vs, or if obliged by law to appeare at next tearme, w^{ch} we vnd^rstand not, to plead o^r ignorance; y^t noe imputa^on of contempt may be layd ag^t vs, & advantage taken thereby. And y^t such furth^r instrucc^ons be given to o^r s^d Attorney as shalbe necessary, wth pmise of due satisfac^on for his paines, care and faithfullness.

3. *A 2d Address to his Ma^{tie}.*

Whether a 2^d Address should not be made to his Ma^{tie}, to give his Ma^{tie} an accompt of y^e p^rmisses in briefe, renewing o^r humble suplication for y^e continuance of o^r Colony lib^tyes & p^rvilidges according to Charter vnd^r such regula^on as his Maj^{ty} please if he sees cause, and soe to be a Governm^t wthin o^rselves as hitherto.

4. Y^t a L're be writ to Major Dudley his Maj^{ties} P^rsident &c. giving him & them thanks for their resp^{ts} to vs & care of

* Randolph.

o^r welfare, & to request his advise and furtherance in directing vs to a fit agent in England, eith^r Mr. Humphreyes or some oth^r, & to procure his L^re to such Agent in o^r behalfe, or to such oth^r as may befreind, advise & furth^r vs in this affaire, y^t soe o^r address wthout failure may com to his Maj^ties hand, soe y^t we may have a returne thereof.

No. LXXVIII.

MINUTES OF THE PROCEEDINGS OF THE GENERAL COURT AT THE SPECIAL SESSION OF JULY 28, 1686.

[Miscell. I. 13. This paper, in the handwriting of Secretary Allyn is endorsed "Instruction for the Comitte about Quo Warantos." It was perhaps drawn up in advance of the meeting of the Court, by which (as appears from the Records) it was adopted, with some modifications,—especialy, that of a *vacat* on the clause proposing humble submission to the King's "regulation of o^r charter" &c. See page 212.]

This Court being informed of two Quo Warantoes by Mr. Randolph left wth Major Tallcot and Capt. Allyn, requiring our appearance before his Mat^{ie} &c., the time of appearance being elapsed :

1. The Question ariseing is, whither this Court ought to make any Answer thereto, by apearance by a person by them appoynted and sent from hence, or some other person &c. It is answered in the affirmative, they ought to send or imploy some suitable person to appeare before his Maj^tie as their agent, to informe his Mat^{ie} when the writ of Quo Warantoe was first p^rsented to any of the Authority of this Colony, and to certify that the time prefixed for answer was elapsed before we ever had the sight of the s^d Quo Waranto: for these reasons: (1) Because if we doe not make answer it is possible his Mat^{ie} may not have a right information of the time when it was served; (2) o^r not answering or appearance may be construed a neglect or slighting of his Mat^{ies} authority; or (3) it may be construed o^r submiting to guilt &c. if we doe not appeare and make answer for o^rselves.

2. The next Question may be, whither this Court ought to move or doe any thing farther in England.

Answ. It seemes to be necessary that this Court doe farther apply themselves to his Mat^{ie} humbly to petition

(1) that our Colony may be continued an intire province, viz. as it was agreed by his late Mat^{ies} Charles y^e 2^d his Comm^{rs}, Col. Niccols, Col. Cartwright, Sr Rob^t Car and Sam^l Maverick Esq^r, on the west, on Narogancet river on the east, on y^e sea on the south, on Massachusetts on the north.

(2) This Court doth humbly petition his Maties grace and favoure to grant unto this Colony the continuance of his favour to this Colony, that we may enjoy o^r privileges and liberties as formerly, both civill and religious.

(3) We doe humbly submit to his Maties regulation of o^r Charter so as may conduce for his Maties service and the best good of his Maties subjects inhabiting in this Colony.

(4) We doe desire his Matie may be humbly and fully informed that the divideing of this Colony will be very prejudiciall to his Maties subjects here inhabiting and be greivous to the generality of the good people: *and therefore if it be his Maties pleasure not to grant o^r former requests and to shew such grace to vs as to continue us a distinct society and body politique that he would be pleased so to disspose of vs that this whole colony may be under one govern^t and be continued in the full injoyment of o^r properties and estates both in houses and lands granted to the good people here by the Generall Court of this colony from o^r first inhabiting here to this day, and that our religious liberties may be continued to vs: and that for these reasons:—

(1) If we be divided there will arise great dissputes between y^e two governments, to which we shall be made subordinate concerning the present settlements made by this Colony.

(2) Our habitation being so remoate from any other government, the charge of o^r people repayreing to any other of his Maties Government for justice, in any such case of difficulty as shall arise amongst vs, will be of such charge and trouble to the good people here inhabiting, as it will be tedious and insupportable to beare.

(3) The good people here are so well acquainted each wth other and have so litle acquaintance with his Maties other provinces and the people inhabiting there, that they with more tranquility of spirit and peace submit to his Maties present govern^t here establish^t, although it be wth some such regulation as his Matie shall thinke fit to make for his service and the good of his subjects here.

(3) This Court doe order that y^e former Adresses of this Colony made by y^e Councill and Generall Court in Aprill and May, 1685, to his Matie, coppies of them be drawn up and sent wth or to the agent this Court shall appoynt, wth the issue the com^{rs} made of the settlement of y^e bownds of this Colony, and his Maties Charles y^e 2d his letter to y^s Colony.

(4) That sufficient letters of Attourney & Instructions be prepared and given to o^r agent we shall improve to manage our affayres.

* In margin, "Voted."

No. LXXIX.

PRESIDENT DUDLEY TO GOV. TREAT.

[Miscellaneous, Vol. I. Doc. 7.]

Gentlemen.

The methods that brought our late Revolutions portending the like effects upon your Charter and Government, and considering that after so long and happy a confederation and comerce, it would be ruinous to you and inconvenient to us, that you should be annexed to a Government whose interest it is to make alienations, at least to restrain our future alliance and trade, upon which the security and growth of both colonyes do so much depend, and being desirous yourselves and Wee may lay hold on the last opportunity Wee can hope for to obviate those and other infelicities that seem to impend, and by our joynt councills and indeavours and our dutifull and respective addresses to his Majesty, or other prudent and seasonable meanſ, to provide for the comon interests of Religion and Liberty:

Wee some time since signified to your Governour that Wee had perswaded Major Pincheon and Cap^t Winthrope to give himself and such of your Councill as he should please to convene, a visit at Hartford, by whose hands you will receive this.*

Wee have also wrote to Major Winthrope to meet and assist them in laying before you such consideracons as upon the present prospect of our own and your affairs have occurred to us. Their integrity Wee know is so well approved by yourselves and relyed on by us, that Wee believe other credentials needless, and therefore fully referr Our thoughts and desires to their free communication and improvement, which Wee hope will produce answerable considerations and resolves with yourselves, and begett such a good understanding that whether the same or severall persons be thought fit for your and our Agents in England, such measures and instructions may be agreed on and given as may equally conduce to the common advantage and interest of both Colonyes; and as an early applicacon to his Maj^{tie} is like to be most acceptable and effectually, so Wee sincerely recommend the same to You, and

* "Our councill have sent Major Pincheon and Capt. Winthrop to Hartford to perswade them to accommodate the matter, so as they may be added to the government here; how far that will prevaile I know not; they are sensible of Mr. Dudley's encroachment on all and every side, *and are unwilling to trust him*, and are strongly invited to come under New Yorke,"—wrote Randolph to John Povey, July 28th. (Hutch. Coll., 547.)

pray your advice and conclusions with all convenient speed,
promising Wee will improve them as becomes

Your affectionate Freinds
& Serv^{ts},

Councill House
Boston, 27th July, 1686.

J. DUDLEY, Prest.
with the consent of y^e Councill.

Superscribed:

To the Hon^rble Robert Treat Esq^r, Gouvern^r of his Majestye's
Collony of Conecticot, at Hartford. In his absence, To Captⁿ
Allen, Secretary, to be comunicated to the Councill and Gen^{ll}
Court if sitting.

No. LXXX.

THE GOVERNOR AND COUNCILL OF CONNECTICUT, TO PRESIDENT
DUDLEY AND COUNCIL.

[Draft, in handwriting of Secretary Allyn. Miscellaneous, Vol. I. Doc. 8.]

Hartford, August 4, 1686.

Honord Sr: Your letters by our honoured freinds Major John
Pynchon and Capt. Wayte Winthrop we have received and
according to your desire we have given the Gent^a a meeting,
and have heard what they have presented unto us, which is
worthy of consideration and we shall seriously deliberate
y^rupon, and on the whole we are desireous to take this opper-
tunity to render you our hearty thanks for your respects to
us in tendering us, so farr, as to lend us your good advice in
this difficult time that our lot is fallen in; and also we must
acknowledge o^rselves engaged to those worthy Gent^a you im-
ployed for their travell and paynes therein. Your and their
good advice to us we shall with all seriousness consider, and
endeavoure to come to such conclusions as we may hope may
be for God's glory and the good of the people under our care.
As you are not resolved upon what Agent to improve about
your owne affayres, neither are we yet, but are upon consider-
ation what our next worke is and who to imploy in it. There
are great difficulties before us, and what o^r portion may be is
with the Lord alone to determine. Yet we must tell you we
love our own things, if we may enjoy them; but if we be de-
prived of them, it is o^r duty to say, the will of the Lord be done.
[Your own settlement is, to the duration of it, so vncertaine,
that much confidence cannot be put upon it. As to o^r choys,
whether we may enjoy it if we should make it is not certain.
If we doe make it and should not enjoy it, what prejudices may

*follow is doubtfull.]** Gent^a, you are and have been o^r good neighbours, and we have and all wayes shall have great respects for you and desire and pray for your welfare as o^r owne, and heartily desire to be remembered by you be before the Lord, that he would guid and direct vs to doe the thing that is pleaseing in his sight; which wth the tender of o^r respects to your Hono^r and the Hon^{ble} Council wth you, is all at p^rsent from your most affectionate freinds and humble servants, the Gov^r and

Councill of his Maj^{ties} Colony of Conecticut; p y^r order
signed, JOHN ALLYN, Secy.

For the Hon^{ble} Joseph Dudley Esq^r,
President of his Ma^{ties} Province of the
Massachusetts & other Territories in
N. E. & the Honrd Council there;—
this dd in Boston.

[*In the margin;*] Present. Rob^t Treat Esq^r, Gov^{r.}, Major
John Tallcot, Capt. John Allyn, Mr. John Wadsworth, Capt.
Ben. Newbery, Capt. Sam^l Tallcot, Capt. Giles Hamlin.

No. LXXXI.

GOVERNOR TREAT TO GOVERNOR DONGAN.

[*Reprinted, from Documents Relating to Col. Hist. of N. York, III. 387.*]

Hartford, August 5th 1686.

Hon^{ble} Sr

The many obligations that I am under to your honour, sufficiently prompts me to take euery opportunity to let you know how I prise a good Corrispondance wth yourselfe and a free Communication of what may be for our mutuall good, and the Gouverments to w^{ch} we doe belong, And the bearrer hereof Major Gold haueing some occasion into those parts I haue desired him to take the opportunity of visiting your Honour to pay my respects to you, and to acquaint you with our being serued with two Quo Warrantoes bearing date July 8th 1685, requiring our appearance, the one at St^t Martin's & the other at Easter terme, and serued the 20th of July, 1686, which occasioned me to desire your Honour's advise, what may be the best way to manage our affaires, soe as to obtaine his Majesties favour and the continuance of o^r priuiledges to us as formerly. I need not enlarge on this subject, sauing only to desire your fauourable

* These lines are crossed out from the draft.

aspect, which I am well assured of. We haue litle news from Europe of late; the last arrived from Boston was that Judg Palmer and Mr. West haue seized about 80 butts of Mallagoe & some Brandy in the eastern part of your gouernment,* w^{ch} if lawfully seized will be a good supply of that chearing com-odity. I doe wish your honor all happines, & myselfe the fauour of your good neighbourhood continued to us, & improved for the publique aduantage. S^r I beg your Honour's favourable construction of these rude lines. I have sent you a copy of Mr. Randolphs letter, and if you have any news we shall take it as a great fauour to have it handed to us, which with my best respects to your hono^r is all needfull at present from Your Hono^{rs} most humble Seruant

R. TREAT GO^r.

Since writing comes a report of a pirate lying between Rhode Island & the Vineyard, said to have taken & robbed threë vessells, one of Caralina and 2 of Boston.†

To the Hon^{ble} Thomas Dongan Esq^r Gov^r [&c.]

No. LXXXII.

GOV. DONGAN TO GOV. TREAT.

[Miscellaneous, I. Doc. 15.]

New York, Aug^t 13th, 1686.

Governo^r Treatē.

Major Gold hath discoursed wth me concerning the Quo Warrantoes, & I have given the best advice I am able, the same I myself woud take, if I were in your Station.

It is worthy y^r consideration wheth^r y^r people can have the same security & advantages under that Govern^t to w^{ch} they are now subject, as they may under that of his Ma^{ty} & wheth^r

* The liquors were landed by a ship from Pascataqua, at Penobscot, which was supposed to be within the French territory. An order was subsequently obtained, through the influence of the French ambassador in England, for their restoration. This seizure acquires some importance when regarded as the first of a chain of causes which involved New England in a ten years' war with the Eastern Indians. See Mather's Magnalia, II. App. Art. II.; Hutchinson, I. 370, note.

† "We have lately had a pirate of fourteen guns, and one hundred men upon our coasts; and Captⁿ George, commander of the Rose Frigate, was ordered to find him out, but he came too late, for the pirate having first robbed two sloops laden with pork, peas, and other provisions, was gone away to the West Indies. * * *

We have advice that a small sloop of twenty men have been seen upon our coasts. These very much disturb our trade." Randolph to the Lords' Committee, Aug. 23, 1686, in R. I. Rec. III. 206. The pirate, it appears (from a letter of Capt. Nicholson) was one Peterson, "with the remainder of Yanekey's and Jacob's company, two famous privateers of the West Indies." He was now "in a barkalonga of ten guns and twelve pateres," in which he had lately taken several valuable prizes, among them, a bark belonging to M. St. Castine. (Doc. Rel. to Hist. of New York, III. 552.)

they can give three or four thousand pounds yearly in pensions, as I am told Boston hath don to no purpose. For subjects to stand upon termes wth princes is not very proper; & may put a barr to what the King would be pleased to grant out of his own Royall inclinations. If therefore my advice may be taken, I woud perswade to a downright humble submission, the most effectuall means to secure w^t is most advantageous, liberty, property, & what is of all things the most tender and dearest, Religion.

If you find it convenient to be annexed to this Govern^t, I think it would be best for you to propose y^e conditions to me, & you may be assured I shall consent to every thing that will be to y^r Govern^{ts} advantage; & then you may name one or two (w^{ch} you think most fitt) to go wth Mr. Spragge,* who will repr^sent y^r loyalty to his Mat^y, & see y^r proposalls confirmed.

I shall say nothing of Boston, or any other place, You know what this is, & I am sure we live as happily as any in America; if we did but know it; the condition of some of o^r neighbours will best co^mend us.

That great Buggbear of Quittrents may be removed, by paying a small acknowledgment to his Mat^y; wthout w^{ch}, according to the laws of England, there can be no good tenure.

Ports you may have; & there will be no necessity of entering at New York, or comeing hither for any, except such as shall be named to be of the Cou^{nc}il & Ass^{emb}ly; & the Judges in their circuits shall bring the laws to y^r doors.

I hear nothing of Capt. Palmers & Mr. Wests seizure, but for my own part, I have not got six pence that way since my comeing.

I should be gladd that som happy opportunity would offer of haveing half an hower's discour^s wth you; or any favo^rable occasion to demonstrate how much I am, Sr,

Y^r humble Serv^t

THO. DONGAN.†

[Superscribed,] For Governo^r Treatē
These.

* John Spragg Esq., a member of Gov. Dongan's council, and Secretary of the Province. He was preparing to sail for England, the bearer of the replies to the Queries of the Lords' Committee, copies of the laws, and letters from Gov. Dongan. See Doc. Rel. to Hist. of N. Y. III. 364, 403, 417. His departure was delayed, however, until the next year. Id. 421.

† Gov. Dongan, as well aware as was President Dudley that Connecticut "lyeing between the two seats of government, might be the more easily poised either way," was very solicitous to incline the balance towards New York, by persuading Gov. Treat of the superior advantages of annexation to that government. His solicitude was by no means disinterested. He had, shortly before, written to the Lords' Committee, that

No. LXXXIII.

INSTRUCTIONS FOR MR. WILLIAM WHITING, AGENT FOR THE COLONY IN ENGLAND.

[For. Corresp. II. 12.]

*Instructions for Mr. William Whiting o^r Attorney.**

You are in the first place to enquire after a former Address to his Maj^{tie} sent by one Mr. Thomas Harris of this Colonie or one Captⁱⁿ Fairwether, whither presented to his Maj^{tie} or not, by either of them. And for yo^r better direction in the management of o^r affayres you are to repaire to some able councellor in law, whose faithfullness you can confide in, to advise you how and in what manner to maⁿage yo^r business to o^r best advantage, by perusall of o^r Addresses and paper of reasons to be presented to his Maj^{tie}; that if any expression be unsuitable, some necessary alterations may be made, still keeping to the scope and true intent and meaning of what you receive heerwith.

And then the first thing you are to doe is to present o^r humble address to his Mat^{ie}, and to advise and consider well in what manner and by what means or mediation for access and a favourable hearing may be had; wherein great wisdom and foresight is to be used, and to be followed wth that due obsequies and sollicitation of such Ministers of State or others as you may have to doe withall, vntill you have obtained your answer from his Majestie to o^r Address and paper of reasons to be presented at y^e same time.

Having dispatched y^t matter of o^r Address, if either dismiss'd to a tryall at law or otherwise necessitated thereunto, you must advise wth yo^r Councell, learned in every part of yo^r businesse, in defending our Charter by your answer & pleas to the writ or writs y^t either are or may be against us in anie of his Ma^{ties} Courts at co^mon law or chancery, and to retaine such able and faithfull councell to plead o^r case to o^r best advantage. And whereas the coppies of the Quo Warrantoes sent us by the secondary of the Cheriff of London, 8th July, 1685, the first returnable for o^r appearance in 8 days

"it will be impossible to make any thing considerable of his Majesty's customs and revenue," without Connecticut; that "there is an absolute necessity those provinces [of East and West Jersey] and that of Connecticut be annexed;" and that Sir Edmund Andros was so well convinced of this that he sent Capt. Salisbury to England, in 1676, to let his Royal Highness, now his Majesty, know how impossible it was for this Government to subsist without the addition of Connecticut." (Report on the State of the Province, 1686.)

* In the hand writing of Gov. Treat.

after Sⁿt Martin, in Michaelmas Terme, and the other for our appearance in fifteen dayes of Easter Terme, the notification of w^{ch} writs and coppies came not to us till y^e twentieth of July last past, 1686, (better then a yeare after the date, and both the termes of o^r appearance past) ; you are seriously to consider and devise whether there be not a lapse in law of the said writs, and so not oblidging to us to appeare and make answer vntill new writs (if any) be ordered against us ; and well to consider and advise if any other advantage in law upon the said writs be improvable or pleadable on o^r behalfe, for vacating the said writs ; but if the secundarie's letter or notification, (although *post diem*) be of no validity as we think, and the rather because no new day or dayes are assigned for our appearance, we say if such notification binds us to an appearance at next term within six moneths following, you are to take great care to be fully informed, and if so, to appear with yo^r counsell to mannage, plead and defend us aforesaide : and if to make answer by what right wee have, use and enjoy such priviledges, immunities and franchises as are in gener^l mentioned in y^e said writs of Quo Warranto, you are to have y^e duplicate of o^r Charter ready to be exhibited in Court, if need be, (w^{ch} by Governor Winthrop was left wth Mr. James Porter of London, and since by us he was ordered to deliver it to you) : and all good pleas in law upon the same faithfully made on our behalves, takeing notice that o^r Charter or Lett^{rs} Patents granted us by his late Maj^{ty}, Charles the Second of blessed memory, in the fourteenth yeare of his reigne, runs expressly to us, the Governo^r and Companie and o^r associates for ever, and to be interpreted in every part of it to our best advantage. And if any perticular things are laid to our charge and y^e forfeiture of our Charter pleaded against us, whereof we are utterly ignorant, whether it be not justly pleadable in law that we be duely and perticularly informed and have sufficient time to make our necessary defence, before any proceeding in law be had or made against us ; and w^{ch} way to procure such a stop, whether it may be done in a course of law or to be obtained by your petition on our behalfe to his Maj^{ties} or some other of his judges.

In case nothing will doe, but notwithstanding our Addresses and all pleas made on our behalfe, our Charter should be condemned as forfeit, you are to consider and advise whether by petition or some other way, a suspension of entring judgm^t may not, by his Majestie's favour or favour of his Judges, be obtained, vntill we may have notice thereof and oppertunity given us either to speak for o^rselves or make o^r further Address to his Ma^{tie}.

If noe such suspension be attainable, you are dilligently to enquire and enforme yo^rselfe concerning his Majestie's intendm^t for y^e future dispose of this Colonie and y^e Government of it; whether we are like to be annexed to the Government of the Bay Colonie, or Yorke, or to both, the west side of Conecticot river to Yorke, and the east side to the Massachusets. And you are to get the best advice you can come at, and in o^r name and on o^r behalfe to petition his Mat^{ie}, that we may stand a distinct and intire province within o^rselves undevided and unbroken as hitherto, under such government as his Mat^{ie} shall be pleased to direct and appoint for y^e rest of o^r neighbour Colonies in New England, wth y^e full and free enjoyment of o^r properties and possessions under the same tenure as now we doe enjoy them, and as we have had them granted to us by his late Mat^{ie} King Charles the Second of happie memory, in the fourteenth year of his said reigne, as also our liberties civill and religious. And you are to improve the best reasons you can besides those you receive herewth, for y^e attainment thereof.

24th August, 1686.

[Sept. 22, 1686, Thomas Palmer Esq. of Boston, draws bills of exchange for £60, upon Thomas Hunt, of London, merchant, payable to Mr. Wm. Whiting or order, and in case of his death to Mr. Nathaniel Whitfield or order, and gives bond for their acceptance and due payment to Samuel Talcott Esq. of Wethersfield. (Finance, I. 5, 8.)

“Received of Capt. Samuel Talcott, a small Wooden Box of papers & writings: directed to Mr. William Whiting of London, which I promise and ingage to deliver to himselfe wth my owne hand, the dainger of y^e Sea only excepted. Septembr 24th, 1686.

Recd five shillings money for freight } p^r mee

WILLM CLARKE”]

No. LXXXIV.

PETITION TO THE KING; AUGUST 24, 1686.

[For. Corresp. II. 9. Secretary Allyn's draft.]

To the Most High and Mighty Prince, James the Second of England, Scotland, France and Ireland, King, Defender of the Fayth, &c.

The humble Petition and Address of the Governor and Company of his Mat^{ies} Colony of Conecticut in New England, humbly sheweth:

That whereas our Fathers, under his Matie King Charles the First, of blessed memorie, his Royall countenance and favoure, about fifty yeares since began the planting of this your Maties Colony of Connecticut, for the enlargement of your Maties dominions and territories, at their great charge and expense both of treasure and blood, which have prospered under the shines of the favour of our late gracious Sovereigne King Charles the Second, of blessed memorie, who in the fourteenth yeare of his reigne created us a body politick and corporate and invested us with severall priviledges, liberties and franchises, which we have through his s^d Maties grace and favour enjoyed dureing his reigne, and through your Maties grace and by your Royall favoure hath been continued unto us to this day: Yet upon the twentyeth of July last we received coppies of two writts of Quo Warranto, by Edward Randolph Esq^r, requireing our appearance before your Matie.

Our humble petition to your most excelent Matie is that out of your abundant grace and princely favoure you would be graciously pleased to remit and pardon whatever mistakes or faylures have been comitted by us, which have proceeded not from any disloyalty in us but want of a right understanding of our duty, which upon the first intimation we are ready to reforme.

We farther humbly beg and pray your most Serene Matie to continue unto us all those priviledges, liberties and properties granted and conferred upon us by our late gracious Sovereigne, and that you would be pleased to recall all processe in law against us, and continue our present enjoynments, which will be acknowledged a high favour and greatly oblige your poore subjects to all dutifull obedience and loyalty.

And we most humbly beseech your Matie to give us leave to present to your Maties consideration and princely wisdom some Reasons of our desires to be continued an intire Province or Colony rather than to be annexed to any other Province or Government, which we are ready to doe.

And for your Matie shall ever pray &c.

Hartford, 24 August, 1686.

No. LXXXV.

REASONS FOR CONTINUING CONNECTICUT A DISTINCT PROVINCE OR COLONY AND AGAINST ITS ANNEXATION TO ANY OTHER GOVERNMENT.

[For. Corresp. II. 10. Secr. Allyn's draft or copy. This "paper of reasons" accompanied the petition and address to the King.]

May it please your most excellent Majesty, the situation of this your Colony of Conecticut lyes as compact and entire wthin itselfe for commerce, correspondence and mutuall defence against enemies, whether y^e Natives or forreigners, as others of our neighbour Coloneys; and y^e like may be sayd for the conveniences of civill goverment; for such is our disttance from Boston eastward and New Yorke westward, (about one hundred and twenty miles through y^e wilderness,) especially considering our long and cold winters, forbidding many times all travell by sea or land, and the difficulty of y^e way by reason of high mountains, dangerous rocks, and at some times (especially at spring and fall) unpassable rivers, that if we should be necessitated to travel to the chiefe seat of justice in either of the sayd coloneys, (as in some greater causes, capitall offences, and appeales, we are like to be,) the difficulty and great charge, tending to the impoverishing the subject, will be a burden grievous to be borne.

2. As to commerce and trade, may it please y^e Matie to know that the produce of this Colony being mostly corn and cattell, whereby the people wth hard and sore labour get their livelyhood, if we should be anexed to either of our neighbour colonyes we are like to be restrayned from making o^r best market for o^r necessary and comfortable subsistance and, according to y^e sencible understanding we have of o^r circumstances, may prove in great measure very ruinous to our livelyhood, which we doubt not your Matie being rightly informed will be very tender of.

3. And whereas severall of our Townes of this Colony are seated about sixty miles up on Conecticut River, the inhabitants have and improve their lands and properties of both sides the s^d River. If the Colony should be divided at and by the s^d River, to both y^e other Colonyes of the Bay and New Yorke, we cannot but foresee and fear the great confusion it will make in men's properties and interests between the two governm^{ts}; and farther, the easy passage by boat or canoe over s^d River, the advantage it will give to criminalls to fly from justice, may deserve its consideration.

4. Also, we humbly conceive wth due submission to your Ma^{ties} great wisdom, it may not be for the interest of those two neighbour Colonyes that this your Colony should be so parted or intirely annexed to either. For the sayd river plantations being y^e cheife graineries of corne in New England, if, in whole or in part it should be diverted another way, then as it is, it may occasion great inconveniences, especially to the Bay colony, who have had their cheife accommodation hence not onely for the supply of their principle townes of trade, fishing &c. but for their shipping and merchandize.* Again, if we should be diverted to y^e Bay, although New Yorke Colony have generally a full supply at least of corne, by Hudson River, and the country thereabout, yet it may put a considerable check upon their trade and our commerce wth them, with whome as well as wth y^e Bay, we have had a neighbourly correspondence which we desire still to continue; whereas such a dispossesse of us to both, may occasion animosity and contest about the rule of the River, and vexation to the inhabitants.

Dread Sovereigne, for these and such like reasons, we humbly conceive it will be most for your Ma^{ties} service and interest to continue us a distinct Colony, as hitherto from our beginning, w^{ch} will greatly encourage the growth and increase of o^r plantations, especially new and inland plantations for the farther opening the country and subduing the wilderness.

Whereas, y^e many and great inconveniencys before in part mentioned, in case this your Colony, intirely or divided, should be annexed to either or both the other, it will in probability so discourage the inhabitants that many of them are likely rather to remove themselves and famalyes into other partes than to begin such new inland plantations that are most in danger of the barbarous and bloody heathen, to our great weakening. Therefore, the premises considered, we most humbly beg and pray your Ma^{ties} favoure in a gracious answer to our most humble petition and address, and we shall ever pray &c.

* Of so great importance to Massachusetts was an unrestricted trade with Connecticut that Andros wrote in March, 1687, that "without them, we are neither able to defray our publick charges, nor our fishery be maintained without provisions and particularly wheat from thence"; and again, after stating that, owing to recent losses, the people of Massachusetts were "generally but poor," he adds, "their fishing and lumber, their cheifest trade and support; and that wholly supplied by Connecticut, from whence all their wheat and much other grain and provisions, and without it cannot maintain their fishery and trade," (Letters to the Com. of Trade, and Earl of Sunderland, in R. I. Rec. III, 223, 224.)

No. LXXXVI.

DRAFT OF AN ADDRESS TO THE KING ; AUGUST, 1686.

[For. Corresp. II. 11; in the hand writing of Gov. Treat, and on the same sheet with the "Instructions for Mr. William Whiting." It appears to have been designed for presentation to the King in the event of a judgment against the Charter. See the last paragraph of the "Instructions."]

To His Most Excellent Majestie James the Second, of England, Scotland, France and Ireland, King, Defender of the Faith &c.:

The humble petition and address of the Governour and Companie of yo^r Majesties Colonie of Conecticot in N. England humbly sheweth :

That haveing formerly made our most humble and earnest supplication to your Majestie for y^e continuance of o^r Colonie settlements, according to his late Ma^{ties} graunt by his gracious letters pattents, as hitherto under your Ma^{ties} favour and protection we have done, We make bold once againe to prostrate ourselves at the footstool of your Royall Throne, for and in the behalfe of ourselves and all y^e rest of y^e inhabitants of y^e said Colonie, your faithfull and loyall subjects, to renew o^r said most humble petition and request, beseeching yo^r Majestie to pardon us in so doing, for that the difficulties, hardships and dañages of our wilderness condition in these remoate parts of the worlde are such that without the continuance of your Ma^{ties} favour, countenance and protection to encourage us, they would be overbearing to us: the w^{ch} our Fathers in their first adventures to the planting and peopling these parts of America have found true, in wasting considerable estates to the impoverishm^t of themselves, many of them, and their posterity: Now therefore, may it please your Ma^{tie} if in yo^r princely wisdom and good pleasure you see reason rather to dispose and set this Colonie for civil government in some other way than as hitherto, and our Charter should by law or otherwise [be] made voide, what shall we say, but as in duty bound submit to yo^r soveraigne good will and pleasure therein, and earnestly to pray to y^e Lord for your Ma^{tie} and to encline yo^r Royall heart towards your poor yet truly loyall subjects, that we, our wives and children and posteritie may find grace in the eies of our Soveraigne Lord the King, in granting these following most humble requests: as

1st. For the continuance of our Christian liberties, free from any impositions upon conscience.

2d. That yo^r Majestie would graciously confirme the tenure of our lands according to the graunt of his late Ma^{tie} King

Charles the Second of happie memory, in y^e fourteenth yeare of his said reigne.

3d. That we may have entring ports appointed us, haveing convenient harbours and havens, wthin our bounds.

4th. That we may have liberty of free commerce wth our neighbour Colonies without impositions besides what in duty we are obliged to yo^r M^{tie} by law. And for yo^r Maj^{tie} we shall as in duty bound ever pray, etc.

No. LXXXVII.

EDWARD RANDOLPH TO GOV. TREAT.

[Misc. I. Doc. 17.]

Gentlemen

His Ma^{ty} hath commanded me to serve another Writt of Quo Warranto* upon you. It's returnable the first of next Term. You find by a Letter from his Excellence S^r Edmond Andross, herewith sent you, that as yet a door is open for you, and 'tis your own faults if you fail of the enjoyments and indulgencies which his Ma^{ty} has been graciously pleased to grant to the Colonyes of New Plym^o and Road Island now annexed to this Governm^t.

By serveing of this Quo Warranto, and you not appearing to defend yourselves, judgm^t will be entered against you upon your nonappearance, so that tis not in your choice how next to dispose of yourselves. You have no way to make yourselves happy but by an early application to his Excellence, which is all, and more then you might expect to hear from me with whom you have so often and unkindly trifled with. However, I will not be disoblidged, but am, Gentlemen,

Your humble servant,

Boston, Dec. 23.

ED. RANDOLPH.†

To Gov. Treat.

[Endorsed,] "Receaved y^s 28th of December, 1686, at eleven of y^e clocke at night y^s lett^r,

p R. TREAT, GOV^r."

* The writ bears date October 23d. The form is the same as that of the first and second writs, except that the day of appearance is "in octab. Pur. bte. Marie Virginis," [February 9th, 1686-7, the last return day of Hilary term]. A copy is in 'Copies and Letters,' p. 57. With the writ came a letter from the secondary of the sheriff of London, in the usual form, dated October 26th. Miscell. I. 16.

† On the 28th December, Randolph wrote to Col. Pynchon, that he had sent a messenger to serve another writ of Quo Warranto on the governor of Connecticut,—“where I am well assured the physick is to operate. I hear the little Quacks there are endea-

No. LXXXVIII.

SIR EDMUND ANDROS TO GOV. TREAT.*

[Miscellaneous, I. Doc. 20.]

Boston, y^e 22th December, 1686.

Sr. This is to acquaint you that his Majesty having been pleased to send me to the Government of New England, of which you are a part, I arrived here the 20th Instant, where I found all very well disposed for his Ma^ty^s service; and his Ma^ty^s Letters Pattents to me for the said Government being then published, were received with suitable demonstration.

I am commanded and authorized by his Ma^ty, at my arrivall in these Parts, to receive in his name the surrender of your

vouring to divert their coming under one government, but his Excellency has his Majesty's commands to accept of their surrender, which they cannot avoid, they must for publicity. * * We have Road Island already, and I fear not Connecticut. A dutifull submission will well become them, and place them in his Majesties favour. His Excellency will propose greater advantages for their ease and happiness than their weak phancys can project." Mass. Hist. Coll. 2d Ser., VIII. 237, 238.

* This letter is printed in 3 Mass. Hist. Coll. VII 165, 166.

Sir Edmund Andros was a native of Guernsey. His family was one of the most ancient and respectable in that island, and derived additional consequence by the accession, through an intermarriage with the Sausmarez family, of the fief of the seignory of Sausmarez and Castle of Jerbourg. Numerous representatives of the name are found in the lists of the Bailiffs and Jurats, (who administered the government of the island,) from the close of the 16th to the middle of the 18th century. Amice Andros Esq., the father of Sir Edmund, was Bailiff in 1660, and in a general pardon granted to the inhabitants of Guernsey, after the restoration of Charles II., (August 13, 1660,) he, with "Edmond Andros Esq." his son, and Mr. Charles Andros, his brother, were honored with special exception, because they had "continued inviolably faithful to his Majesty during the late rebellion," and consequently stood in no need of pardon. (Berry's Hist. of Guernsey, 107, 108, 197; Ross's Mem. of Adm. De Sausmares, I. 7, 8.) Amice Andros Esq., "Seigneur de Sausmarez & Chatelain de Jerbourg, Echanson hereditaire du Roy d'Angleterre en cette Isle de Guernsey, Lieutenant des Ceremonies a la Cour des Rois Charles 1^{me} & Charles 2^{me}, Bailly dela Cour Royale," &c. died April 7, 1674. Not many weeks afterwards, his son, who had attained the rank of Major, was commissioned by the Duke of York, (July 1st, 1674,) as his lieutenant and governor of his territories in America, and arrived at New York in the following October. In his first proclamation to the inhabitants, he styles himself "Edmund Andross Esq., Seigneur of Sausmarez" &c. (It will be observed that while governor of New York, he invariably wrote his name *Andross*. Before his return to America in 1686, he had dropped the final s. See fac-simile in Vol. II. p. 570.) He was knighted while on a visit to England, in the winter of 1677-8; and returned to New York in the summer of 1678. In 1680, in consequence of charges preferred against him, of mis-government and embezzlement, he was recalled by the Duke of York, and sailed for England, Jan. 11, 1681. He had not, however, forfeited the favor of his patron, who, soon after his accession to the throne as James II. despatched him to New England, with new and wider commission. His arrival in Boston, (Dec. 20th,) has already been noticed. (See page 222, note.)

When governor of New York, Andros was strongly impressed with the importance of annexing Connecticut to that government, and despatched a special messenger to England, to demonstrate to the Duke, "how impossible it was for New York to subsist" without it. (Doc. Rel. to Hist. of N. Y. III. 415.) He was now no less clearly convinced of the necessity of including Connecticut in the government of New England, and that without it, he "would neither be able to defray the public charges," nor "maintain the fishery and trade."

Charter,* (if tendered by you) and to take you into my present care and charge, as other parts of the Government, assuring his Mat^{ys} good subjects of his countenance and protection in all things relating to his service and their welfare.

I have only to add that I shall be ready and glad to doe my duty accordingly, and therefore desire to hear from you as soon as may be, and remaine,

Your very affectionate friend,

Andros

[*Superscribed* :] To John Treat Esq^r,
Gouvernour of his Maj^{ty}s Colony
of Connecticut, P^rsent

[Endorsed, by Gov. Treat, as received Dec. 28th,† at 11 o'clock at night.]

No. LXXXIX.

THE GENERAL COURT TO THE EARL OF SUNDERLAND, SECRETARY
OF STATE.

[Printed by Chalmers, 306-7, from 'New England Entries,' II. 344.]

Hartford, 26 Jan. 1686-7.

Right Hon.

The occasion of these lines are to inform your lordship, that we have formerly sent several addresses to be presented to his Majesty; but have no return that they ever came to his Majesty's view. The last year two writs of quo-warranto were served upon us by Mr. Randolph, which were issued out of the Crown-office of the court of King's Bench at Westminster, but served upon us after the time of appearance had

* Subsequent to the issue of Andros's commission (June 3), he received "additional power and instructions," which bear date September 13th, to demand the surrender of the charter of Rhode Island and Providence Plantation, in pursuance of the declaration and address of that colony, and to take it under his government; and "in case it shall happen, that upon the like writ of Quo Warranto, issued against the Charter of our Government and Company of our Collony of Connecticut, they shall be induced to make surrender of their Charter," our will and pleasure is, and we do hereby authorize and empower you in our name, to receive such surrender, and to take our said Collony of Connecticut under your government." Mass. Hist. Coll. 3d Ser., VII. 162, 163.

† "Dec. 22. To Symon messenger for carrying his Excellency's Letter to y^e Gov^r of Connecticut. £4. 15. 0." (Usurpation Papers, in Mass. Archives, I. 332.)

elapsed, as we understand it: But then we prepared an address to his Majesty, and appointed Mr. William Whiting, a merchant in London, to be our attorney, to present our address to his Majesty: And, in case we should be called upon to answer before his Majesty, or any court or judges, by what authority we hold, possess and enjoy, divers rights, privileges and franchises, that he might on our behalf make answer thereto. And since that, December last past, another quowarranto was served upon us, requiring our appearance before eight days of the Purification of the blessed virgin Mary; which is so sudden, by reason of our remoteness, and the sharpness of the winter season, that we cannot make such suitable return as we ought: Yet we have again requested and empowered Mr. Whiting to appear on our behalf, if we must come to answer, so that, by reason of our non-appearance or silence, we may not be proceeded against to an outlawry, or forfeiture of our liberties and privileges.

May it please your honour, we are his Majesty's loyal subjects, and we are heartily desirous that we may continue in the same station that we are in, if it may consist with his princely wisdom to continue us so: But, if his Majesty's royal purposes be otherwise to dispose of us, we shall, as in duty bound, submit to his royal commands; and, if it be to conjoin us with the other colonies and provinces, under Sir Edmund Andros, his Majesty's present governor, it will be more pleasing than to be joined with any other province.

Sir: We pray your honour's pardon for this address, which is only occasioned for fear any mishap should befall our former letters, requesting your honour to acquaint his Majesty, that we are his obedient and loyal subjects, and shall so approve ourselves, notwithstanding any misrepresentation that may be made of us; who are &c.

ROBERT TREAT, Governor.

By order of the General Court,

JOHN ALLYN, Secretary.

[Chalmers observes that this letter from the General Court, "shews not only the art of that body, but the slight ground on which that paper was construed to contain a surrender of their charter." That it was so construed is evident from Gov. Dongan's letter of Oct. 4th. (which see, *post*.) and from the statements of Gershom Bulkeley, in the "Will and Doom": "The letter being received at Whitehall, the king readily granted their request of being annexed to the Bay, pursues his quowarranto no further, but sends a commission to Sir Edmund Andros to take on him the government of Connecticut" &c. "The charter government of Connecticut was laid aside by their own act" &c. In a pamphlet entitled "The People's Right of Election or alteration of Government in Connecticut argued, in a Letter, by Gershom Bulkeley Esq." &c. (Philadelphia, 1689), he writes, to Gov. Treat and the magistrates constituting the Court of May, 1689; "You may here consider that the Government was not taken into the King's hand without your own Submission, and some sort (at least) of Consent; whence possibly there was not

so much Illegality in that proceeding as some do imagine." He adds, however, "I was *not personally acquainted* with those Transactions, and therefore cannot undertake much in this." Bulkeley, though commissioned by Andros as a Justice of the Peace, was never admitted a freeman of the Colony.]

No. XC.

SIR EDMUND ANDROS TO GOV. TREAT AND THE COUNCIL.

[Miscell. I. Doc. 21.]

Sr.

The 12th instant I received a Letter from you and the Generall Court, dated the 26th January, in answer, you say, to mine wherein his Mat^{ies} pleasure and comands relateing to the Surrender of your Charter was made knowne unto you, which being soe gracious a concession on his Mat^{ies} part, I thought needed noe other argument then his Mat^{ies} owne words to induce your compliance, as those of Rhoad Island have loyally and dutifullly done. And the Letter you mention att his Mat^{ies} accession to the Crowne can bee noe colour for yo^r delay, but the contrary, his Mat^{ie} haveing not only signified his Royall Pleasure and given mee his comands for you as above (which certainly is a perfect answer to the severall applications intimated in your letter,) but alsoe the Government of other his Territoryes in New England, all settled accordingly except yourselves. Finding your delay on such mis[taken] notions, and yett professing your desires to demonstrate yo^r loyalty, obedience and duty, this is by advice of his Mat^{ies} Councill here, to give you another oppertunity of suitable and dutifull resolves, soe much importing y^r owne wellfare, if you yett doe itt, and lett mee heare from you without delay, that I may not be wanting in my duty. Accordingly, I am

Yo^r most affectionate freind,

Boston, 25th day
of February, 1686.

E. ANDROS.

Governor Treat and Councill of Conecticott.

No. XCI.

GOV. ANDROS TO GOV TREAT.

[Miscell. I. 22.]

Boston y^e 28th Feb. 1686.

Sr

I have received y^{rs} of y^e 26th, y^e 12th instant, and one from

y^rself and Gen^{all} Assembly, to whom as by my letter I yett give a farther oppertunity of doeing their dutyes, butt wth perticular regard to y^rself, whom I have knowne, and some other Gentlemen amonge you, whose loyall and dutifull inclinations as intimated, I will not doubt, butt whilst you have noe more regard to reiterated Quo Warrantos nor gracious oportunities by his Mat^{ies} commands to mee, as signified to you att my arrivall, butt still act with the most obstinate and adverse to his Mat^{ies} service, you therby hazard the advantages might bee to y^e Colony, and totally your owne, w^{ch} others even of this Colony have p^rvented by a considerable part of them now in place submitting and leaveing the refractory; and unless you shall doe yo^r part without delay, you will not only make mee incapable to serve you as I would, butt occasion the contrary; butt doe hope better of you and whole Colony by yo^r good ensample and loyall acting in y^r station ere too late. This is by Cap^t Nicholson, who hath his Mat^{ies} owne comission for one of the Companyes come wth mee for his Mat^{ies} service in these parts, wth whom you may be free, and give credit to him in any thing relateing to his Mat^{ies} service, and my inclinations accordingly respecting yo^r wellfare, in which I shall not be wanting to my power, being Sr

Y^r most affectionate freind,

E. ANDROS.

Gov^r Treat.

For the Honord Governo^r Treat, att Hartford or att his house in Millford, in the Colony of Connecticutt.

No. XCII.

THE GOVERNOR AND COUNCIL TO GOV. ANDROS.

[Miscell. I. 23.]

Hartford, March 30, 1687.

Right Hon^{ble} Sir:

According as o^r Governo^r informed Capt. Niccolson, we convened this day by o^r s^d Governo^{rs} order, who told us that the occasion of our meeting was, your Excellency had signified to him, by advice of his Ma^{ties} Council that you had granted us another opportunity of making suitable and dutifull resolves concerning o^r surrender. For y^r Eccelencie's and their care of us and love to us, we return you o^r hearty thanks, but we humbly request that we may wthout offence inform your Hono^r that as matters are circum-

stanced wth us we cannot vary from what we informed your Excelency in o^r letters of January 26 past, by reason we have by o^r severall addresses formerly sent to his Ma^{tie} left o^rselves so fully to be guided and dissposed by his princely wisdom, and have not rece^d any return or direction from his Ma^{tie} since, and therefore we request that a good neighborhood and an amicable correspondence may be continued between your Excelency and y^s Colony till his Ma^{ties} farther pleasure be made known to us. [*And then when we are commanded by his Ma^{tie} to surrender o^rselves to your Excelencies government, and to be united wth o^r neighbo^rs in y^r government, we shall be as loyall and dutifull as any, we hope, and as readily submit o^rselves to your Excelency.*]* Which wth o^r best respects and service to your Excelency, is all at present from your humble servants,

y^e Gov^r & Company of his Ma^{ties} Colony
of Conecticut.

No. XCIII.

GOV. ANDROS TO GOV. TREAT AND THE COUNCIL. †

[Miscell., I. 25.]

Boston, June 13th, 1687.

Sr.

By my severall letters and advise from England, I am assured that by this time there will be an [issue] putt to and judgment entered upon y^e Quo Warranto ag^t yo^r Charter, and soone expect his Ma^{ties} Commands accordingly; of which doubt not but you are advised, as many of yo^r friends in these parts, who have p^rvailed with me on yo^r Assembly's meeting, to expresse my inclyna^ons still not to be wanting for yo^r welfare if you yett give me oppertunity by accepting his Ma^{ties} favour soe gratusly offered you, in a p^rsent complyan^{ce} & surrender; and not with vaine hopes to delay untill Execu^on be served upon you, ‡ when too late to acquitt yo^rselves of yo^r duty to his Ma^{tie} & trust reposed in you by the Collony for their good, which being of such importe deserves yo^r best considera^ons & resolves accordingly.

* This passage was crossed out from the original draft.

† This letter is printed in Mass. Hist. Coll., 3d Series, VII. 177.

‡ Following this, in the original draft (by John West,) was written,—“which will differ you from this Collony who, tho' y^e fact's questioned, many of y^e principall of them in their Generall Court, now in place, did in time submitt and signifie y^e same to his Ma^{tie}.” These words were subsequently erased, and the sentence completed as above: (Draft, in Massachusetts Archives, “Usurpation,” I. 353.)

This is by Edward Randolph Esq^r, to whom you may give
intire credence in anything relateing to this matter from, Sr,
Yo^r very affectionate Friend,
E. ANDROS.

To the Hon^{ble} The Governor &
Council &c. of Connecticott,
Att Hartford, P^{rsent}.

No. XCIV.

HON. JOHN SAFFIN TO SECRETARY ALLYN.

[Miscell., I. 24.]

Boston, 14th June, 1687.

Honrd Sr.

Although I never p^rtended to be a statesman, yet I have read and heard somewhat of state matters, and therefore am emboldened as a privett friend to communicate to yo^r Hon^r in yo^r more publick capacity, some remarks which wise and knowing men have taken respecting these American parts, whether amongst ourselves or other more remote parts within the King's Dominions; of w^{ch} perhaps you may make a judgment and some use in this p^{rsent} exigent.

Sr, it is generally received without hesitation that all these parts of America pertaineing to the Crown of England, from New Carrolina round about with the sun (takeing in all the Islands) till it come to the French towards the east, will be brought under a more imediate dependency and subjection to his Majesty, so that all ma^{ner} of Charters granted to the greatest Favourites & persons of the most noble extraction and highest degree, who consequently have the greatest interest at Court, both by their persons and purses, must veile thereto sooner or later, yea, and that in a very short time, the most part haveing done it already, and it is by many feared that they that stand out longest will fare the worst at last; *Furor armæ ministrat*. And it is allso more than conceaved, that whatsoever the vicissitudes of affayres be that may happen in England, matters will never be againe *in statu quo* here in each respective Colony: That if you adhere to the West you are an undone people, for then you part with yo^r best friends.

I am, Sr, Yo^r most affectionate

Friend & Servant,

JOHN SAFFIN.

For John Allen Esq^r Secretary to his Majesty's
Colony of Connecticut, These, in Hartford.

No. XCV.

THE GOVERNOR AND COUNCIL TO SIR E. ANDROS.

[Miscell. I. 26.]

Hartford, June 18, 1687.

May it please your Excelency.

Your letter by Esqr Randall and Capt. Davis we have rece^d, and are sorry they came too late to reach our Generall Court, who adjourned the evening before the arriv^e all of those Gentⁿ, though by what we took notice of their minds we conclude they would not have altered or varied any thing from what in their former letters they wrot unto you; for at their last session they resolved to continue in the station they are in, till his Ma^{ties} pleasure be made known to them (for a change), and they haveing so declared, it is not in our power to vary or alter what they have so resolved; [therefore, according to the circumstances we stand under, we cannot make a surrender of o^r Charter at present]* but must wayte his Ma^{ties} pleasure for our farther disspose, which shall readily be submitted unto by vs. We thankfully acknowledg your Honrd favoure to vs, and care over us, and earnestly requesting your candid acceptation of this return, and a favourable construction of o^r intentions therein, [which is nothing but loyalty to his Ma^{tie} and hono^r and respect to yourself,]† whoe are resolved thorow the help of allmighty God to approve o^rselves his Ma^{ties} loyall and dutifull subjects and your Hon^{rs} most affectionate friends and humble servants, the Gov^r & Council of his Ma^{ties} Colony of Conecticut,

p y^r order, signed,

JOHN ALLYN, Sec^y.

These for his Excelency Sr Edmon Andross
Knight, Capt. Gen^l & Gov^r of his Ma^{ties}
Territories in New England, in Boston,
y^r dd.

* These two lines are underscored in the draft, and were perhaps erased.

† Canceled.

No. XCVI.

WM. WHITING TO SECRETARY ALLYN.

[For. Corresp. II. 13.]

London, the 11th June, 1687.

Honrd Sr. My last to you was of the 12th March;* since have the Gen^l Courts of ye 26th Jan^{ry}, wth the inclosed to the Secret^{ry} of State, † w^{ch} was imediately after rec^t delivered to the Lord Sunderland and by him comunicated to the Lords of the Comittie for Forreigne Plantations, and by them to his Maj^{ty}, but cannot learn what resentm^t it had. I perceive Sr Edmond Andros hath not made any return of the Quo War-ranto, but it was his sence that you would surrender yo^r Charter, and it is expected here that the next ship will bring accot of it. I have taken care that if any process be made, I shall have notice. I writ you formerly, and am still of the same mynde, that it will be lost; I cannot see any way of preventing it. The Court being at Windsor, little can be knowne of what is done. What comes to hand shall be communicate to you p next. Please to give my service to the Govern^r and the rest of the Court, and accept it to yo^rself from, Sr,

Your humble serv^t,

WM. WHITING.

To John Allyn Esq^r, Secret^{ry}
of the Collony of Connecticut, These, In Hartford.

No. XCVII.

FROM THE SAME TO THE SAME.

[For. Corresp. II. 14.]

London ye 14th June, 1687.

Honrd Sr. My last to you was of the 11th instant, p this ship. Uppon the same day was past a Rule of Court for you to give appearance to morrow (being the last day of the terme) or Judgem^t should pass against you. I cannot yet get a cobby of the sayd Rule, though I and the sollicit^r were for it severall tymes yesterday; shall have it this forenoone, as the officer promissed; and we are to goe to Councell in the afternoone. No information against you was put in yesterday. The issue of the whole you shall have p next. The

* Not found in the files.

† See No. LXXXIX.

messenger tarryes for these (the ship being at Gravesend and sayles this day); so cannot enlarge; if any thing extraordinary falls out, you shall have information by letter to the Downes, from

Sr, yo^r reall friend & serv^t

WM. WHITING.

To John Allyn Esq^r, [&c.]

No. XCVIII.

FROM THE SAME TO THE SAME.

[For. Corresp. II. 15.]

London, y^e 9th August, 1687.

Honrd Sr. My last to you was of y^e 14th June, advizing there was a Rule of Court past for yo^r appearance the last day of that Terme, or Judgement should pass against you. That afternoone (by advice of Councill) I sealed (in yo^r behalf) a warrant of attorney to one of the Clerks of the Crowne Office to appeare, w^{ch} he signified to his Maj^{ty}s officer there, but no information being then, nor since, given in against yo^r Collony, the case stands as it did; whether any will be put in between this & next terme, cannot learne. Sever^{ll} ships have come in lately from New England, and not one word from you. It is reported (by some newly come over) that you are for a surrend^r of yo^r Charter, but are devyded whether to come vnder Sr Edmond Andros or New York Govern^t; but in regard I have it not from you, doe not at present believe it. If you designe to answer what information shall be given in against you, and defend yo^r Charter, you must send more money; what is already rec^d will soone be gon; it must be done out of hand, or your affayres will suffer. With all due respect and service to the Govern^r, yo^rself & the rest of my employers, I am, Sr,

Yo^r reall friend & serv^t,

WM. WHITING.

For John Allyn Esq^r, Secret^{ry} [&c.]

No. XCIX.

FROM WM. WHITING TO SECRETARY ALLYN.

[For. Corresp. II. 17.]

London, y^e 21th Septemb^r, 1687.

Honrd Sr. I have yo^{rs} signed by ord^r of y^e Gen^{ll} Court of y^e 15th June last, and take notice of its contents. I writ you y^e 9th Aug^t by Capt. Bellcher, w^{ch} he promised to send forward as soone as he arrived. In yo^{rs} above mentioned you ord^r me to defend yo^r Charter and make answer to what shall be objected against you, but doe not furnish me wth money, without w^{ch} there is nothing to be done here; I have about 40^{li} in my hands of what you remitted me, w^{ch} will not be sufficient when we come to tryall, w^{ch} will be (I think) next terme; and for me to disburse money for a Govern^t that in all probability will be dissolved, is unreasonable to expect it; if any pticular p^{ns}ons would have been obliged to me to reimburse me, should have advanced money on y^e concern, w^{ch} cannot now be expected of me. I shall goe as far as I can, and wth as good improvem^t of what I have as may be. There is no information as yet given in against you, & suppose will not, till the begining of y^e next terme. When I have it, you shall have a cobby: and shall doe what I can for yo^r service, as long as I have anything to worke with. Give my service to the Gouvern^r and the rest of my employers, and accept it to yo^rself from, Sr,

Yo^r very humble serv^t,

WM. WHITING

To John Allyn Esq^r, Secret^{ry} [&c.]

No. C.

GOVERNOR DONGAN TO THE GENERAL COURT.

[Miscellaneous, I. 27.]

New York, October y^e 4th, 1687.

Gentlemen.

I lately had a letter from White Hall, that tells me, Gov^r Treat and Mr. Allen had writt thither desireing y^e Colony of Conecticut might be added to Boston, und^r S^r Edmond Androsse.* You cannot but think me greatly surprized at this intelligence, if you consider y^e correspondence y^t has bin

* See No. LXXXIX, and note.

between yo^r Gov^rn^r and myselfe. I am a man y^t did you all y^e good offices I could at y^e Court; and if I thought it so agreeable to yo^r Govern^t, I should be as forward in endeavouring y^e destruction of yo^r Charter as any person whatever.

As for your Gov^rn^r, he is an easy good natured gentleman, and I beleive has bin imposed uppon; but what interest has governed Mr. Allen, he knows best;* but if he considers y^e good of y^e inhabitants, and y^e scituacōn of both Governments, he cannot but be of another opinion, for if y^t should happen not to be joynd to this we must prove very uneasy to you.

Gentlemen, lett me advise you to submitt to the King's Govern^t, whilst it is in yo^r power, for you may easily perceiv on what a sandy foundation your own stands, when one or two men among you can dispose of you at their pleasures.

If you submitt to this, I doubt not in the least his Maj^{tie} and Councill (when I shall informe them of y^e reasons of your so doing) will confirm what agreem^t you make with me. The secureing this Govern^t from y^e invasion of y^e French will secure yours, and to that intent I go to Albany this winter and carry some men with me; therefore I should be very glad to have an ans^wr of this letter before I go. I am,

Your humble serv^t,

THO. DONGAN.

To the Generall Court held att
Hartford for the Colony of Conecticut,
These.

No. CI.

GOV. ANDROS TO GOV. TREAT.

[Miscellaneous, I. 28.]

Boston, Oct^r 22^d, 1687.

Sr.

This is to acquaint you that I have received effectuall orders and commands from his Ma^{tie} for Connecticott, annexed to this Government, (in a very gracious manner) with particuler regard and favour to y^rselfe. And resolve to send or be myself att Hartford ab^t the end of next weeke, pursuant there-

* Gov. Dongan could not forgive Gov. Treat and Secretary Allyn for their preference of Massachusetts to New York. "Connecticut is added by y^e fraud of y^e Govern^r & y^e Clerk unknowne to the rest of y^e Generall Court," he wrote to the Earl of Sunderland, in February, 1688,—“and for one that wishes it as it is, there is a hundred in that Colony that desyres it were annexed to y^e Govern^t of N. Yorke.” (Doc. Rel. to Hist. of N. York, III. 511.)

unto, to meete you and such Gent^a as you shall think fitt for his Ma^{ties} s^d service w^{ch} I will not doubt to y^r satisfac^ōn, and other his Ma^{ties} loyall subjects in y^r parts; and remain, Sr,
Yo^r very affectionate Friend,
[E. ANDROS.]*

To the Hono^{ble} Governo^r Treate,
These.†

No. CII.

CONNECTICUT ANNEXED TO THE GOVERNMENT OF SIR EDMUND ANDROS.

[Extracts from "Will and Doom, or the Miseries of Connecticut," &c., by Mr. Gershom Bulkeley.]

[In September, 1692, a paper was presented to Gov. Fletcher, of New York, containing "Some objections against the p^rsent p^rtended governm^t in Connecticut in N. England in America, Humbly tendered to consideration by EDWARD PALMES, WILL. ROSEWELL, GERSHOM BULKELEY." Gov. Fletcher transmitted it to the Committee for Trade and Plantations. It is printed, from the original in the State Paper Office, (New York Papers, III. E. 8.) in the third volume of Documents Rel. to the Hist. of New York, pp. 849-854. The authors profess their attachment to the government established by royal commission, under Sir Edm. Andros; declare that under it, they "came to understand and enjoy more of the laws and liberties of free and natural English subjects" than they had ever done under the Charter; object to the resumption of charter government, as "in opposition to and contempt of the crown," "utterly unlawful and inconsistent with their allegiance," "not a charter government, but a supreme government," "absolute, arbitrary and despotic," "so that in effect we have no law but, as they term it, *will and doom*," "with no certain rule of justice but what the Court, or this or that gentleman will," "resolved right or wrong to crush those who oppose their usurped and tyrannical authority," &c.]

The subscribers were men of property, of respectable position, and of more than ordinary intelligence; they had all held commissions under Andros, as justices of the peace, in their respective counties. Private grievances, and perhaps, disappointed ambition, united them in opposition to the charter government and to the men by whom it was now administered. Major Edward Palmes, was a son-in-law of the first Governor Winthrop. He had been employed in public service, commanded the forces of N. London county in the Narragansett war, and was nominated for the magistracy as early as 1674; but though his name was presented annually to the freemen, until 1683, he was never elected an assistant. His complaints of "arbitrary power," and of a "tendency to enslave his Majesty's subjects," began to be heard, in 1685. (See page 193, ante.) In 1690, as one of the executors of the will of Mr. John Liveen, he became involved in a controversy with the church and people of New London, in the prosecution of which he refused to acknowledge the authority of the inferior courts and, ultimately, of the charter government,—resumed without express warrant from the crown. Less is known of the causes of Mr. Rosewell's disaffection. He was one of the Justices appointed by Andros, and was continued in office, as a commissioner for Branford, at the revolution in 1689. The Rev. Gershom Bulkeley, of Wethersfield, had few superiors in the colony, in natural ability, professional learning, or general scholarship. He was a son of Rev. Peter Bulkeley, of Concord; born, Dec. 26, 1635; grad. H. C. 1655; preached at New London, 1661-1666; settled at Wethersfield, 1666; and withdrew from the work of the ministry, in 1677, and devoted himself to the practice of

* The signature has been torn off.

† Upon this notice, the governor summons the General Court to meet at Hartford about the same time, who accordingly attended (ready to receive his Excellency when he came,) and held a court, and some say also voted a submission to him, though of this we are not well assured, and possibly they made no record of it." Will and Doom.

medicine and surgery, in which he had already acquired a distinguished reputation. Overweening self-importance, obstinate adherence to his own opinions or prejudices, a litigious spirit, and the peculiarities of his political creed, detracted from his usefulness, and kept him almost continually at strife, with his parish, his neighbours, or the government of the colony. He had never been admitted a freeman of the colony; and the commission which he received from Andros, was of course vacated by the revolution. In the paper of "Objections" he declares himself "no Morellian nor Oliverian Republican, but a true friend to the true, legal English monarchy," and, his subsequent writings bear evidence that his loyalty was of the high-tory and passive obedience type.

The "Objections" do not appear to have attracted attention at home or abroad. They served however to open a correspondence with Gov. Fletcher, in whose subsequent controversies with the government of Connecticut, Palmes, Rosewell and Bulkeley appear to have taken a warm interest. In a letter to the Committee of Trade, in 1693, Fletcher alludes to them as "gentlemen of the best education, sense and estates," in the colony, who had "suffered very much by the arbitrary illegal proceedings there." (Doc. Rel. to Hist. of N. Y. III. 72.)

In December, 1692, these "Objections" were re-modelled, amplified, much additional matter introduced, and formally attested by the same individuals who had subscribed the original paper. The title of "Will and Doom," was now prefixed,—“or the Miseries of Connecticut by and under an Usurped and Arbitrary Power, being A Narrative of the first erection and exercise, but especially of the late changes and Administration of Government, in their Majesties Colony of Connecticut,” &c. The preface is dated Dec. 12, 1692, and signed *Philanax*.

In 1703, "Will and Doom" was placed in the hands of Lord Cornbury, (who, in concert with Joseph Dudley, was employing every means in his power to procure the abrogation or forfeiture of the Connecticut charter,) and by him forwarded to the Lords of Trade, June 30th, 1703, as "a book writ by Mr. Buckley, who is an inhabitant of Connecticut," showing "the methods of proceedings in that colony." (Doc. Rel. to Hist. of N. Y. IV. 1062.) Sir Henry Ashurst wrote to Gov. Winthrop, Feb. 1704-5, that "one Mr. Buckley, all by Mr. D's [Dudley's] contrivance has sent a large folio book, which he calls by the name of Will and Doom, or a history &c. wherein he mightily commends Sir Edmund Andros's government, and says all the malicious things he possibly can invent, with great cunning and art." (For. Corresp. II. 88.)

The manuscript is now in the State Paper Office, whence a copy of it was procured, some years since, (through the agency of Henry Stevens, Esq.) for the Conn. Historical Society. Its high-tory arguments for the divine right of kings and the obligation to passive obedience are without interest to modern readers; but the narrative portions contain some important facts, not elsewhere preserved, respecting the government of Andros and the revolution by which it was terminated.

The title of "Will and Doom" is derived from a colony law, made at the September Court, 1689. The authority of the revolutionary government had been called in question, and the collection of rates was likely to be thereby embarrassed. The Court ordered that if any persons should fail to give in their lists of rateable estate, before the October Court, the listers or General Court might "rate them, *will and doom*," or at discretion.]

"On Monday, October 31, 1687, Sir E. A. (with divers of the members of his Council and other gentl. attending him, and with his guard,) came to Hartford, where he was received with all respect and welcome congratulation that Connecticut was capable of. The troop of horse of that county conducted him honorably from the ferry through Waterfield,* up to Hart-

* So, in the Hist. Society's copy. Bulkeley doubtless wrote *Wethersfield*. Judge Sewall's Diary states that Andros went from Boston, by the way of "Woodcock's," a well known station on the old post road to Providence, now in Attleborough, Mass. It is probable, that he followed the principal (afterwards, the post) route, from Providence to New London, and thence struck across the country, to the Wethersfield (now Rocky Hill) ferry. He was attended by "a company of gentlemen and grenadiers, to the number of sixty or upwards." Elsewhere, Bulkeley states that Sir Edmund was expected by another way,—probably, by Springfield,—but that one of the assistants, "personally attending him in his journey to Hartford, posted away before him to the River," and authorized a constable to press men and boats to carry over the new governor and his retinue, "and then posted to Hartford to give notice of his coming that way, by means whereof the Troop was posted away to Wethersfield to meet and conduct his Excellency."

ford, where the trained bands of divers towns, (who had waited there some part of the week before, expecting his coming then, now again, being commanded by their leaders,) united to pay him their respects at his coming. Being arrived at Hartford, he is greeted and caressed by the gov^r and assistants, (whose part it was, being the heads of the people, to be most active in what was now to be done,) and some say, though I will not confidently assert it, that the Gov^r and one of the assistants did declare to him the vote of the Gen^l Court for their submission to him.

“However, after some treaty between his Excell^{cy} and them that evening, he was the next morning waited on and conducted by the Gov^r, deputy Gov^r, Assistants and Deputies, to the Court Chamber, and by the Gov^r himself directed to the Governor’s seat, and being there seated, (the late Gov^r, Assistants and Deputys being present, and the Chamber thronged as full of people as it was capable of,) his Excellency declared, that his Majesty had, according to their desire, given him a Commission to come and take on him the Government of Connecticut,—and caused his commission to be publickly read.

“That being done, his Excellency showed that it was his Majesty’s pleasure to make the late Gov^r and Capt. John Allyn members of his Council, and called upon them to take their oaths, which they did forthwith,—and all this in that publick and great assembly, nemine contradicente, only one man^s that they first desired that they might continue as they were.

“After this his Excellency proceeded to erect Courts of Judicature, and constituted the s^d Jn^o Allyn Esq^r Judge of the Inferiour Court of Common Pleas for the County of Hartford, and all other who before had been Assistants, and dwelling in the same County, he now made Justices of the Peace for the said County.”

“From hence his Excellency passed thro’ all the rest of the Countys of N. Haven, N. London & Fairfield, settling the Government, was every where chearfully and gratefully received, and erected the King’s Courts as aforesaid, wherein those who were before in the Office of Gov^r, Deputy Gov^r and Assistants, were made Judges of the Pleas or Justices of the Peace, not one excepted, nor (finally) excepting, but accepting the same, some few others being by his Excell^{cy} added to them in the several Countys, not without, but by and with their own advice and approbation, and all sworn by the oaths (of Allegiance and) of their respective offices, to do equal justice to rich and poor, after the Laws and Customs of the Realm of England and of this his Maj^{ty}s Dominion.

“His Excellency also made Sheriffs in the several Countys, and gave order for the making & swearing of Constables in the severall Towns, &c.

* * * * *

“The Secretary, who was well acquainted with all the transactions of the General Court, and very well understood their meaning and intent in all, delivered their common seal to Sr E. A.

* * * * *

“Superior Courts of Pleas and General Gaol Delivery, [held by Judges of the Circuit,] were soon after erected by his Excellency, with the advice of his Council for the several counties. * * The first of which superiour courts was held at New Haven on April 10th, 1688, for the Countys of New Haven and Fairfield, and at Hartford, on April 13th, for the Countys of Hartford and New London, and the like again in Sept^r, 1688, in their respective seasons. The General Sessions of the Peace also, and the inferiour Courts of the pleas were held in the several Countys at their appointed times respectively.”

No. CIII.

COMMISSION TO GOV. TREAT, AS COLONEL.



Sr EDMUND ANDROS Kn^t, Cap^t Gr^{all} and Governour in Cheife of his Maties Territory and Dominion of New England, To ROBERT TREET Esq^r *Greeting*: Reposing spetiall Trust and Confidence in your Loyalty, Courage and Good Conduct, I Doe by these p^rsents constitute and appoint you to be Collonell of the Militia within the County of New Haven (and

Captaine of a Troope of Horse or Dragoons to be raised in the Towne of New Haven in the said County): You are therefore Carefully and Dilligently to discharge the Duty of a Collonell and Cap^t, by Ordering and exerciseing the said Militia in Armes, both Officers and Souldiers, Keepeing them in good Order and DisciPLYNE, Co^manding them to Obey you as their Collonell and Captaine; and yourselfe to follow such Orders and Direc^ons as you shall receive from me or other your Superior Officers, according to the Rules and DisciPLYNE of Warr, Pursuant to the Trust reposed in you. Given under my hand

and seale* at New Haven the Seaventh day of November, in the third yeare of the Raigne of our Sov^raigne Lord James the Second, by the Grace of God, of England, Scotland, France and Ireland, King, Defend^r of the Faith, &c. Annoq. Dni. 1687.

By his Excell's Co^mmand,
JOHN WEST, D. Sec'ry.

E. ANDROS.

No. CIV.

GOV. ANDROS TO JOHN ALLYN.

[Miscell. I. 30. Holograph.]

Boston y^e 23 Nov^{br}, 1687.

Sr. You will herewith receive the orders for a Generall Thancksgiving day to Almighty God, to be a Thursday y^e 1st of Dec^r, and humbly to implore the continuance of his blessings; w^{ch} I pray you will take care to send to all places &, if no oportunitys, by expresse that they may have timely notice to observe itt religiously as itt ought.

You will also receive from Mr. West the copy of a bill enforcing the Acts passed in y^r parts and asserting the times of Courts, on w^{ch} I pray to hear from you as soon as may be, in any thing may be proper or convenient accordingly for any y^r parts.

You will also by this or the next oportunitie receive a Comision for y^rselfe & others to be judges of y^e severall inferiour courts of pleas,† & Mr. Whiting‡ to be clark att Hartford.

* The seal used by Sir Edmond Andros, while Governor of New England, (a fine impression of which is preserved on the above commission,) bears—quarterly, first and fourth, on a chevron, between three leopards' faces, as many castles triple towered, [for the seignory of Sausmarez]; second and third, a saltire voided, on a chief three mullets. Crest, a falcon affrontant, wings expanded. Supporters; dexter, a unicorn, gorged; sinister, a greyhound, tail cowarded, gorged. The motto is not legible. That of the family of Sausmarez, (to which the Crest and supporters belong, is "*In Deo Spero*." (Burke's Armory.) The bearings of the second and third quarters are given by Burke as those of Andrewes, of London, and Andrews of Doddington. The arms of the Andros family of Guernsey (to which Sir Edmund belonged) are described in Berry's Hist. of Guernsey, (p. 138,) as, "A chevron between three pelicans vulning themselves."

The great seal appointed for New England under the administration of Andros, was, as Chalmers states, "honoured with a remarkable motto: *nunquam libertas gratior extat*." (Pol. Annals, I. 463.)

† "Robert Treat Esq. and John Allyn Esq. were Councillors. These same gentlemen and Nathan Gold Esq^r were Judges of the Pleas in their respective counties." Will and Doom.

‡ Joseph Whiting, who had been treasurer of the Colony since 1678. He married, in 1676, (his second wife,) a daughter of Secretary Allyn. See note on page 13, *ante*.

I have spoke to Perry* of his going betwene this & Hartford, once a month, this winter, if nott further as far as Fairfield and Stamford, as I designe oftener in the spring, on w^{ch} I desire y^r opinion & advise, & if by one man or severall, or from town to town, as is usuall for postage in Urope. Comenations the magistrates and all freinds with you. I am y^r affectionate freind,

E. ANDROS.

For John Allyn Esq^r
One of His Ma^{ties} Council,
att Hartford.

No. CV.

JOHN WEST,† DEPUTY SECRETARY, TO JOHN ALLYN.

[Miscell. I. 32.]

Boston, Nov^r 23^d, 1687.

S^r: His Excell^y hath thought fitt in Council to appoint Thursday, y^e first day of December, to be a publique day of Praise and Thanksgiveing to Almighty God thro'out this Dominion, & therefore y^e inclosed ord^{rs} are sent unto you, with his Ma^{ties} gracious Declarⁿ for Liberty of Conscience;‡ desiring that you will forthwith upon receipt send them to y^e severall countys in yo^r Parts, that all may have convenient knowledge thereof & y^e same be duly observed accordingly.

* The name of "John Perry the post" often occurs in correspondence of this period. His route was subsequently extended to New York, where, in Leisler's time, his fidelity to his employers brought him into trouble. See Doc. Rel. to Hist. of N. York, III. 656, 661, 682, &c.

† John West, a merchant of New York, was appointed by Andros, in 1680, secretary of the province, clerk of the court of assizes, and city clerk. He was succeeded as provincial secretary by John Spragg, in 1683. Upon Andros's return as governor of New England, West repaired to Boston, where, by an arrangement with Randolph, he was constituted deputy secretary of the council, and in that situation drew to himself no small share of the odium which attached to the government of his patron. (Doc. Rel. to Hist. of New York, III. 351, 657, note: Hutchinson's Hist., I. 358, 359, 372.) His correspondence with John Allyn displays none of the traits of character which rendered him the object of such universal detestation in Massachusetts. Mr. Allyn, with the same tact he had displayed in his official intercourse with Dudley and with Dongan, succeeded in establishing amicable relations with West as well as with Andros: and to the good offices of the deputy secretary, Connecticut doubtless owed much of her comparative exemption from the evils of arbitrary government, during the usurpation.

‡ The memorable Declaration of Indulgence, was published on the 4th of April, 1687. It suspended all penal laws against all classes of non-conformists; authorized Roman Catholics and Protestant dissenters to perform public worship; forbade the molestation of any religious assembly; abrogated all laws imposing a religious test as a qualification for office; and granted entire liberty of conscience, to all the King's subjects. "The King, finding himself opposed by the church, began to pay court to the dissenters; and he imagined that, by playing one party against another, he should easily obtain the victory over both; a refined policy which it much exceeded his capacity to conduct. His intentions were so obvious, that it was impossible for him to gain the sincere confidence and regard of the non-conformists." (Hume.)

Wee reached this place on Wednesday ye. 16th past, and his Excell^y is pritty well, and desires kindly to be remembered to you. An Act for Inforceing y^e former Laws lately made by y^e Gov^r & Councill, to be observed in yo^r parts, and for settleing y^e times & places of holding Courts there, was this day read in Councill y^e first time and comitted; and when passed shall send you that, with coppyes of y^e laws, and what else relates thereunto, by y^e first conveyance. The Superiour Courts are designed to be kept twice a yeare att New Haven & Hartford, and to the latter Hampshire to attend, w^{ch} beleeve will well answer yo^r occasions; if otherwise, may advise.

His Excell^y desires to be informed abt yo^r Collony's Debts, what they are, & what to be done abt y^e Rate passed by y^e late Generall Court; that soe what you moved may be answered: abt w^{ch} please to send an account. I hope all is well with you, & shall be glad of any oppertunity to doe you service, who am, Sr, yo^r affectionate friend & humble servant,

JOHN WEST.

My service to yo^r Lady & all
friends, pticularly Mr. Woodbery.*

To Jn^o Allen Esqr, one of his Ma^{ties} Councill &c.
att Hartford.

No. CVI.

FROM THE SAME TO THE SAME.

[Miscell. I. 33.]

Boston, Novembr 24th, 1687.

Sr: Inclosed is a Ccopy of y^e Act of which in my other Letter to you men^{con} is made.† Please to puse and consider of y^e same, and give yo^r thoughts thereupon by the first oppertunity, for his Excell^y is not willing to passe the same till he heares from you therein, and to save you trouble of a journey takes this method.

I give you my most humble service, and assure you that on all occasions I will be, Sr,

Yo^r reall friend & humble serv^t,

JOHN WEST.

To Jn^o Allen Esqr., one of his Ma^{ties}
Councill &c., att Hartford.

* Mr. Timothy Woodbridge? or Capt. Benjamin Newbery?

† See No. CXIII.

No. CVII.

JOHN ALLYN TO SECRETARY WEST.

[Miscell. I. 34, a.]

Hartford, December 5, 1687.

Much respected Sr: My respects and service to yourselfe and Mrs. West being p^resented, these are to beg your pardon for that you heard not from me the last week by Mr. Wolcot. I had such short notice of the oppertunety that I could not get a letter ready for you, whereby I was crost in my purposes to salute you then, and therefore shall take this oppertunety to be more large wth you. I am glad to hear that after your long journey you had a good return home, and fownd all things well, which mercy God continue to you.

Sr, your letters wth the orders for the Thankesgiving I rece^d Satturday night at nine of the clock, and posted them away forthwth to the severall places and townes throughout the Colony; and I beleive no place hath fayled of receiving them, and I hope they have all been attended accordingly.

I rece^d the copy of the Act for inforcing the former laws w^{ch} you made, and for stateing of Courts here, which is no other then was expected and must be attended. But give me leave to suggest, that if his Excelency could see reason to grant the Court of Quarter Sessions power to try any actions under the value of thirty pownds, or 20^{li}, it would be accomadateing to the people here, and to o^r merchants and others it would be a kindnesse; which please Sr to promoate. Another thing I propownd to your consideration is, if it may be granted, the change of the Court of Assize at Hartford from Fryday to Tewsday. Beginning on the Fryday, will keep the people from their habitations on Sunday, and so be at greater charges. But if it be on Tewsday, the people may com from the severall parts to Hartford on Munday, and as soon as their occasions are issued, may return with as litle charge as may be.

Allso I must request you to send an order, to myselfe or to whom he shall see reason, to give Capt. Newbery the oath of a Justice &c. and an order about the gathering the country rate. I have sent an acco^t of the debts so far as I can com at them. Ther is Stoneington, Saybrook, Kenilworth and Woodbury, their acco^{ts} are not yet come to hand. I suppose some way or other they have miscarryed. [It will be very requisit that an order be given for the speedy gathering of the same. The old Treas^r, Mr. Joseph Whiting, will be very capeable of ordering it so as it may best suit every man's occasions that

are to receive.]* This accot now sent I examined myselfe and I know no erro^r in it. The salarys granted by the Court are included in y^e su^mes belonging to y^e person to whom y^r are granted. If his Excelency see meet, the old Treasurer will be capeable to order y^e same so as may best [*serve*] every man's occasions as are to receive, and doeing that and exacting of y^e constables y^r accot, his whole salery will be due, which please to farther [?].

S^r, as to my own salery, it is so litle, and I have finished all y^e stated Courts wthin the yeare, that which remaynes will only be profit to me, so that I hope his Excellency will not abate any of it.

There are also severall judgments of Courts against perticuler persons, upon actions tryed in the Courts, and also some judgments acknowledged by persons against themselves. Some order for executions in such cases are desired. If his Excelency please to impower me to doe it, the records being in my hand, I shall attend it, or otherwise as his Excelency pleases to order shall be contentfull to me, but pray doe something in it.

S^r, Somtime before the chang of goverment here, ther was a young man who was possessed of a house and land and other estate to the value of about 400^{li}. He was kild by a fall of a piece of block [?] on his head: left 3 brothers elder then himself and 1 younger then himselfe, and 2 sisters.† The elder broth. and the younger clayme the whole of the estate, each of them; the rest of the children, they say that according to o^r law and custom here, it should be divided amongst them, that being o^r law and custom, their brother deceasing in those times. Please to lend your opinion on the case, and let me hear from you by the next. Also pray let me hear also, whither it be not necessary that the houseing and land should be inventoryed. Some say it should not, and [the eldest son refuses to let it be inventoryed]* there are sundry occasions that doe require a resolve. As soone as the lawes come up, the case will com to Boston. Please to let me hear w^t y^e charge will be of it, proueing, recording an inventory and letters of administration: some must look that way. One thing more: if there be excise to be put upon the drinck sellers here, if his Excelency see meet, I propownd Sarjt Zachary Sandford to be a suitable person to look after it: he will be a man that will be thorow in it, and may be procured to looke after it, I beleive.

* Crossed out from Mr. Allyn's original draft.

† See the letter from Col. Mason, No. CXI, and note.

Sr, I have made bold wth yourselfe to lay these things before you, and leave it wth your wisdom to move them to his Excellency in the way you judg best. Begging your pardon for this trouble, [and desireing your favour as there shall be occasion, that if any misrepresentation of me to yourselfe or any others should be made, one thing I would remember, to keep one ear open to hear what I have to say,]* with my best respects to yourselfe and lady, I am, Sr, your affectionate freind and servant,

JOHN ALLYN.

These for John West Esqr, Dept. Sec^{ry},
at his house in Boston, this dd.

No. CVIII.

JOHN ALLYN TO SIR EDMUND ANDROS.

[Miscell., I. 34, b.]

Hartford, Dec. 5, 1687.

Most Excelent Sr:

I return you my thanks for the Hono^r of your letter by Jn^o Perry, Nov^r 23, last, wth w^{ch} I rece^d your Excellency's order for the Thankesgiving day, which cam to me at 9 of the night Saturday night, which I was forced to post away forthwith by Express to every place, or els they would not have had timely notice of it: but by soe doeing, I beleive all had notice and did give attendance accordingly.

Sr, as to the Bill your Excellency mentioned in your letter, Mr. West sent me a cobby of it which I have perused and am of opinion that it is very necessary; [as to the severall acts or lawes mentioned therein, I have nothing to object against what is done, and beleive what is ordered will readily be attended;]* for o^r people here have no other expectations but that they shall be under the same law as their neighbours are in the other provinces under your Excelencies government. It would be acco^{td} a great favour if your Excellency should see meet to grant that the Court of Quarter Sessions might have power to try any action, title to land onely excepted, under the value of twenty or thirty pownds; it would be some advantage to the people here; they thinke so. I also make bold to propownd whether the Court of Assizes at Hartford might not be altered from Fryday to the Tewsday followeing the Assizes at New

* Crossed out from Mr. Allyn's original draft.

Haven; for its being at Hartford on Fryday, if much busines should be, will keep the people from their homes on the Sabbath, and so put them to more charge; which if it be on the Tewsdays, they may com from the severall townes on the Monday and return agayn as their occassions are issued, wth as little charge as may be.

S^r, your appoyntment of a Post I hope will be of very good use. Thereby there will be opportunity of conveying intelligence from one end of the country to another, and I beleive Perry will undertake once a month to pass from Fayrefield to Boston in the winter and once in 3 weekes in the su^mer, or oftener if your Excelency desire it, and the charge of it upon the whole will be no great matter; should it be put upon letters at first, I believe it will not answer the charge to satisfy the post; but if it were tryed one year by a salery, the better guess may be given for a future settlement of it, as your Excelency shall see meet.

[I have made bold to inclose a letter from Col. Dongan to o^r late Govern^r, which I was desireous your Excelency should see. I did not judg it convenient to be sent as directed. Col. Pinchon and Mr. Willys having opened it, and the contents of it being known, I was afraid that in conjunction wth some reports which John Perry can inform your Excelency of, from New Yorke, may have no good effect upon the people in some of the townes near Yorke. The reports are as if they are still in expectation of y^s Colony being joyned to y^m.]*

Some other things I have troubled Mr. West with, which I hope he will acquaint your Excelency wth; and now, S^r, wth my humble service to your Excelency, I subscribe my selfe, Most excellent S^r,

Your very humble servant,
JOHN ALLYN.

S^r, Col. Dongan haveing sent a letter to o^r late Gov^r, under the title of Gov^r of Conecticut &c., I have procured Mr. Willys by this post to give your Excelency a copy of it; because I look upon it to be very inconvenient as times are wth us, and hope your Excelency will give him notice thereof by the next opportunity. †

* This paragraph is crossed out, and from the postscript it appears that a copy of Gov. Dongan's letter, instead of the original, was forwarded to Andros.

† No copy of this letter has been found. Its purport may be learned from Lieut. Col. Talcott's letter,—which next follows.

No. CIX.

LIEUT. COL. JOHN TALCOTT TO SIR EDMUND ANDROS.

[Re-printed from Mass. Hist. Collections, 3d Series, III. 167-169.]

Hartford, Dec: 5, 1687.

Right Hon^{able} Sr

Being enformed p^r Captⁿ Allyn that a letter was sent from Albany by order of Gov^r Dongan's Excellency, with an express for 200 foot Sould^{rs} and 50 troopers, to be raysed out of this western part of y^e king's territory under your Excellency's Gov^{rt} to be at Albany the latter end of Aprill next, the officers to have money to discharg what shall be necessary for their sould^{rs} expences. May it pleas yo^r Excellency this motion at this juncture seems to be the product of irritation, if judgment may be given upon the first blush of matters: altho' it is a matter too high for me to give advice, if I had known the grounds of that unhappy rupture that is happened twixt the English and French Governments; yet with leave humbly profer my poor raged notions at yo^r Excellencyes feet. Myselfe being a person all together a strang^r to y^e cause of the war, desireing in generall to propose to yo^r Excellency whether it may not be a good expedient to send advice to Gov^r Dongan to move the French Generall for a sussasion of armes, and so a truce for 8 or 9 moneths, that a dispatcht may be made to his Mat^{ie} that the crown of England and France may give their just resolves on y^e case; that those poor subjects that are but the skirts of two Christian Nations may not proceed in a War, at their own pleasure, in which if this his Mat^{ies} territory should be esspoused, may expect great expences, a devastation of o^r plantations, and the effusion of much Christian blood, and the Country brought into poverty, as was o^r case in the last Indian war, in which yo^r Excellency did very honourably and wisely prevent the barbarous heathen from drawing the sword against his Mat^{es} subjects in the territory of New York, and then under yo^r governm^t; Wherefore as o^r eyes are upon yo^r Excellency for good conduct and gov^rm^t we cannot but beleive you will protect and defend us in all things so far as is just to be done. And that we may not be engaged in a bloody war for y^e may'tey'ing litigious boundaryes twixt English and French, (I desire to speake without reflection upon y^e meanest man, much less upon any Gent^m or person of honor) for the sake of a bever trade, to be upheld by the point of the sword, for y^e inriching a few mercenary spirrited men. I haveing formerly been under the sorrowfull circumstances

of a sad war with the heathen, makes me y^e more bold with yo^r Excellency: The old proverb being true, the burnt child dreads the fire, and therefore hope I shall be y^e more excusable. I am sorry that I have occasioned this trouble to yo^r patience; beging pardon for my rudeness, shall only desire and pray that the God of Gods, y^e Lord of Lords, the Wonderfull Counciller may be with your Excellencye, in all yo^r weighty affaires, and with yo^r Hono^{abl} Council that all yo^r issues may be peace and safety to o^r N: England Israel.

The post has a letter for Yo^r Excellency to y^e same purposce to rayse sould^{rs} there.

Right hono^{rabl} S^r give me leave to subscribe myselfe yo^r Excellencyes most humbly devoted and faithfull Ser^t

JOHN TALCOTT.

No. CX.

COL. ROBERT MASON TO JOHN ALLYN.

[Miscellaneous, I. 35.]

S^r: I am desired by Mr. Tho. Wells of Connecticut,* the bearer hereof, to inform you of the law of England in matter of descent of lands, as to the case of this person. His younger brother dyes without will or any way disposing of his land. The eldest brother, in that case, is by the Common Law of England, heyre to the younger brother, and none of the younger brothers can pretend unto it. His Excellency the Governor hath granted administration of the personal estate of the deceased, unto this person, as being next of kind. Lands are never deemed a personal, but a real estate, and therefore are never appraised or brought into an inventory as chattles of the deceased. I am, with due respects, S^r,

Your friend and servant,

ROBERT MASON.

Boston, 14 December, 1687.

To John Alleyn Esq^r, one of the members
of His Maj^{ty}s Council, in Hartford.

* See Mr. Allyn's letter, p. 396, *ante*. Thomas Wells was the eldest son of Thomas and Hannah Wells, of Hartford. This decision in his favor as heir to his deceased brother (Jonathan,) was reversed by the Colonial Courts, after the revolution. In November, 1690, the inventory of the estate of Jonathan Wells having been presented to the court of probate for Hartford county, the court ordered an equal distribution to his surviving brothers and sisters, and this order was confirmed and established by the Court of Assistants in 1691. Hartford Co. Prob. Rec. V. 21, 25: Court of Assist's, II. 9, 16.

No. CXI.

ORDER FOR LEVYING THE COLONY RATE.

[From the Massachusetts Archives; "Usurpation" Papers, III. 10.]

Att a Councill &c. 4th Jan. 1687.

ORDERED, That Mr. Joseph Whiteing y^e late Treasurer of y^e Collony of Connecticott doe forthwith issue forth his warrants for y^e Collecting & Levying of y^e Country Rate appointed to be payd by the late Generall Court there, & that he dispose thereof for paym^t of such debts due from y^e s^d Collony as shall be allowed & certified by Coll. Rob^t Treat, Jⁿ^o Allen Esq^r & Lei^u^t Coll. Jⁿ^o. Talkott, or any two of them, who are hereby authorized & desired to examine & certifie y^e same accordingly.

And that y^e s^d Treasurer doe keep a true & p^fect account of what y^e s^d Rate doth amount unto, & of y^e Disbursem^{ts} & Paym^{ts} by him to be made as before directed.

 No. CXII.

ORDER FOR THE EXECUTION OF FORMER JUDGMENTS, AND FOR THE ISSUE OF CAUSES PENDING.

[Mass. Archives; "Usurpation," III. 10.]

Att a Councill &c. 4 Jan. 1687.

ORDERED, That upon all Judgm^{ts} that have been obtained in any of y^e Courts of Assistants or Generall Courts holden in y^e late Collony of Connecticott within one yeare p^rceeding y^e Date hereof & not yet executed, Execu^{co}ns shall issue out from y^e Clerk's office of y^e Superiour Court, & on all Judgm^{ts} within that *that* time in any of y^e County Courts Execu^{co}n shall & may be made out by the respective Clerks of y^e Sessions & Inferiour Courts in y^e severall Countyes. But noe Execu^{co}n to issue out on any Judgm^t aboue a yeare before a writt of Scire Facias be sued out & returned & ord^r giuen for Execu^{co}n accordingly. And that all Causes & ac^{co}ns now depending in any of y^e s^d late Courts of Assistants or Generall Courts be heard & determined att y^e next Superiour Court & all ac^{co}ns depending in any of y^e s^d County Courts att y^e next Inferiour Court unlesse remoued to y^e Superiour Court afores^d.

No. CXIII.

LAWS ENACTED BY GOVERNOR ANDROS AND HIS COUNCIL.

[A copy of the bill for an act declaring the laws which had been made by the Governor and Council for New England, to be of force in Connecticut, which was enclosed in John West's letter to Mr. Allyn, of November 24th, is bound with Miscellaneous Papers, Vol. I. Doc. 31. No copy of the laws themselves, or of any one of them, is now preserved in the Secretary's office, and it was not until after much inquiry and fruitless search, that they were found in the manuscript pages appended to a copy of the first Book of the Colony Laws (ed. 1673), belonging to the library of Yale College. This volume, at the period of the usurpation, was in the possession of Mr. John Wadsworth Sen., of Farmington, (one of the Assistants from 1679 to 1689,) who carefully recorded in it the acts and orders of each session of the General Court from May, 1673, to March, 1687, and "the Laws of the Territory of New England," in force during the government of Andros in Connecticut. These last fill thirty-eight closely written pages,—mostly written by Mr. Wadsworth himself, with the occasional assistance of his son, John Wadsworth Jun., and of some other person whose handwriting has not been identified. They are arranged in the order in which they are named in the enforcing act,—the acts which were passed subsequent to the annexation of Connecticut, following in course. It has been thought best to publish these laws entire, and altogether, in this place,—although a chronological arrangement would refer several of them to subsequent pages of the Appendix. In transcribing them for the press it has not been judged worth while to retain the peculiar orthography or the contractions and abbreviations of Mr. Wadsworth's record.]

An Act for declaring the several laws made by the Governour and Council to be in force within the late Colony of Connecticut now annexed to this Government, and for settling the Times and Places of holding Courts there.

Whereas his most Sacred Majesty our dread Sovereign hath been graciously pleased to annex the late Colony of Connecticut to this Territory and Dominion of New England and to establish the same under one entire Government and Dominion: And Whereas several good and wholesome Laws have been lately made and enacted by the Governour and Council for the good rule, order and government of the said Dominion, which are as necessary and agreeable unto that part of his Majesty's Territory now newly annexed as to the rest of the said Dominion under this Government,

Be it therefore enacted by the Governour and Council, and it is hereby enacted and ordained by the authority of the same, That [from and after the day of , next ensuing] the several Acts and Laws hereafter mentioned and expressed, made by the Governour and Council within the Territory and Dominion aforesaid, shall be of force in and throughout all that part of this Government lately called the Colony of Connecticut, now annexed, as fully and effectually as if the same had been under this Government when the same were severally enacted, that is to say,—*

1. An Act for the continuing and establishing of severall Rates, Duties and Imposts.
2. An Act establishing Courts of Judicature and Publique Justice.

* This clause is omitted from Mr. Wadsworth's copy.

3. An Act empowering Justices of the Peace to decide differences not exceeding Forty shillings.
4. An Act against Pirates, and for prevention of Piracy.
5. An Act settling the value of Pieces of Eight.
6. An Act for regulating the Assize of Cask, and preventing deceit in Packing of Fish, Beef and Pork for sale.
7. An Act for the regulation of Cattle, Corn Fields and Fences.
8. An Act for the due regulation of Weights and Measures.
9. An Act for Destroying of Wolves.
10. An Act for regulating the purchase of Lands from Indians.
11. An Act for Probate of Wills and granting Letters of Administration.
12. An Act for regulating the Fishing trade and Fishermen: and one other act intituled,
13. An Act for making of Barrells, Kilderkins, and other Vessells used for Ale or Beer and Syder, and for regulating the Assize of Boards.

And it is further enacted by the authority aforesaid, That there shall be holden quarterly a Court of Sessions within the several counties of Hartford, New London, New Haven and Fairfield, (at such times and places as hereafter are mentioned and expressed, (that is to say,) at Hartford, for the county of Hartford, on the first Wednesdays in March, June, September and December; at New London, for the county of New London, the second Wednesdays in March, June, September and December; at New Haven, for the county of New Haven, on the third Wednesdays in March, June, September and December; at Fairfield, for the county of Fairfield, on the fourth Wednesdays in March, June, September and December.

And it is further enacted, by the authority aforesaid, That in each of the said counties there shall be an Inferior Court of Pleas to be holden and kept at the same times and places as the said Courts of Sessions shall be held at, and to be opened soon after the said Sessions are ended. And to the end there may be no failure of justice in all cases within the counties aforesaid,

It is hereby further enacted by the authority aforesaid, [That the Superiour Court of Judicature shall be held and kept twice in every year]* at the several times and places following, (that is to say,) at New Haven, for the counties of New Haven and Fairfield, on the Tuesday following the several courts in the circuit at Rhode Island, [the which circuit is to begin and be holden at Plymouth, for the counties of Plymouth and Barnstable, on the last Wednesday in March and September, and the Fridays following at Bristol, for the county of Bristol, and the Tuesday after at Newport for Rhode Island, King's Province and Providence plantations,]† and at Hartford, for the counties of Hartford and New London, on the Fridays follow-

* As recorded by Mr. Wadsworth, this clause reads, "That the Judges or one of them do go that circuit twice every year, and hold and keep the Superiour Court of Judicature," &c.

† From Mr. Wadsworth's record,—not in West's draft.

ing the said courts at New Haven, [any former act or order to the contrary notwithstanding.]*

And it is further enacted by the authority aforesaid, That in regard the several towns in the county of Hampshire are situated near Hartford aforesaid, the Superiour Court of Judicature shall not longer be held and kept within the said county, but all laws and causes for the future there arising proper for the said Court, to be heard, issued and determined at the Courts appointed to be holden at Hartford as aforesaid.

And whereas by reason of the appointing one Superiour Court of Judicature to be holden for several counties, some difficulty may arise about the several Sheriffs of the respective counties giving their attendance on the said Court,—

It is therefore further enacted, by the authority aforesaid, That the Sheriffs for the time being of the several counties of Barnstable, Fairfield, New London and Hampshire do send their deputies or under sheriffs to attend at such Superiour Courts as are appointed for the said counties, wheresoever the same shall be held, and there make due returns of all writs and precepts which to the said several Sheriffs have been directed. And the said several Sheriffs of the counties aforesaid when and so often as they shall be by such writ or precept commanded to do the same, by his said deputy or under-sheriff shall return and send a Jury or Juries to the said Superiour Court, for trial of causes between party or parties or otherwise; any former law or usage to the contrary notwithstanding.†

And whereas by former acts entitled An Act for [establishing Courts of] Judicature and Publique Justice, [the several Inferiour] Courts of Common Pleas were limited and appointed to have jurisdiction over all causes only wherein any freehold is not concerned, to the value of ten pounds with costs, and no more, except in the county [of] Suffolk where the jurisdiction of the said court extended to twenty pounds with costs and no more, and all causes and actions whatsoever above that value or wherein any freehold was concerned were to be commenced and prosecuted at the Superiour Court of Judicature; the which, by reason of the remoteness of the judges, clerks, attorneys and other officers and ministers of the said court from divers parties and places within the said Dominion, hath been found of great trouble, expense, prejudice and inconveniency to several persons who have been forced to sue in the said court, and thereby not answered the end designed, which was the due and speedy administration of justice; to remedy which for the future,

Be it enacted by the Governour and Council, and it is hereby enacted and ordained by the authority of the same, that from henceforth the several Inferiour Courts of Pleas to be holden within the respective counties in this Territory and Dominion of New England,

* From Mr. Wadsworth's record,—not in West's draft.

† Mr. West's copy, enclosed to Mr. Allyn, ends here. What follows is from Mr. Wadsworth's record. The addition to the original bill, by which the jurisdiction of the inferior courts was enlarged, was added at Mr. Allyn's request and for the accommodation of the people of Connecticut. See Allyn's letters to Andros and West, (No. CVII, CVIII,) and West's reply, (No. CXIV.)

shall have power and jurisdiction in all causes and cases personal and mixed wherein title of land is not concerned, to any sum or value whatever; and that the several clerks of the said courts shall and may issue out writs to any sum or value accordingly, any thing in the said act before recited to the contrary notwithstanding.

Provided always, and it is hereby enacted by the authority aforesaid, that it shall and may be lawful to and for any defendant or defendants, if he or they see meet, to remove any action, cause or suit from any of the said Inferiour Courts to the Superiour Court of Judicature, by a writ of Habeas Corpus or Certiorari, which are to issue out of the clerk's office of the Superiour Court aforesaid, special bail being first given before one of the judges of the said Inferiour Courts by the party or parties desiring the same, and certified in the said clerk's office accordingly.

Provided always, and it is hereby further enacted by the authority aforesaid, that where any defendant or defendants in any of the Inferiour Courts aforesaid, shall offer to remove his or their suit or action to the Superiour Court, and to give special bail to answer the same and abide the determination of that court, that the same shall be admitted and taken, and such convey[ment time allowed for] the bringing of the said writ of [Habeas Corpus or Certiorari as] the distance of such court from Boston may require: provided that no longer time be given than to the court following after such offer made of removal and bail given as aforesaid.

And forasmuch as the often holding of the Superiour courts in the circuit in the counties of Middlesex and Essex is found to give more trouble and charge to his Majesty's subjects than necessity of business and suits requires, and in regard to their nearness to Boston, where all causes may be tried, *It is therefore enacted* by the authority aforesaid, that for the future the said court shall be only holden twice every year in each of the said counties, (that is to say,) for the county of Middlesex, at Charlestown, Cambridge or Concord, on the first Tuesdays in May and November, and for the county of Essex, at Salem or Ipswich, on the first Wednesdays in March and September; the Mondays following each of which courts in Essex, the same is to be holden at Portsmouth, as in the Act for settling Courts is provided: any former act or order to the contrary notwithstanding.

Boston, the twenty-ninth day of December, in the 3d year of his Majesty's reign, Annoque Domini, 1687.

Examined per JOHN WEST, Dep. Sec'ry.

(1.)

An Act for the continuing and establishing of several Rates, Duties and Imposts.

Be it enacted by the Governour and Council, and it is hereby enacted and ordained by the authority of the same, That the several

rates, duties and imposts hereafter mentioned and expressed be and are hereby continued and established to be paid to his Majesty towards the support of the government and defraying the public charge thereof, and to be collected and levied in the manner and form as herein is directed and prescribed, that is to say; that the treasurer for the time being shall, from year to year, in the month of July, without expecting any other order, send his warrant to the constable and selectmen of every town within this territory and dominion, requiring the constable to call together the inhabitants of the town, who being so assembled, shall choose some one of the said inhabitants to be a commissioner for the town, who together with the select men shall, some time in the month of August then next ensuing, make a list of all the male p[ersons in] the same town from sixteen years old and upwards, and [a true estimation of all] real and personal estates being or [reputed to be the] estate of all and every the persons in the same town or otherwise under their custody or managing, according to the just valuation and to what person the same doth belong, whether in their own town or elsewhere, so near as they can by all lawful means which they may use; (that is to say,) of houses, lands of all sorts, as well broken up as other, (except such as doth or shall lye common), mills, ships and all small vessels, merchantable goods, cranes, wharves, and all sorts of cattle, and all other known estate whatsoever, at sea or on shore; all which persons and estates are by the said commissioner and selectmen to be assessed and rated as hereafter followeth, that is to say: every person aforesaid, except the members of his Majesty's council, one shilling and eight pence by the head, and all estate both real and personal at one penny for every twenty shillings, according to the rate of cattle hereafter mentioned; the estates of all merchants, shop-keepers and factors shall be assessed by the rule of common estimation, according to the best discretion of the assessors, having regard to their stock and estate, be it presented to view or not, in whose hands soever it be; and if any such merchants find themselves over-valued, if they can make it appear to the assessors they are to be eased by them, if not, by the next Court of Sessions; and houses and lands of all sorts (except as aforesaid) shall be rated at an equal and indifferent value, according to their worth in the towns and places where they lie: every bull and cow of four years old and upward at three pounds; heifers and steers between three and four years old, at fifty shillings, and between two and three years old at forty shillings, and between one and two years old at twenty shillings, and every ox at four year old and upwards at five pounds; and every horse and mare of three year old and upwards, at five pound; between two and three, at three pounds; of one year old and upward, at thirty shillings: every ewe sheep above one year old, at ten shillings: every goat above one year old, at eight shillings: every wether sheep above one year old, at ten shillings: every swine above a year old at twenty shillings: every ass above one year old at forty shillings: and all cattle of all sorts, under a year old are hereby exempted, as [also] all hay and corn in the husbandman's hands, because meadow and arable ground and cattle are rateable as a[foresaid].

[And all such perso]ns as by the advantage of their [arts] and trades are more enabled to help bear the publick charges than common labourers and workmen, as butchers, bakers, wrewers (brewers?), victuallers, smiths, carpenters, tailors, shoemakers, joiners, barbers, millers and masons, with all other manual persons and artists, such are to be rated for returns and gains proportionable with other men for the produce of their estates; provided, that the rate by the poll, such persons as are disinabled by sickness, lameness, or other infirmity, shall be exempted. And for such servants and children as take not wages, their parents and masters shall pay for them, but such as take wages shall pay for themselves.

And it is further enacted by the authority aforesaid, that the commissioners for the several towns in every shire or county within this dominion, shall yearly, upon the first Wednesday in the month of September, assemble at their shire or county town, and bring with them, fairly written, the just number of males listed as aforesaid, and the assessments of estate made in their several towns, according to the rules and directions in this present Act expressed. And the said commissioners being so assembled shall due[ly] and carefully examine all the said lists and assessments of the several towns in that shire or county, and shall correct and perfect the same, according to the true intent of this act, as they or the major part of them shall determine, and the same so perfected they shall speedily transmit to the treasurer under their hands, or the hands of the major part of them; and thereupon the treasurer shall give warrants to the constables to collect and levy the same, so as the whole assessments both for persons and estates may be paid unto the treasurer before the twentieth day of November yearly. And every one shall pay their rate to the constable in the same town where it shall be assessed; and if the treasurer cannot dispose of it there, the constable shall send it to such place in Boston or elsewhere as the treasurer shall appoint, at the publick charge, to be allowed the constable upon his accounts with the treasurer. And for all such places as are not within the bounds of any town, the lands with the persons and estates thereupon shall be assessed by the rates of the town next unto it, the estimation to be by the distances of the churches. And if any of the said commissioners or select men shall willingly fail or neglect to perform the trust committed to them by this act in not making, correcting, perfecting or transmitting any of the said lists or assessments according to the intent thereof, every such offender shall be fined forty shillings for every such offence, or so much as his Majesty shall be damnified thereby, provided the same be prosecuted within six months.

And it is further enacted by the authority aforesaid, that upon all distresses to be taken for any of the rates and assessment aforesaid, the officer shall distrain goods or chattels if they may be had; and if no goods, then land or houses; if neither houses nor lands [are to be] had within the town where such distress is to be taken, th[en to take] the body of such persons to be carried to [the common jail, until] the next court of sessions, except [they shall give bonds for] their appearance there or that payment be made in the mean time.

And it is further enacted by the authority aforesaid, that the prices of all sorts of corn to be received upon any rate by virtue of this act, shall be such as the Governour and Council shall set from year to year, and in want thereof, at price courant at Boston.

And it is further enacted by the authority aforesaid, that every constable within this territory and dominion shall, on the penalty of five pounds, clear up all their accounts with the treasurer for the rates of the several towns, by the first of May yearly; and they and every of them are hereby impowered to press boats or carts for the better and more speedy sending in their rates according to the time appointed: and if any constable shall not have collected the rates and assessments committed unto their charge by the treasurer, during the time of his office, that he shall notwithstanding the expiration of his office have power to levy by distress all such rates and levies; and if he bring not in to the treasurer, according to his warrant, the treasurer shall distrain such constable's goods for the same; and if the constable be not able to make payment, it shall be lawful for the treasurer to distrain, for all arrearages of rates and levies, any man or men of that town where the constables are unable, and that man or men upon complaint to the Superiour Court of Judicature shall have order to collect the same again equally of the town, with his just damage for the same.

And it is further enacted by the authority aforesaid, that it shall and may be lawful for the select men of each town where strangers are or shall be, to assess all such strangers according to the cargoes they import, or in case of their refusal to give a true account of their estate, to assess them in any month in the year, yearly, according to their best discretion, in the same manner as other inhabitants are assessed and rated, by force of this act, and to be levied accordingly.

And it is further enacted by the authority aforesaid, that for all Wines, Brandy, Rum, and other Strong Waters, that shall at any time or times hereafter be imported into his Majesty's territory and dominion of New England, or any part thereof, from any place whatsoever, there shall be paid to the treasurer or other person or persons as shall be appointed to receive and collect the same, the customs and duties following, that is to say:

For every butt or pipe of Fayal wines or any other wines of the Western Islands, the sum of ten shillings; Every pipe of Madeira wines, thirteen shillings and four pence; every butt or pipe of Sherry, Sack, Malaga, Canary, Muscells (Marseilles?), Tent and Alicant, twenty shillings, and so proportionably, greater or less quantities of each kind.

And for the better [secu]ring the customs and duties aforesaid, Be it further enacted [by the authority afore]said, that no person or persons whatsoever [] unload any of the commodities aforesaid, until due entry be made both of the quantity and quality of such wines or other liquors, upon oath, if required by the treasurer or such other person or persons as shall be appointed to collect the customs and duties aforesaid, and that the customs are duly paid for the same; and that no goods be landed upon any key, wharf or any

other place but upon such key, wharf or place as shall be appointed, under the penalty of the forfeiture of all such goods.

And it is further enacted by the authority aforesaid, that all goods, wares, merchandize and provisions of all sorts, excepting fish, sheep's wool, cotton wool, and salt, which from any place shall be imported into any harbour, port, shore or place within this dominion, shall be rated in a just proportion with estates rateable in the country, (that is to say,) for every twenty shillings value shall be paid one penny in money, the valuation to be as followeth, that is to say: every hundred pounds at the place from whence it comes, to be accounted one hundred and twenty pounds; to be paid by the person importing such goods or those to whom consigned; and so in proportion for all greater or lesser quantities.

And to the end the said duties may be duly paid and collected, it is further enacted by the authority aforesaid, that all goods and provisions as aforesaid imported shall, by the master or purser of each ship or other vessel in which they are brought, before breaking bulk or landing any of the said goods, be certified unto the said treasurer or receiver empowered in the several ports and places where they are brought, on penalty of forfeiture of twenty shillings per ton according to the burthen of the ship or vessel wherein they are brought, from time to time. And all and every such receiver shall carefully and truly enter all such goods with their several marks, casks, packs, fardels, trusses, chests, trunks, cases, and all other things how soever called or distinguished, with the names of the persons to whom such goods or other things are sent and consigned or are owners thereof so far as may by all lawful means be discovered; and all persons to whom such goods or other things aforesaid are consigned or sent or are the owners thereof shall from time to time before such goods are landed signify the true and just value thereof, by shewing the true and perfect invoice thereof unto the aforesaid receiver for each part (port?), who are hereby required to enter the gross sum thereof in a book for that purpose, what the said goods or other things amount unto, and shall forthwith demand and receive the several rates and assessments aforementioned. And in case of denial or delay of payment, the receiver shall levy the same by distress upon the said goods, at the rate or price set in the invoice, out of which he shall have two shilling per pound, for his time and labour therein.

And be it further enacted by the authority aforesaid, that if any invoice or bill of parcels shall be falsified, concealed or not pro[duced], of any goods or other things imported as aforesaid, it shall be [lawful] for the treasurer or collector with the [] to rate all such goods or the owner [] same, according to their best discretion, provided it be not less than four pounds per ton as the same stands entered in the bill of loading or in the boat-swain or other officer's book.

And it is further enacted by the authority aforesaid, that there shall be paid unto his Majesty an Excise upon all wines, brandy, rum, and other distilled waters, mum, cider, ale and beer that shall be sold by retail in any town or place within this dominion, by those that retail

the same, that is to say, for every butt or pipe [*of*] wine, fifty shillings; for every quart of brandy, rum or other distilled waters, two pence; for every hogshead of cider, ale or beer, two shillings six pence, all current money; and after that rate, for any greater or smaller quantities.

And for the due and orderly collecting and receiving of the excise aforesaid, It is likewise enacted by the authority aforesaid, that all retailers of wine, brandy, rum and other distilled waters, mum, cider, ale and beer, within this dominion shall, upon their purchase or receipt of all or any of the liquors before expressed, make entry thereof with the treasurer or such person or persons as shall be appointed, and pay the duties and excise aforesaid, under the penalty of forfeiture of all such liquors as shall be found in any retailer's house not being duly entered and the excise paid as aforesaid. And every retailer who shall make his own cider, brew ale or beer, or distill strong waters, shall, from time to time and at all times when he or they shall so make, brew or distill the same, make entry with the treasurer or such person or persons as shall be appointed, of all such cider and beer or distilled waters by them made, brewed or distilled, and pay the excise aforesaid, under the like penalty and forfeiture of all such liquors as shall be found in any retailer's house, not entered and the excise not paid: and to that end it shall and may be lawfull to and for the treasurer, or such other person or persons as shall be appointed to receive the excise aforesaid, when and so often as he or they shall think fit, in the day time, to enter into any retailer's house, cellar or warehouse to search for such liquors as are not duly entered nor the excise paid for the same, and to gage any cask or casks; and such liquors being found, to seize and secure accordingly: provided always, it shall and may be lawfull for the said treasurer or any other person or persons that shall be appointed to receive the excise aforesaid, to agree with any retailer for the excise for one whole year in one entire sum, to be paid quarterly, as he or they in their discretions shall think fit to agree for, without making any entries as aforesaid. Provided always, and be it enacted by the authority aforesaid, that no person or persons whatsoever shall sell any wines, brandy, rum, distilled waters, mum, cider, ale, beer, or any other liquor, by retail, without a license; nor shall any person sell less quanti[ty of] strong waters than five gallons, of wine than a quarter cask, at [any one] time, without first obtaining a license for the same under the [penalty of] pounds for each default; the one half of all [penalties] contained in this act to be to the use of his Majesty, and the other half to him or them that shall inform or sue for the same in any of the courts within this dominion.

And it is further enacted by the authority aforesaid, that all ships or vessels above twelve tons coming into any port or part of this dominion to trade or traffic, and that either in the whole or the greatest part thereof are not belonging to the actual inhabitants of the said dominion shall, every voyage they make, pay twelve pence per ton, or one pound of powder for each ton for the supply of his Majesty's castles and forts within his Majesty's dominions, to be received

by the treasurer or such other person or persons as in the several ports and places shall be appointed to receive the same. And this act of the revenue and the several parts thereof to continue until the Governour by and with the advice and consent of the Council agree on and settle such other rates, taxes and impositions as shall be sufficient for support of his Majesty's government.

Boston ; Council House, the third day of March, 1686.

Examined by

JOHN WEST, D. S.

(2.)

An Act for establishing Courts of Judicature and Publique Justice.

For the better and more orderly regulation and establishment of the several courts of justice within this his Majesty's Dominion, as well in respect of the times as the places for holding the same, *Be it enacted by the Governour by and with the advice and consent of the Council, and it is hereby enacted and ordained by the authority of the same,* that in each respective county throughout this Dominion there shall be holden quarterly a Court of Sessions, by the Justices of the Peace of the same county, who are hereby required to hear and determine all matters relating to the conservation of peace and punishment of offenders, and whatsoever else is by them cognizable according to law ; which court shall be held and kept at the respective times and places herein mentioned and expressed, (that is to say :) at Bristol, for the county of Bristol, on the first Wednesday in the months of June, September, December and March ; at Barnstable, for the county of Barnstable, on the same days ; at Plymouth, for the county of Plymouth, the second Wednesday in June, September, December and March ; at Cambridge, for the county of Middlesex, on the first Tuesday in June and December ; at Charlestown, within the same county, the first Tuesday in September and March ; at Portsmouth, for the province of New Hampshire, on the first Tuesday in June, September, December and March ; at Northampton, for the county of Hampshire, the first Tuesday in June [and] December, and at Springfield, for the same county, the first Tuesday in September and March ; at York, for the province of Maine, the second Wednesday in June, September and December and March ; at Salem, for the county of Essex, the second Wednesday in June and December, and at Ipswich, for the same county, on the second Wednesday in September and March ; at Boston, for the county of Suffolk, the second Wednesday in June, September, December and March ; at New Port, for Rhode Island, King's Province and Providence plantation, on the second [Tuesday] in the month of June and December, and at [Rochester,] for the same place, on the first Tuesday in March [and September.]

Be it further enacted by the authority aforesaid, that in each respect-

ive county within this Dominion there be also holden an Inferiour Court of Common Pleas, by a Judge, assisted with two or more Justices of the county, who shall have jurisdiction over all cases, wherein any freehold is not concerned, to the value of ten pounds with cost, and no more; and that the same be held and kept at the same times and in the same place of the respective counties and precincts where the Justices of the Peace shall hold and keep the Quarter Sessions; and that none of the said courts be kept oftener nor at any other place or manner than is hereby declared; provided that no suit be had nor process taken out of the court for any matter or cause of action not exceeding the value of forty shillings; provided nevertheless, and it is hereby enacted by the authority aforesaid, that in respect the town of Boston within the county of Suffolk is the chief seat of trade, within this Dominion, and it is found by experience that a quicker and more speedy despatch of all maritime and merchandizing affairs gives the greatest satisfaction to all parties concerned, it may be lawful for the Judge or Judges of the said court to keep the same once every two months at Boston aforesaid, and not oftener, and to have jurisdiction over all causes wherein any freehold is not concerned, to the value of twenty pounds with costs, and no more.

And be it further enacted by the authority aforesaid, that there be a Superior Court of Judicature, the Judges whereof are hereby authorized and impowered to have cognizance of all pleas either personal or mixed, as well in all pleas of the Crown and in all matters relating to the conservation of the peace and punishment of offenders, as in civil causes or actions between party and party, and between his Majesty and any of his subjects, whether the same do concern the realty and relate to any right of freehold and inheritance, or whether the same do concern the personalty and relate to matter of debt, contract, damage, or personal injury; and also in all mixed actions, which may concern both realty and personalty; and after deliberate hearing, to give judgment and award execution as fully and amply to all intents and purposes whatsoever as the courts of the King's Bench, Common Pleas and Exchequer within his Majesty's Kingdom of England have or ought to have; so always as the form of proceeding and the judgment thereupon to be given thereupon be as consonant and agreeable to the laws and statutes of his Majesty's realm of England, as the present state of the inhabitants and the circumstances of the place will admit: which court shall be holden at such times and places as hereinafter is limited and appointed, that is to say:—for the county of Suffolk, at Boston, on the last Tuesday in April, July, October and January; for the county of Middlesex, at Cambridge, the third Tuesday in August, at Charlestown the third Tuesday in May and December; for the coun[ties] of Plymouth and Barnstable, at Plymouth, the last Wednesday in September and March; for the county of Bristol, at Bristol, the first [

]; for Rhode Island, King's Province and Providence plantation, at Newport, the second Tuesday in October and April; for the county of Essex, at Salem, the second Wednesday in May

and November; at Ipswich, the first Wednesday in September and March; for the province of New Hampshire and the western parts of the province of Maine, including the town of Wells, [at Portsmouth,] the Monday following each of the courts of Ipswich; for the eastern parts of the province of Maine, at Falmouth, the Friday following the September court at Portsmouth; for the county of Hampshire, at Northampton, the third Tuesday in October, and at Springfield, the third Tuesday in April following: Provided that no suit be held or process taken out of this court, for any matter or cause of action not exceeding the sum of ten pounds, unless where freehold is concerned.

And be it further enacted by the authority aforesaid, that appeals in cases of error may be made from the Inferiour Court of Common Pleas aforementioned, to this Court, for any judgment there given, provided the writ of error be brought within ten days after such judgment given in the Inferiour Courts.

It is also further enacted by the authority aforesaid, that it shall and may be lawful for any person or persons to appeal in case of error from the said Superiour Court to the Governour or President and Council, in all causes, provided the value appealed from do exceed the sum of one hundred pounds sterling, security being first given by the appellant to answer such charges as shall be awarded in case the first judgment be affirmed; and in case either party shall not rest satisfied in the judgment and sentence of the Governour and Council, he shall have liberty to make appeal to his Majesty in Council, provided the matter in difference exceed the real value of three hundred pounds sterling, and that such appeals be made within fourteen days after judgment, and that security be likewise given to answer such charges as shall be awarded in case the judgment of the Governour and Council be affirmed.

Be it further enacted by the authority aforesaid, that there be a Court of Chancery within this Dominion, which shall have power to hear and determine all matters of equity in as full and ample manner as his Majesty's High Court of Chancery in England hath or ought to have, to be holden by the Governour, or such person as he shall appoint to be Chancellor, assisted with five or more of the Council, who in this court shall have the same power and authority as masters of chancery in England have or ought to have; which court shall sit at such times and places as the Governour shall from time to time appoint: provided always, that any person may appeal from any sentence or decree made or given in this court unto his Majesty in Council, where the matter in difference [shall exceed] the real value and sum of three hundred pounds sterling, as in case of appeal from the Governour and Council is provided.

Further, it is ordered and enacted by [the] authority aforesaid, that all and every of the Judges of the several courts afore mentioned be and hereby are sufficiently impowered to make, order and establish all such rules and orders for the more orderly practicing and proceeding in their said courts, as fully and amply to all intents and purposes whatsoever as all or any of the Judges of the several Courts of King's Bench, Common Pleas or Exchequer in England legally do.

Provided always that none of the said courts of Sessions, Inferiour Court of Common Pleas, or Superiour Court of Judicature shall sit longer than three days at any of the times aforesaid.

Unto the end that no person shall be damnified by mistake of his lawyer, for matter of form only, Be it enacted and declared by [the] authority aforesaid, that the Judges shall at all times, upon motion made in court, order amendments, and shall not upon arrest of judgment or writ of error, for matter of form only, reverse any judgment whatsoever.

Provided always, and be it further enacted by the authority aforesaid, that all issues in fact that shall be or arise in any of the said courts shall be tried by twelve good and lawful men of the vicinage, and that no person or persons whatsoever shall be returned on a jury but what shall have and be worth in real or personal estate to the value of fifty marks. Provided also, that all writs shall issue out of the clerk's office of the several courts within this Dominion, in his Majesty's name, under the seal of the office and signed by the clerk.

Boston, Council House, the 3d of March, 1686.

Examined per JOHN WEST, Dep. Sec.

(3.)

An Act for empowering of Justices of the Peace to decide differences not exceeding forty shillings.

Whereas many inconveniences may arise unto the inhabitants of this Territory by being vexed and troubled with suits at law for small and trivial injuries, debts and trespasses, wherein the customary fees and charges may exceed the original debt and damages, for the prevention whereof—

Be it enacted and ordered by the Governour by and with the advice and consent of the Council, and it is hereby enacted by the authority of the same, that all manner of debts, trespasses and other matters not exceeding the value of forty shillings, wherein the title of land is not concerned, shall and may be heard and judged and determined by any of his Majesty's Justices of the peace of this Territory, within their respective precincts; which said Justices are hereby required upon complaint made to grant a warrant or summons against the party complained [against,] requiring of him to appear and answer the said complaint; and in case of non-appearance to issue out a warrant of contempt directed to the constable to bring the contemner before him, as well to answer the said contempt as the plaintiff's action, and may if he see cause fine the contemner, provided the said fine exceed not ten shillings, to be accounted for to the receiver of his Majesty's revenue: and after judgment given in either case may grant a warrant of distress directed to the constable to levy the said fine, debt, damages and charges upon the defendant's goods and chattels; who, by virtue thereof, shall expose the same to sale, returning the over-

plus (if any be) to the defendant; and for want of such distress, to take the defendant's body into custody and him carry and convey to the common gaol of the precinct, there to remain till he shall have satisfied the debt and charges. And the Justices are required to keep fair records of all their proceedings therein, from time to time. And if in the matter of fact, either party shall demand a jury, it shall be allowed him, and the Justice shall summon a jury accordingly, but at the proper cost and charges of the party desiring the same.

Boston, Council House, 3d day of March, 1686.

Examined per JOHN WEST, Dep. Sec.

(4.)

An Act against Pirates and for prevention of Piracy.

Be it enacted by the Governour by and with the advice and consent of the Council, and it is hereby enacted and ordained by the authority of the same, that henceforth it shall not be lawful for any person that now doth or hereafter shall inhabit, come in or belong to this Dominion, to serve in America in any hostile manner under a foreign prince or potentate in amity with his Majesty, without a special license from his Majesty or the Governour of this Dominion, under the publique seal, or some of his Majesty's governours or other lawful authority under him elsewhere, for their so doing, and that all and every such offender or offenders being duly convicted, shall suffer the pains of death.

And it is further enacted, that all and every person or persons that shall any way knowingly entertain, harbour, conceal, trade or hold any correspondence by letter or otherwise with any person or persons that shall be deemed and adjudged to be privateers, pirates, or other offenders within the construction of this Act, and that shall not readily endeavour to the best of his or their power to apprehend, or cause to be apprehended, such offender or offenders, shall be liable to be prosecuted as accessories and confederates, and suffer such pains and penalties as by law is in such cases provided.

Further it is ordered, that the chief commission officer then present upon the place, in any town or harbour where there is none of the council or justice of peace residing and at hand, is hereby required and impowered upon his knowledge or information given, that any privateers, pirates or other persons suspected to be upon [any such un]lawful designs, to grant warrant to the constable of the place to apprehend and seize every such person or persons, and if need be shall assist the constable and raise such number of well armed men as he or they shall think meet for the seizing of any such person or persons and carrying of them before the Governour or some of the Council, or next justice of the peace, to be further examined and proceeded against as the law directs; and in case of any resistance or refusal to yield obedience to such authority and seizure, it shall be

lawful to kill or destroy such person or persons; and all and every such person that shall oppose or resist by striking or firing upon the officers, or any of them that are by him commanded for his aid and assistance, shall be deemed and adjudged capital: and every such officer that shall omit or neglect his duty therein, being legally convicted within three months after such his neglect, shall forfeit fifty pounds in money for every such offence, to the use of his Majesty for support of this his government; and every person or persons that upon order given him or them shall refuse to repair immediately, with his or their arms well fixed and ammunition, to such place or places as shall be appointed by the said officer, and not readily obey his command in the execution of the premises, shall be liable to pay a fine of five pounds in money or suffer such corporal punishment as the justices or sessions of the peace that have cognizance thereof shall determine.

Boston, Council House, the fourth day of March, 1686.

Examined per JOHN WEST, Dep. Secry.

(5.)

An Order of Council, for Pieces of Eight.

At the Council Chamber in Boston, the tenth day of March, 1668:

By His Excellency the Governour, by virtue of His Majesty's authority for settling the value of pieces of eight and other foreign coin, to be current according to the usage of other his Majesty's plantations as may be most requisite for his Majesty's service and conduce to the benefit of trade and commerce of his Majesty's subjects in his Territory and Dominion of New England in America, It is Ordered and Enacted by the Governour by and with the advice of the Council, that pieces of eight, Seville, pillar and Mexico, of due weight, be and shall henceforth pass current at six shillings per piece; and half pieces, quarter pieces and rials of the same coin, pro ratâ: and that it be forthwith published by proclamation, that all persons may conform thereto accordingly.

Examined per

JOHN WEST, Dep. Secry.

(6.)

An Act for regulating the Assize of Cask and preventing deceit in Packing of Fish, Beef and Pork for sale.

Be it enacted by the Governour and Council, and it is hereby enacted and ordained by the authority of the same, That from henceforth all sorts and kinds of Cask used for any liquor, fish, beef, pork or any other commodities to be put to sale within this his Majesty's Territory and Dominion of New England, shall be of London assize,

(that is to say) : butts [to contain one] hundred twenty and six gallons ; puncheons [] hogsheads, sixty three gallons ; tierces, forty two gallons ; barrels, thirty one gallons and a half ; and made of sound well-seasoned timber and free of sap. And that fit persons be appointed from time to time, in all places needful, to gage all such cask, and such as shall be found of due assize shall be marked with the gager's mark ; who shall have for his pains four pence per tun. And every cooper shall set his distinct brand mark on his own cask, on penalty of forfeiture of twenty shillings. And whosoever shall put to sale any new cask being defective either in workmanship, timber or assize as aforesaid, upon proof thereof made before one justice of the peace, he shall forfeit such cask and be fined the sum of ten shillings and so proportionably for greater or lesser cask.

And be it further enacted by the authority aforesaid, That the justices of the peace at their first general Quarter Sessions to be holden in each respective county within this Dominion, shall, yearly, in every town needful thereof, choose and appoint a fit person or persons to be guager and packer, and him to swear for the due execution of his office, which if he shall refuse he shall pay the sum of forty shillings and another shall be chosen and appoynted in his stead : and that every guager and packer shall take care that all cask in which he packs beef, pork, merchantable fish or other goods committed to his care, be of true and full assize, and that they pack the same in no other cask whatsoever, upon penalty of ten shillings for every cask by them packed that is or shall be defective in that respect.

And for the preventing of fraud and deceit in the packing of fish, beef and pork to be put up to sale, be it enacted, and it is hereby further enacted and ordained by the authority aforesaid, that in every town where any such goods are packed up for sale, the guager or packer of such town where they are put to sale or shipped shall see that it be well and orderly performed, that is to say, beef and pork, the whole half or quarter, and so proportionable, that the best be not left out ; and so fish, and merchantable [mackerel?], that they be packed all of one kind ; and that all cask so packed be full and the fish sound and well seasoned ; setting his seal on all cask so packed : and he shall receive of the owners for so packing and sealing, four shillings per tun. And if any such goods be put to sale or shipped off without the packer's mark, they shall be forfeited.

And it is further enacted by the authority aforesaid, That all sorts of green, dry salted or pickled fish, sturgeon, flesh, or butter that shall be put up for transportation to a foreign market, shall be searched, surveyed and repacked by a sworn packer, who shall take strict care that the same be put up in tight cask, of full gage, salted with suitable salt, and such as shall be so saved, and for its condition found merchantable and full, the packer shall seal with such brand mark as shall be assigned to the town and such other cut marks added as may note the sort of provision and time when packed ; and all such other provision as the packer shall find wholesome and useful, though for its quality it be not merchantable, [he shall] cause to be well packed, salted, filled, and sealed with the letter R, and such other letters as

may signify the town, species, and time of packing. And if any master of a ship or other vessel, or any officer or mariner belonging thereto, shall receive any such provision not marked and sealed as aforesaid, aboard any their ships or vessels, he or they who shall offend therein shall forfeit double the value of all such provision, and he that owns the provision shall forfeit the same. And if any cooper or other person shall shift any fish, flesh or butter, either on board or on shore, after the same hath been so sealed and marked by the packer, and shall ship or export the same, the packer having not allowed thereof and anew sealed and marked the cask whereunto such provision are shifted, all persons acting, ordering or assisting therein shall be set in the pillory, and shall likewise pay double damages to any persons wronged thereby.

And it is further enacted by the authority aforesaid, That where any such provision have lain above three months under the packer's mark, betwixt the months of May and October, they shall again, upon exportation or sale, be viewed or searched by the packer, that is to say, so many of them as may probably discover the condition of the whole; and if any be decayed or deceitfully dealt with, the packer shall cull and repack the same, so as to distinguish and mark the same for merchantable, or refuse, according to their condition. And if those who ship or export any such provision shall neglect or refuse such second search or survey, the packer is hereby ordered and impowered to deface his former mark, and for so doing shall be paid as if he had repacked the same; and if the owner refuse to satisfy the packer, such packer shall have redress on complaint to any justice of the peace, who are hereby impowered to compel the payment thereof by distress.

And it is further enacted by the authority aforesaid, That all fines, forfeitures and penalties arising by force and virtue of this Act, shall be the one half to his Majesty, [his] heirs and successors, for support of this his government here, and the other half to him or them that shall inform and sue for the same in any of his Majesty's courts within this Territory and Dominion aforesaid.

And it is further enacted by the authority aforesaid, That the gager in every seaport town within this Dominion shall measure all Salt that shall be imported and sold out of any ship or other vessel, being likewise sworn for the faithful discharge of his office; and shall have three half pence for every hogshead of salt by him measured, to be paid, the one half by the buyer and the other half by the seller.

Provided always, That if any of the forementioned commodities shall be packed into half-barrels or firkins, the same shall be made in proportion to the assize aforesaid, and marked by the packer as afore in this Act is directed.

And it is further enacted by the authority aforesaid, That all Tar that shall be exposed [to] sale within this Dominion shall be in barrels, half barrels or thirds of a barrel, of the measure and assize following, (that is to say), the barrels to contain thirty gallons, the half barrels and thirds of barrels after the same gage, and in no other cask whatsoever; and all cask to be made of the same assize and branded

by the cooper as aforesaid, under the penalty of forfeiture of all such cask as are not of due assize. And if any Tar shall be exposed to sale in any cask not branded as aforesaid, the same shall be likewise forfeited.

Council Chamber in Boston the tenth day of May, the third year of his Majesty's reign, Annoque Domini, 1687.

Examined per JOHN WEST, Deputy Secretary.

(7.)

An Act for the Regulating of Cattle, Corn Fields, and Fences.

Be it enacted by the Governour and Council and it is hereby enacted by the authority of the same, That in all common fields under improvement every party interested shall from time to time make good his part of fence, and the owner or owners of the major part of such fields shall order and limit the proportion of cattle that shall be put to feed thereon annually, the time when, and manner of improvement thereof, which is to be observed by all persons interested therein, on pain to answer all damages that shall come thereby. And where lands have formerly been improved in common and any one owner of such lands be minded to improve his part in several, if there be no agreement binding to the contrary, the owner of the land next adjoining to him shall bear the one half of the charge of the fence against him who shall improve in several; but where lands lie in common unfenced, if one owner shall improve his part by fencing in several, and the other shall not, he who shall so improve shall secure his land against other men's cattle, and shall not compel him that joins upon him to make any fence with him, except he also shall improve in several as the other doth. And where one man shall improve before his neighbor, and so make the whole fence, if after, his said neighbor shall also improve, he shall then satisfy for half the other's fence against him, according to the present value, [and] shall maintain the same; and if the first improver shall after lay open his said field, then the said neighbour shall enjoy his said half fence to his own use purchased as aforesaid, and shall also have liberty to buy the other half fence, paying according to present valuation to be made by two men indifferently chosen by either party. Provided always, that this law shall not extend to house lots not exceeding ten acres; but if such a one shall improve, his neighbor shall be compellable to make and maintain one half of the fence between them, whether he improve or not.

And it is further enacted by the authority aforesaid, that the selectmen or townsmen shall from year to year appoint two or more in each town (if need require) of the inhabitants thereof to view all common fences, and to take due notice of the real defects and insufficiencies thereof, who shall forthwith acquaint the owners thereof with the same, and if the said owners do not within six days' time, or other-

wise as the viewers shall appoint, sufficiently repair their said defective fences, then the said viewers shall forthwith repair or renew them and shall have double recompense for all their cost, labor and care, to be paid by the owner of such insufficient fence or fences, and shall, by warrant from any justice of the peace, levy the same, either upon the corn or other goods of the delinquent. And the said fence-viewers shall twice every year view fences, and such as they return sufficient shall be accounted good for three months after, unless proof be made that it is impaired; and such fence as is accounted sufficient against other cattle shall also be allowed good against sheep, and the owners to be liable to satisfy damage done by them.

And it is further enacted by the authority aforesaid, that all unruly horses or other unruly cattle, having been so adjudged by the selectmen, shall be liable to double damages; and all swine unyoked or unringed shall be liable to damage, fence or no fence; and that all swine be yoked from the first of March to the last of October yearly, and ringed all the year, except where any particular town shall otherwise agree: and that it shall be in the liberty of any person in any town, besides those thereto appointed, finding any swine unyoked or unringed as aforesaid, to drive them to the pound, and to demand one shilling per head for every such swine, which shall be paid by the owners thereof, one half for himself and the other half for the use of the poor of the town.

It is likewise enacted by the authority aforesaid, that there shall be one sufficient pound or more, made and maintained in every town or village within this Dominion, for the impounding swine and cattle found damage feasant.

Council Chamber in Boston, the 10th day of May, 1687, in the 3d year of his Majesty's reign.

Examined per

JOHN WEST, Deputy Secretary.

(8.)

An Act for the due Regulation of Weights and Measures.

To the end that Weights and Measures may be one and the same throughout this his Majesty's Dominion, Be it enacted by the Governour and Council, and it is hereby enacted and ordained by the authority of the same, That the brass and copper weights and measures formerly sent out of England,* with certificate out of the Exchequer to be the approved Winchester measure, according to the standard in the Exchequer, be the public allowed standards throughout this his Majesty's Dominions, for the proving and [sealing] all weights and measures thereby. And the constables of every town within this Dominion, not already supplied, shall within three months next coming provide, upon the town charge, one bushel, one half bushel,

* See Mass. Records, Mar. 17, 1681-2. (Vol. V. 339.)

one peck, one half peck, one ale quart, one wine pint, one half pint, one ell, one yard, one set of brass weights to four pounds, after sixteen ounces to the pound, with fit scales and steel beam, tried and proved by the aforesaid standards and sealed by the treasurer or his deputy in his presence, (which shall be kept and used only for standards in the several towns,) who is hereby authorized to do the same, for which he shall receive from the constable two pence for every weight and measure so tried, proved and sealed. And the constable of every town shall commit those weights and measures into the custody of the selectmen of their towns for the time being, who with the constable are hereby enjoined to choose an able man for sealer of all weights and measures for their own town, from time to time and till another be chosen, who shall be presented to the next court of sessions and there sworn to the faithful discharge of his duty; and shall have power to send forth his warrants by the constable to all the inhabitants of each town to bring in all such weights and measures as they make any use of, in the month of April, from year to year, at such time and place as he shall appoint, and make return to the sealer in writing, and all persons so summoned, that then and there all such weights and measure may be proved and sealed with the town seal, which is likewise to be provided by the constable at each town's charge, who shall have for every weight so sealed one penny from the owner thereof, at the first sealing; and all such weights and measures as can not be brought to their just standard, he shall deface and destroy; and after the first sealing, shall have nothing so long as they continue just with the standard.

And it is enacted by the authority aforesaid, that if any constable, selectman or sealer do not duly execute the law so far as to each and every of them appertains, they and each of them shall forfeit to his Majesty for every such neglect by the space of one month the sum of forty shillings for support of his government here; and every person neglecting to bring in their weights and measures at the time and place appointed, being duly warned thereto, shall likewise forfeit three shillings and four pence, the one half whereof to be to his Majesty as aforesaid and the other half to the sealer aforesaid; and the penalty herein mentioned, to be levied by distress, by warrant from any justice of the peace.

And it is further enacted by the authority aforesaid, that in every sea port town within this Dominion, the constable or constables are likewise to provide upon the town's charge, one hundred weight, one half hundred, one quarter of one hundred, and one fourteen pound weight, made of iron, to be tried, proved and sealed as aforesaid, and be kept as standards in the said several towns, to be used as before for other weights and measures is directed.

Council Chamber in Boston, the tenth day of May, 1687, in the third year of his Majesty's reign.

Examined per

JOHN WEST, Deputy Secretary.

(9.)

An Act for the Destroying of Wolves.

For the encouragement of persons to destroy Wolves, Be it enacted by the Governour and Council, and it is hereby enacted by the authority of the same, that whosoever shall at any time hereafter kill or destroy any grown Wolf, in any county in this Dominion, he shall be paid and allowed at the public charge of the county within which the same is or shall be killed, the sum of twenty shillings per head, and for a Wolf whelp half so much: And if any Indian shall in like manner kill or destroy any grown Wolf, he shall be paid and allowed at the public charge of the county within which the same shall be killed, the sum of ten shillings per head, and for a Wolf whelp half so much: And that the sum be raised by the order of the justices of the peace at their Quarter Sessions in each respective county, with other county charges, and duly paid and satisfied accordingly.

Council Chamber in Boston, the 11th of May, in the 3d year of his Majesty's reign, Annoque Domini, 1687.

Examined per JOHN WEST, Deputy Secretary.

(10.)

An Act for the Regulating of the Purchase of Lands from Indians.

Forasmuch as private persons tampering and dealing with Indians about sale and conveyance of lands without the license and knowledge of authority, hath been found of so great a prejudice and inconvenience that this as well as all other Governments and Colonies have by law forbid the same; notwithstanding the which, sundry persons have and do daily presume to tamper and deal with Indians about the purchase of new lands, and for confirmation of lands formerly pretended to be purchased, and from them take and receive deeds of sale, gifts, mortgages, conveyances, leases, contracts or confirmations, without any leave or license for the same, to the apparent prejudice of his Majesty's ancient right and interest and disturbance of the Government:

Be it therefore enacted by the Governour and Council, and it is hereby enacted by the authority of the same, That from henceforth no person or persons whatsoever do presume to tamper or trade with any Indian or Indians about the purchase, sale or confirmation of any land or lands whatsoever within this his Majesty's Territory and Dominion of New England, nor from them nor any of them take, or receive any deed of sale, gift, mortgage, conveyance, lease, contract or confirmation whatsoever, without leave or license first had and obtained from the Governor for the time being, under his hand and seal,

on penalty of the forfeiture of twenty pounds for every acre of land that any person or persons shall tamper or treat with any Indian or Indians for the purchase, sale, lease, contract or confirmation thereof as aforesaid, or for which any deed of sale, gifts, mortgages, conveyances, lease, contract or confirmation shall be taken or received as aforesaid, and that all such deeds of sale, gifts, mortgages, conveyances, leases, contracts and confirmations made and obtained without such license as aforesaid shall be utterly void and null.

And whereas several persons by virtue of such clandestine and irregular purchases lay claim to several tracts and parcels of land within this his Majesty's Dominion, on which no settlement, improvement or inclosure hath been made to this day, it is therefore further enacted by the authority aforesaid, that from and after the date hereof, no person or persons whatsoever shall presume by virtue or color of any such clandestine and irregular purchase, to settle upon, improve or inclose any land or lands whatsoever, within this Dominion, that have not been some time heretofore settled, improved or inclosed, without first showing their claim and pretence to such lands unto the Governor for the time being and obtaining his license, grant or confirmation for the same, under the penalty of ten pounds for every acre that shall be settled, improved or inclosed contrary herunto, the one half of all which penalty and forfeiture to be to the use of his Majesty, [his] heirs and successors, and the other half to him or them that shall inform or sue for the same in any of his Majesty's courts within this Dominion, wherein no essoin, protection or wager of land shall be allowed.

Council Chamber at Boston, the first day of June, in the 3d year of his Majesty's reign, Annoq. Domini, 1687.

Examined by JOHN WEST, Deputy Secretary.

(11.)

An Act for Probate of Wills and granting Letters of Administration.

Be it enacted by the Governour and Council, and it is enacted and ordered by the authority of the same, that the probate of all wills and letters of administration shall be from henceforth granted by the Governour, or such person as he shall commissionate under the seal of the office for that purpose appointed, and that all wills relating to any estate within the several counties of Suffolk and Middlesex shall be proved at Boston before the Governour or such person as shall be commissioned as aforesaid; but in regard to the remoteness of other counties from the said place and to prevent the charge of bringing witnesses so far, each inferiour court of common pleas shall and are hereby impowered to take the examination of witnesses to any will within their respective counties, upon oath, and the same, with the will,

to certify to the secretary's office at Boston, with all the convenient speed, under the hand of the judge and clerk of the said court, that the probate thereof may be granted accordingly. And on extraordinary occasion or necessity, the judge of the inferiour court assisted with two justices of the peace, within the remote counties, may and are hereby impowered at any time out of court to take the examination of witnesses to any will to be produced before them, upon oath, and to certify the same as aforesaid. And in case any debate or controversy shall arise about swearing and examining such witnesses or allowing the will, the said court, or judge and justices, may hear and determine the same; and if any be unsatisfied with their proceedings therein, they may appeal to the Governour or such other person commissioned as aforesaid, before the probate of such will be granted.

And it is further enacted and ordained, That the several judges of the inferiour courts within the said remote counties, in open court or, [on] extraordinary occasions or necessity, out of court, assisted with two justices of the peace aforesaid, may and are hereby authorized and impowered to grant probate of any will or letters of administration to any person or persons, where the estate of the person making such will or of the interest on which letters of administration is desired doth not exceed the value of fifty pounds, any thing herein before contained to the contrary in any wise notwithstanding; provided always that any person or persons concerned in the probate of such will or letter of administration to be granted by the judge of the inferiour courts as aforesaid, may, within three months after the granting thereof, bring his or their appeal or appeals before the Governour or such other person commissioned as aforesaid.

Council Chamber in Boston, the first day of June, in the third year of his Majesty's reign, Annoq. Domini, 1687.

Examined per JOHN WEST, Dep. Sec'y.

(12.)

An Act for regulating the Fishing trade and Fis'hermen.

Whereas much damage hath been sustained and the credit of the fishing trade is greatly impaired by the bad making of fish and disorderly actings of fishermen, for the prevention whereof for the future,

Be it enacted by the Governour and Council, and it is hereby enacted and ordered by the authority of the same, that [in] every fishing place within this Dominion, one or more discreet and honest person or persons be annually, or oftener as need shall require, appointed and sworn by the justices in their respective counties, to be viewers and cullers of fish, who shall view and cull all fish to be delivered and received, and what they approve as merchantable the receiver shall accept, and what is refused fish shall be cast by; all

sun burnt, salt burnt and dry fish which hath been first pickled, and all fish salted with Tartudy [Tortuga] salt and thereby spotted to be judged refused. And the said viewers for their labour and pains aforesaid shall be allowed one penny per quintal of merchantable fish for (so?) viewed and culled, to be paid the one half by the deliverer and the other half by the receiver.

And it is further enacted by the authority aforesaid, that no mackerel shall be caught, except for bait or spending while fresh, before the first of July annually, nor shall any mackerel be caught with seines at any time whatsoever, under the penalty of forfeiture of all such mackerel and the seines, vessels or boats used and employed to catch the same.

And for preventing disorders amongst fishermen, it is likewise enacted, that none belonging to any fishing vessel or boat shall refuse or neglect to obey the orders of the master of such vessel or boat to which they do belong, for the times and seasons of fishing, and that all fishermen that are or shall be shipped upon a winter or spring voyage duly attend the same according to the custom and agreement with respect to time. And all fishermen that are or shall be shipped upon a fishing voyage for the whole summer, shall not presume to break off their voyage before the last of October, without the consent of the owner, master and share-men, on penalty of forty shillings, besides all damages that shall be occasioned thereby. All penalties, fines and forfeitures arising by this act to be, the one half to his Majesty, his heirs and successors, and the other half to him or them that shall inform and sue for the same in any court within this Dominion.

Council Chamber in Boston, the first day of June, the third year of his Majesty's reign, Anno que Domini, 1687.

Examined, per JOHN WEST, Deputy Secretary.

(13.)

An Act for making of Barrels and Kilderkins and other Vessels used for Ale and Beer or Cider and for regulating the Size of Staves and Boards.

Whereas the ale brewers and beer brewers and makers of cider of this his Majesty's Territory and Dominion of New England have used and daily do use for their own singular profit and gain to sell ale, beer and cider in Barrels, Kilderkins and Firkins of much less quantity, content, rate and assize than they ought to be, to the great prejudice and damage of his Majesty's liege people, for reformation whereof, *It is enacted by the Governour and Council and it is hereby enacted and ordained by the authority of the same, that every cooper that shall or do make any of the said vessels for beer, ale or cider to be put to sale shall make the same vessels and every of them from good and seasoned wood and [shall set his] proper mark upon every of them; and that every barrel for such use shall contain thirty-two*

gallons, every kilderkin sixteen gallons, and every firkin eight gallons, of his Majesty's standard gallon of wine measure, so that they shall be of good and just measure or else above, and not under; and that no cooper shall make any other vessels for beer, ale or cider to be sold within this Dominion, of any greater or lesser number of gallons than the aforesaid, unless he shall cause to be marked upon every such vessel that he shall so make of greater or lesser number of gallons the true and certain number of as many gallons as every such other vessel shall contain; to the intent that every person may know the contents thereof.

And be it further enacted by the authority aforesaid, that no beer brewers nor ale brewers or sellers of cider, at any time after the first day of September next, shall put their beer, ale or cider to sale to any person or persons, to be spent and occupied within this Dominion, in any other barrels, kilderkins, firkins or other vessels of wood other than shall be made and marked by the cooper as aforesaid, and to contain and hold the quantity of gallons before mentioned, of full and just measure, or above, and not under the measure.

And for the due regulation of Staves, *Be it further enacted by the authority aforesaid, that in all seaport towns within this Dominion where staves are usually shipped off to be transported beyond sea, the selectmen or townsmen shall annually or otherwise as need shall be, choose one or more honest and skilfull person or persons within their town, to be viewer and culler of all staves and heading to be transported, who shall be presented and sworn to the faithfull discharge of their office, at the next session of peace to be holden at such county; and such viewers shall have power to cast by all such staves as they judge not to be merchantable, either in respect of worm holes or want of assize: And that all merchantable staves be of the dimensions and assize as following, that is to say; pipe staves to be in length four feet and one half and in breadth three inches and a half, at least, without sap, in thickness three quarters of an inch, well and even hewed and sufficient for use; all hogshead staves, whether of white oak or red oak, to be in length three feet two inches or upward; all barrel staves to be [*in*] length thirty one inches, well and even hewed and drest, and of a proportionable breadth and thickness; all heading for pipe staves to be in length twenty eight inches, and for hogshead head and barrels, suitable to the cask to be made thereof. And the viewer shall enter into a book the number of such staves as he approves, and for whom, and give a note thereof under his hand, and shall be allowed two shillings per thousand for every thousand of staves he shall so search, as well the refuse as merchantable, to be paid by him who sets him a work: and all staves put on board any ship or other vessel to be exported, not viewed and appointed as aforesaid, shall be forfeited, the one half to his Majesty, his heirs and successors, and the other half to him or them that shall seize, inform and sue for the same as afore is directed: And if any master or other officer of any ship or other vessel shall receive on board such ship or vessel any parcel of staves not viewed, culled and appointed as aforesaid, and so certified by a note under the viewer's*

hand, the master of such ship or other vessel shall forfeit the sum of five pounds for every thousand of staves so unduly received, to be disposed of for the uses and in manner aforesaid.

And it is further enacted by the authority aforesaid, that from henceforth no Boards shall be cut of any pine, spruce or cedar, at any saw mill within this Dominion, for sale or exportation, but such as shall be well sawed of the thickness of one full inch or half an inch; and all half inch boards to remain in whole or half stocks, pinned together; and no single boards shall be accounted and pass for merchantable but such as are one full inch in thickness, and stocks and half stocks to be full half inch thick; and all to be well and even sawed. Nor shall any man make any boards above the just and true measure thereof, on pain of forfeiting all such boards or the value thereof, either sawn or marked contrary to this act, upon the survey of any sworn measurer or culler of boards to be thereto appointed; the one half of which forfeiture to be to his Majesty, and the other half to him that will inform and sue for the same by bill, plaint or information, in any court within this Dominion.

Council Chamber in Boston, the tenth day of August in the third year of his Majesty's reign, Annoque Domini [1687].

Examined per JOHN WEST, Deputy Secretary.

(14.)

An Act for regulating the Choice of Select men, Constables and other Officers in the respective Towns within this Dominion.

Whereas it hath been a continued practice and custom in all or most of the several Towns within this Dominion annually to choose Selectmen, Townsmen or Overseers, for the assessment of the inhabitants and executing other matters and things in the laws by them appointed to be done and performed, *It is therefore enacted by the Governour and Council*, That it shall and may be lawfull for the inhabitants in each respective town within this Dominion, on the third Monday in May yearly, to meet and convene together, by the major vote there to choose and nominate any even number of fit persons inhabiting within their respective towns, not exceeding eight, to be selectmen, townsmen or overseers for the several towns respectively. The one half of which number so to be chosen shall be of those that served in that office the year before and the other half new persons, who are to serve together as selectmen, townsmen or overseers until the next time for the annual election; at which time, the half of the number of the said selectmen, townsmen or overseers in each respective town are to be chosen of new persons, and those who have served their two years to be discharged, and the other half with them that are new chosen to continue in said office; that so from year to year half the selectmen, townsmen or overseers of each respective town may be

changed, and each man serve two years in the said office, and no more, and that none be chosen unto the said office but such as have not served therein by the space of two years past.

And whereas by one Act, intituled, An Act for the continuing and establishing of several Rates, Duties and Imposts, amongst other things it is enacted, the constable by warrant from the treasurer is to call together the inhabitants of the town, who being so assembled shall choose one of the said inhabitants to be a Commissioner for the town, It is therefore further enacted and declared, that for the future the Commissioner shall be annually chosen by and out of the inhabitants, in each respective town within this Dominion, on the day before mentioned for the choice of selectmen, townsmen or overseers.

And the next day after such choice made as aforesaid, the old selectmen, townsmen or overseers and commissioners in each respective town shall and do give notice to the persons that are or shall be chosen to serve in the said offices for the year ensuing, of such their election, if they were not present when the choice [*was*] made, and to meet them at some convenient place within the said town, to take upon them the said offices; and in case any person or persons chosen as aforesaid to be selectmen, townsmen or overseers, or commissioners in any town, shall refuse to serve in the said offices, that then the said selectmen, townsmen or overseers shall forthwith give notice of such refusal to the next justice of the peace in the county, and that in such case any two justices of the peace, one being of the quorum, shall and are hereby authorized and impowered, by warrant under their hands and seals, to nominate and appoint some other person or persons within such towns to serve in the place or stead of such as shall so refuse.

And it is further enacted by the authority aforesaid, That the selectmen, townsmen or overseers shall be and are hereby authorized and appointed to be overseers of the poor within their respective towns, and shall and may with the consent and approbation of any two justices of the peace, one being of the quorum, make rates and assessments within their respective towns for their relief; and to cause the same, by warrant under the hands of two such justices of the peace, to be collected by the constable, as hath been formerly accustomed, and pay into their hands, who are to distribute the same for the maintenance of the poor within their respective towns; and for setting their poor on work, and for putting children apprentices, which to be done by the consent of two such justices as aforesaid; rendering an account to the inhabitants of each respective town, at the expiration of each year, at the time when they shall meet to choose new officers, of all sums of money by them received, or rated and not received, of all stocks as they or any of the poor have in their hands, what apprentices they [*have*] put out and bound, and what poor they have set at work or relieved; which account is to be taken, examined and allowed of by any two such justices of the peace as aforesaid. And the said selectmen, townsmen or overseers are hereby authorized and required to meet together in the respective towns once every month, to consider of those things and to take effectual order and care therein for relief of the poor as aforesaid. And the said selectmen, townsmen or over-

seers shall be and are hereby further authorized and impowered to provide and agree with herdsmen, shepherds, bell-men &c.; for the maintainance and repair of bridges, churches, meeting houses, town houses, school houses, watch houses, cages, and stocks, where the same are, or occasion for them, in their respective towns; and shall and may, by warrant from any two justices of the peace, one being of the quorum, make assessments on the inhabitants, and to cause the same to be levied by the constables to satisfy and defray the charge and expense thereof; of all which to render a distinct and plain account at the yearly town meeting of the inhabitants, to be examined and allowed of in like manner as before is provided for the money raised or to be raised for the relief of the poor.

And it is further enacted by the authority aforesaid, That from henceforth it shall not be lawful for the inhabitants of any town within this Dominion to meet or convene themselves together at a town meeting, upon any pretence or colour whatsoever, but at the times before mentioned and appointed for the choice of town officers as aforesaid.

And it is further enacted by the authority aforesaid, That the several constables in the respective towns within this Dominion shall be likewise chosen and nominated in the said annual town meeting, and the persons so chosen presented to the next Court of Sessions to be holden in the respective counties, there to take the oath usually administered for the faithfull discharge of that office for one year or until another be sworn in his or their places; and that if any person or persons so nominated and chosen shall refuse to serve or take the oath as aforesaid, he shall forfeit and pay for the use of his Majesty the sum of five pounds, to be recovered by bill, plaint or information in any of his Majesty's courts within this Dominion: and the said Court of Sessions shall forthwith order and appoint any other person or persons to serve in his or their steads, who, if too remote to attend at the Sessions, may be sworn before any justice of the peace out of sessions.

Council Chamber in Boston, on Saturday the 17th day of March, 1687, in the fourth year of the reign of our Sovereign Lord King James the second, and examined,

per JOHN WEST, D. Secretary.

(15.)

An Act for settling the Militia.

Whereas it is absolutely necessary that the inhabitants throughout this Territory and Dominion be well armed and trained up in the art military, as well for the honour and service of his most excellent Majesty as for the preservation and defence thereof from any violence or invasion whatsoever,

Be it therefore enacted by the Governour and Council and it is hereby enacted and ordained by the authority of the same, That no per-

son whatsoever above sixteen years of age remain unlisted by themselves, masters, mistresses, or employers, under the captain or other officers in the respective places of their abode, in foot or horse, the space of six weeks, on penalty of forty shillings, and so for every six weeks such persons shall remain unlisted. And that every foot soldier be provided with a well-fixed musket, the barrel not under three foot in length and the bore for a bullet of twelve to the pound, a collar of bandoliers or cartouch box with twelve charges of powder and bullets at the least, and a sword, or, if the officer so appoint, with a good pike and sword; and so shall appear when and where appointed, upon penalty of six shillings for his default in not appearing and four shillings for want of each charge of powder or bullets, musket, pike, sword, bandoliers or cartouch box, so as the whole penalty for any person at one time exceed not ten shillings; and that every soldier belonging to the horse shall, when and where commanded, appear and be provided with a good serviceable horse covered with a good saddle, with holsters, breastplate and crupper, and case of good pistols and sword, and half a pound [of] powder, and twenty sizeable bullets, on penalty of ten shillings for each time absence and six shillings for default of each the particulars above mentioned, so as the whole penalty for one time exceed not fifteen shillings. And every trooper [shall] have at his usual place of abode a well fixed carabine, with belt and swivel, on penalty of ten shillings, which they shall bring into the field when commanded, upon penalty of answering the same at a court martial. Provided nevertheless, that if any person who is to provide arms or ammunition cannot purchase them by such means as he hath, he shall bring to the clerk of the company so much corn or other merchantable goods as by apprizement of the clerk and two of the company mutually chosen by them shall be judged of a greater value by a fifth part than such arms and ammunition is of, and thereupon shall be excused from the penalty for want of arms and ammunition, but not from appearance, until he be provided for and furnished, which the said clerk shall do as soon as may be, by sale of such goods, and render the overplus if any be to the party. But if any person be not able to provide himself arms and ammunition, through his mere poverty, if he be single, he shall be put to service by any justice of the peace, to procure him estate to purchase arms with, and his master shall find him arms during his service; if otherwise, the selectmen, townsmen or overseers shall provide and furnish him with arms and ammunition at the publick charge of the town, the which arms shall be kept by the clerk of each respective company, well fixed and fitted for service, under the care and inspection of the chief military officers there.

And it is further enacted by the authority aforesaid, That no person so listed as aforesaid shall depart thence without a discharge from the commander of the company or troop where listed, on penalty of forty shillings; and that no commander of any company or troop shall refuse, when desired, to give a discharge in writing to any that is removing his abode out of the precincts, under the penalty of five pounds.

And it is further enacted and ordained by the authority aforesaid, That all Captains of companies of foot or troops of horse shall, within six months from and after publication of this act, provide for their companies and troops, drums, drummers and colours, trumpets, trumpeters and banners, at their own charge, under penalty of ten pounds, and so for every six months such commanders shall remain unprovided; and that the Colonels of the respective Regiments, or other chief officers, shall once every year, at the least, issue out their warrants to their inferiour officers, commanding them to make diligent search and inquiry in their several precincts, that all be duly listed, armed and equipped, and to return to them such defects as shall be found, to the end the same may be reformed, on penalty of one hundred pounds.

And that three times in every year, or oftener if command be given by his Majesty's Captain General or Commander-in-chief for the time being, the several companies and troops in each Regiment shall meet at the next and most convenient place to be appointed by their respective officers, to be then and there by them mustered and exercised.

And it is further enacted by the authority aforesaid, That once every year, or oftener if thereunto commanded, each particular captain, or lieutenant, where no captain is appointed, shall give to his field officer, and the field officer to his Majesty's said Captain General or Commander-in-chief for the time being, fair written rolls of their respective companies and regiments. And if any field officer, captain or other inferiour officer or soldier shall neglect or contemn performing the lawful commands of their respective superiour officers, he or they shall be punished by fine, cashiering or other punishment, according to the discretion of a court martial.

Provided always, and it is hereby enacted and declared by the authority aforesaid, That the several fines and forfeitures mentioned in this act and not declared in what manner they shall be recovered and how disposed of, that all such as do relate to any person under the degree of a captain shall be to the respective captains, to defray the charge of their companies or troops, and to be levied before the next exercising day, by distress and sale of the offender's goods, by the captain's warrant to the clerk; but if the offender be a servant, the owner's goods shall be liable to the distress and sale as aforesaid, so that satisfaction may be made: and for all other penalties mentioned in this act, the same shall be levied by distress and sale of the offender's goods and chattels, by warrant from the chief field officers in the respective places or from his Majesty's Captain General or Commander-in-chief for the time being; one half thereof shall be to our sovereign lord the King, his heirs and successors, for and towards the support of his government here, the other half to the informer.

And it is further enacted by the authority aforesaid, That all persons listed as aforesaid shall readily attend and serve on the watch when appointed, under the penalty of three shillings for each default: and that it shall and may be lawful for any captain or other commission officer under the degree of a captain, in their captain's absence,

to grant warrants of distress against any persons whatsoever that shall absent themselves from their duty on the watch or night guards, they keeping an exact account of all sums and forfeitures levied and received thereby, which they are to render to their superiour officers when required: provided always, that no trooper shall be obliged to watch or ward but under the command of his proper officer, and in his proper arms.

And it is also further enacted by the authority aforesaid, that no person whatsoever presume to fire any small arms after eight of the clock at night, unless in case of an alarm, insurrection or other lawful occasion; and in either of the said cases, four muskets or small arms distinctly fired, or, where great guns are, the firing of one great gun and two muskets or small arms distinctly, and beating of drum, shall be taken for an alarm; and every person that shall neglect his duty in taking and giving forward any alarm by firing as aforesaid, or shall be guilty of firing any small arms after eight of the clock at night, unless as aforesaid, shall be fined or otherwise punished at the discretion of a court martial, not extending to life or limb. And in case of such alarm, every soldier is immediately to repair armed to his colours or court of guard, upon the penalty of five pounds. And for the better prevention of false alarms, that no captain, master or commander of any ship or vessel riding at anchor in any [of] the harbors, ports or bays within this Dominion, or any other person, fire any gun after eight of the clock at night, under penalty of forty shillings for every gun so fired, to be levied by warrant from the chief officer, not under the degree of a captain, (who is hereby impowered to administer an oath and give judgment thereupon,) by distress or sale of the offender's goods, or for want of distress the said chief officer is hereby impowered to commit such offender to jail, there to remain until payment of the same; and that in case the said officer shall not perform his duty therein, he shall forfeit ten pounds, to be levied by warrant from the Governor or Commander-in-chief for the time being: provided always, that this clause shall in no ways concern or extend to any captain or officer of any of his Majesty's ships of war, for their firing at setting of the watch.

Provided always, and it is hereby enacted and declared by the authority aforesaid, that all trumpeters and drummers lately in service, or that shall by the several captains be put into that service, shall hold and attend the said service during the captain's pleasure, upon the salary of forty shillings per annum for a trumpeter and twenty shillings per annum for a drummer finding their trumpet and drum, and twenty shillings for a trumpeter and ten shillings for a drummer if the captain find them, upon penalty of forty shillings.

Provided always, and it is hereby further enacted and declared, that all the members of his Majesty's council, justices of the peace, sheriffs, coroners, and all officers of courts; ministers; the president, fellows, students and officers of Harvard college; professed and allowed schoolmasters, physicians and chirurgeons; treasurers, surveyors and deputy surveyors; masters of ships and other vessels above twenty tons, in actual employ; constant fishermen and herds-

men ; the clerks belonging to the surveyor's office ; and one servant of every member of the council, shall be and are hereby excepted and exempted from training or watching as before in this act is required ; as also all officers employed about his Majesty's revenue.

Provided always, and it is further enacted, that in case the fines and forfeitures for defaults allowed to the captains as aforesaid shall fall short of the charge of providing drums, drummers and colours, the account thereof being given to the chief field officer and by him allowed, the sum wanting shall be supplied and satisfied by the select men, townsmen or overseers out of the moneys raised or to be raised to defray other public charge in each respective town.

Council Chamber in Boston, 24th of March, in the 4th year of the reign of our Sovereign Lord King James the second, Annoque Domini 1687.

Examined per

JOHN WEST, Dep. Sec.

(16.)

An Act for additional Duties of Imposts and Excise, for the better collecting and securing his Majesty's Revenue.

Whereas the several Rates, Duties and Imposts heretofore continued and established are found to be far short of the ordinary and necessary charge required for the maintenance and support of his Majesty's government of this his Territory and Dominion of New England, which that it may be supplied in the best and easiest manner,

Be it enacted by the Governour and Council, and it is hereby enacted by the authority of the same, that for all Wines, Brandy, Rum and other Strong Waters that shall at any time or times hereafter be imported into this his Majesty's Territory and Dominion of New England, or any part thereof, from any place whatsoever, there shall be further paid to his Majesty's treasurer or receiver-general, or such other person or persons as are or shall be appointed to collect and receive the same, the additional customs and duties following, that is to say : for every pipe of Fayal wines or any other wines of the Western Islands, the sum of twenty shillings ; for every pipe [of] Madeira wines, sixteen shillings and eight pence ; for every pipe of Sherry, Sack, Malaga, Canary, Tent and Alicant, ten shillings ; over and above the customs and duties mentioned and expressed in another Act, intituled, An Act for the continuing and establishing of several Rates, Duties and Imposts. And whereas by the said Act, the excise on all wines sold by retail within the said Territory and Dominion is mentioned to be paid after the rate of fifty shillings per pipe, *It is hereby further enacted by the authority aforesaid,* that from henceforth in lieu and stead of the said fifty shillings per pipe, there shall be paid to his Majesty's treasurer or receiver-general as aforesaid, or to such other person or persons as are or shall be appointed to collect and receive the same, for all wines sold by retail within any part of

the said Territory and Dominion, by the person or persons who shall retail the same, the excise of one shilling for every gallon so by them retailed, in like manner as in the said act is directed and appointed.

And it is further enacted by the authority aforesaid, that henceforth there shall be likewise paid to his Majesty's treasurer and receiver-general or other officer as aforesaid, an additional excise of four pence for every gallon of Brandy, Rum, or other distilled waters retailed; and for every barrel of Beer, Ale or Cider retailed, one shilling and three pence, to be paid by such as retail the same, over and above what is mentioned to be paid in the before recited Act; and to be collected and received in such manner as by said act is directed.

And for the better collecting and securing of the several duties, imposts and excise due and payable to his Majesty for the support of his government here, *It is further enacted by the authority aforesaid,* that all goods, wares and merchandize whatsoever that at any time or times hereafter that shall be imported in any ship or vessel from any part or place whatsoever out of this Dominion, shall be landed and put on shore at and in one of the ports hereafter mentioned and declared, that is to say, at Boston, Salem, Portsmouth, Bristol, Newport, New London, Saybrook, New Haven, Milford, Fairfield and Stamford, or (and?) at such places and times there as shall be appointed for the same, and at or in no other port, place or time whatsoever, under the penalty of forfeiture of such goods as shall be landed or delivered from on board any such ship or vessel contrary hereunto: and that all masters or commanders of ships or other vessels which at any time hereafter shall arrive or come in to any or either of the ports aforesaid, shall and do within four and twenty hours after arrival make entry of such ship or vessel with the officer or officers as are [or] shall be appointed and authorized to collect and receive his Majesty's duties there, and give a general list or account of her loading with their several marks, numbers and contents as far as he knoweth, and upon oath if required: and that no goods, wares or merchandize whatsoever be landed and put on shore out of any ship or other vessel in any [of] the ports aforesaid, before particular entry be made thereof, by the owner or such person or persons to whom such goods, wares or merchandizes are consigned, with the said officer or officers, and his Majesty's duties first paid and satisfied, and a permit by him or them for the same, under the penalty of forfeiture of all such goods, wares and merchandizes as shall be otherwise landed or delivered out of any such ship or vessel. And that no master of any such ship or vessel do at any time or times hereafter bring his said ship or vessel to any wharf or key in any of the ports aforementioned before such time as he shall have duly entered his said ship or vessel with the officer or officers aforesaid and given them notice thereof, under the penalty of forfeiture of fifty pounds for every such offense.

And whereas his Majesty hath been and is greatly defrauded and injured in his excise by retailers concealing their wines and other liquors in private houses, *It is therefore further enacted by the author-*

ity aforesaid, that no person or persons on any pretence or colour whatsoever for the future shall or may take in, receive, harbour, entertain, keep or conceal, in his or their dwelling houses, cellars, warehouses, any quantity or parcels of Wines or other liquors belonging to any licensed person or persons, retailer or retailers, under the penalty of forfeiture of twenty pounds for every such quantity or parcel of Wines or other liquors so taken in, received, harbored, entertained, kept and concealed as aforesaid: neither shall any person or persons whatsoever sell or deliver, or cause, permit or suffer to be sold or delivered, to any retailer or retailers, out of his or their houses, cellars, or warehouses, less quantities of Wines or other liquors than by law they are permitted to sell or deliver, under the penalty of the forfeiture of all such Wines or other liquors as shall be found in any such house, cellars or warehouse. And that it shall and may [*be*] lawfull for any justice of the peace, upon complaint and oath made of any wines so sold and delivered, or kept and concealed, as aforesaid, to issue forth his warrant for the searching of any such houses, cellars or warehouses, and for seizing and securing all such wines and other liquors as shall be there found, that the same may be in legal manner proceeded against and condemned accordingly.

And whereas, by the before recited Act, liberty is given for any person or persons to sell and deliver the quantity of five gallons of strong waters and not under, unless retailers, *It is hereby enacted and declared*, that for the future none except such as are licensed retailers shall sell or deliver to any person or persons any lesser quantity of Rum, Brandy or other distilled waters, than a quarter cask, under the penalty in the said act mentioned, any former law or usage to the contrary notwithstanding.

Boston Council Chamber, on Wednesday, the 15th of February, in the 4th year of his Majesty's reign, Annoque Domini, 1687.

Examined per

JOHN WEST, Dept. Secretary.

An Act concerning Peddlers.*

Whereas many persons have lately taken upon them the practice of peddlers and petty chapmen, passing from town to town vending sundry wares, and that which is unserviceable, at excessive rates, to the great detriment of the settled trade of this country, for prevention whereof,

Be it enacted by the Governour by and with the advice and consent of the Council, and it is hereby enacted by the authority of the same, that henceforth no person shall expose to sell, in any town or farm, any manner of goods, wares or merchandize, except in the town or farm where such person inhabits, nor shall any person or persons pass from town to town trading, trafficking or dealing as a merchant, factor, peddler or petty chapman. And if any person shall presume so to

* See Mr. Allyn's letter to West, 27 Jan., 1687, (No. CXVIII.)

do, every of the justices of the peace are hereby required, upon complaint or information of such offences, to cause the person and all such goods, ware and merchandize as shall appertain to him, to be seized and secured, and to return the person from constable to constable until he shall [be] brought to the gaol of the county from whence he set out, there to abide till the next Quarter Sessions, then and there to be proceeded against: and upon due proof, the Court of Sessions shall have power to amerce the said peddler not exceeding ten pounds for one conviction, the one half to his Majesty for the support of the government and the other half to the informer. Provided nothing in this Act shall be interpreted to restrain merchants and factors coming from beyond seas and exposing their goods to sale in any town within this Territory wherein they shall reside, any thing in this Act to the contrary notwithstanding.

Examined per JOHN WEST, Dep. Sec.

No. CXIV.

SECRETARY WEST TO MR. ALLYN.

[Miscellaneous, I. 36.]

Boston, Jan^{ry} 5th, 1687.

S^r: All things necessary for yo^r parts are now sent you; and you are gratified beyond yo^r desire, for y^e Inferiour Courts are impowred to try to any value, only liberty given to y^e defend^t to remove if he sees cause.

The altering the time of y^e Superiour Court from Friday to Tuesday would keep the Judges a weeke longer from home then needfull, and therefore remaines as projected.

Ord^{rs} are sent for swearing Capt. Newbery, and y^e Judges of y^e Inferiour Courts, of w^{ch} you are appointed for yo^r County, and yo^r sonn Joseph Whiteing Clerke, and Commissioners sent. You must swears yo^r Clerke, before he acts in court.

Ord^{rs} are likewise sent for yo^r sonne Whiteing to levy y^e Rate as usuall, and to pay such debts due from y^e country as yo^rselfe, Coll. Treatate & Leiu^t Coll. Talcott or any two shall allow.

Ord^{rs} are likewise sent ab^t executeing former judgm^{ts} and issueing causes depending.

Coppys of y^e Laws are herewith sent, for y^e use of each County, w^{ch} are to be p^d for out of y^e County Rate, to be made by y^e Justices to defray that and other County charges, w^{ch} I desire you to see returned to me accordingly. Thereby you will p^rceive how wills are to be proved and admin^{cons} granted;

and as for inventories, I receive them according to y^e former practice & usage, w^{ch} I think is most proper to continue with you. I think I have answered every pticuler of yo^r letter, and have only further to add that I shall be ready att all times to receive yo^r commands and serve you therein to y^e utmost of my power, who am, Sr,

Yo^r assured friend & Serv^t

Jn^o Allen Esq^r.

JOHN WEST.

The Coppys of y^e Laws comes to Five pounds seventeen shillings,* w^{ch} must desire you to gett for me, & send as oppertunity.

J. W.

No. CXV.

SECRETARY WEST TO MR. ALLYN.

[Miscellaneous, I. 37.]

Boston, January 21st, 1687.

Sr: I could not omitt this oppertunity by Capt. Belcher, but give you my humble service & lett you know y^e great grieffe and sorrow wee are in for my Lady Andros, who since Tuesday last was sevenight hath been extreamly ill, and soe continues almost att y^e Court of Death, and is a greate affliction to his Excelly, who is most passionately concerned. If it should please God to call her to himselfe, wee should all have a greate losse of a right good and vertuous Lady. But as yett there are some symtoms w^{ch} give hopes of recovery. I suppose by this time all is well settled and understood in yo^r parts, y^e happynesse of w^{ch} shall always be endeavoured, and to serve you pticularly, by, Sr,

Yo^r assured Friend & Serv^t

JOHN WEST.

Janry 26th, Mr. Belcher not proceeding on his intended Journey, haue oppertunity to add that on Sunday last y^e Lady Andros departed this life, to y^e great greife & sorrow of his Excelly & all that knew her.† Yesterday a ship arrived from London: little news, but all well there. Vale.

To Jn^o Allen Esq^r, one of his
Ma^{ties} Councill &c. att Hartford.

* Randolph mentions, in a letter to Mr. Povey, having "copied and *engrossed in parchment* all the lawes, and dispersed copies through the whole government." Hutch. Collection, 555.

† Randolph writes to Mr. Povey, Jan. 24; that his Excellency "is in great sorrow for the loss of his good lady who dyed the 22d instant." (Hutch. Coll. 557.)

No. CXVI.

ANDROS TO MR. ALLYN.

[Miscellaneous, I. 38.]

Boston, January 26th, 1687.

Sr: Yesterday arrived a ship from London. Little news, but all well there. I lately wrott you ab^t Watching and Warding in yo^r out townes,* to which have nothing to add but desire to heare from you, and that you faile not to have regard to y^e Indians every where as o^r owne people. I am, Sr,

Yo^r affectionate friend & Servant,

E. ANDROS.

Jn^o Allyn Esqr.

No. CXVII.

MR. ALLYN TO SIR EDMUND ANDROS.

[Miscellaneous, I. 39.]

Hartford, Jan. 27, 1687.

Most Excelent Sr:

Your Excelency's letters, wth Mr. West's, and the Com^{ns} & Lawes, I received by Jn^o Pery, and have published the Lawes here in this Towne, and L^{nt} Col. Tallcot administered the oath to myselfe and Capt. Newberry on Munday last, and we administered the oath to Mr. Whiting, the clerke of the peace &c. I have also discoursed the L^{nt} Colonell about what your Excelency mentioned in refference to the Indians, and my advice to him was to improve some prudent persons in our frontier townes, where most of our Indians inhabit, to observe the motions of their Indian neighbours, and what strangers com amongst them, and to labour to gain what intellegence they can of them, which he approved of. I also told him that at any time when he pleased to consider farther about it, I would attend him upon the least intimation, but I suppose your Excelency will have a farther acco^t from him about it (who loves to act his matters by himselfe). O^r Indians say that the Mowhawks

Her funeral was attended, on the evening of Feb. 10th, according to Judge Sewall, whose diary gives some interesting particulars of the obsequies: "Between 7 and 8, (lychns [links] illuminating the cloudy air,) the corpse was carried into the herse drawn by six horses, the souldiers making a guard from the governor's house down the Prison Lane to the South meeting-house; there taken out and carried in at the western door, and set in the alley before the pulpit, with six mourning women by it. House made light with candles and torches. There was a great noise and clamor to keep people out of the house, that they might not rush in too soon. I went home."

* The letter is not preserved.

and Sinnocks have taken one of the French fortes of this side of the Lake and brought about 60 prisoners to Albana. This report Farmington Indians have received from a Wyantinuck Indian who hath lately come amongst them from thence. What those motions of the French may come to, and how far the English of New Yorke have engaged themselves and may engage the country, to me is a secret; but I trust, through the blessing of God upon your Excelencie's endeavours, we shall not be engaged in any offensive war agnst those sculking Natives before yo^rself in councill is well satisfiyed in the justness of the quarell upon which the sword is drawn. I need not give your Excellency any farther trouble at this time, saveing my hearty thanks for your respects to me and the honour of your letters; and shall allwayes be ready to serve your Excelency according to my ability, if it may be acceptable. I hope by the next post to hear of your Excelency's good health, for Major Kingsly gave me the good tydings of your increase of health, which I pray God perfect. I beg pardon for this boldness, and am,

Your Excelency's most humble Servant,
JOHN ALLYN.

These for His Excelency Sr Edmond Andros,
Knt, Captⁿ Gen^l & Govern^r in Cheife
of his Ma^{ties} Territories in N. E. In Bos-
ton, y^s dd.

No. CXVIII.

MR. ALLYN TO SECRETARY WEST.

Hartford, January 27, 1687.

Sr: Your letters of the 5th Instant, wth the Lawes and Com^{as}, I rec^d by Jn^o Perry, and wish you were as well satisfiyed for your paynes as I am in what you have sent; and shall, according to your desire, stir up the Justices to take care that you may be payed as soone as conveniently may be. The L^{ut} Col. and mysefe gave my son Whiting the oath of clarke and the oath of alegiance, the 25 of this moneth. Sr, I viewing over the Lawes find two lawes wanting of what they have at Springfeild: one is the law that doth confirm o^r locall lawes, and another is the act as doth prohibit pedlors. If they be in force for vs, pray send them, but if they are not, I desire them not. Also please to send me by Perry, what the dues are for actions, to the judges, justices and clarkes, because I find no directions in the Lawes you sent, about it. I suppose

his Excelency and Council have [or] will state them. Please to give me a hint of your custom in those cases. Also pray inform me whither all actions that com to tryalls must be by attachments, or whether a warrant may not doe. Som other things I have to inquire into, but the judges being in y^r circuit to com to the assizes here, I shall leave it till they come, who may sattisfy me in what I am doubtfull. Sr, I wish you and yours all happynes; w^{ch} wth best respects, is all at present from,
 Honor^d Sr, Your friend & servant,

JOHN ALLYN.

For the Honor^d John West Esq^r
 Dep^t Secre^try [&c.] at his
 house in Boston, this d^d. p Mr. Perry.

No. CXIX.

ANDROS TO MR. ALLYN.

[Miscell. I. 40. Holograph.]

Boston y^e 23th March, 87.

Sr: I have this morning receaved y^{rs} by 3 Indians said to have taken those two murthered y^e Englishman neare Norwisch w^{ch} should haue been paid or satisfied in the countrey where ser-vice done, however being so sent I have given them (eash) a cloath of Dufels & 6 shilings in mony among y^m: if any more, as these pretend, must be paid as above. I am y^r affectionate freind,
E. ANDROS.

To Jn^o Allyn Esq^r [&c.]

No. CXX.

MR. WEST TO MR. ALLYN.

[Miscell., I. 14.]

Boston, y^e 24th March, 1687.

Sr: Herewith you will receive y^e coppys of two Acts lately passed, y^e one for an additionall duty of impost and excise &c., the other for regulateing y^e choice of select men and other towne officers, the w^{ch} as it is an act of grace designed for y^e benefitt & ease of y^e people, hope will be soe understood & fully answer that end.* The Co^mitte^e appointed to settle y^e

* It was hardly "so understood" in Massachusetts or Connecticut. "One Law they are sensible of, which doth prohibit all Town Meetings, excepting on a certain

fees of ye severall officers within this Dominion, have lately made their reporte, & soe much thereof as belongs to yo^r p^rsent station as Judge, and to ye Justices, have here inclosed, by w^{ch} both you & they may regulate yo^rselves till further ord^rs. The Ord^r formerly made for confirming locall laws was only intended for a shorte time, untill some Acts & Laws then und^r considera^on could be passed, w^{ch} being done that ceased; and lately, on some debate in Councill had thereupon, was soe resolved. Soe that now wee are not to be guided by any laws or ord^rs but such as are made & published by his Excellency & Councill, or ye Laws of England, where they have not provided. The writt gen^rally used here is a Capias directed to ye Sherriffe, to attach ye body of ye Def^t, returnable ye first day of ye next Court, after ye forme used in England.

The Judges next weeke begin their Circuite towards yo^r parts, and from them you may receive more full & perticuler direc^ons then time will p^mitt me to write.

This day an Act passed for settleing ye Millitia, & if Perry be not to nimble, after his long stay, a copy of that shall accompany him: if not, by ye next, you shall have it. Coll. Shrimpton, Mr. W^m Browne & Maj^r Smith are sworne of ye Councill. His Excell^y intends next month for ye eastward, as farr as Pemyquid, and when returned shall be glad to have yo^r good company & Councill. I am, Sr, Yo^r assured Friend & Serv^t,

JOHN WEST.

The Act for settleing the Millitia passed since ye writeing this, as also the Act ab^t Pedlars before omitted, is also sent, & ye charge is forty two shillings, w^{ch} pray you to ord^r may be satisfied with ye other.

To Capt. Allyn.

No. CXXI.

GOV. ANDROS TO MR. ALLYN.

[Miscell. I. 42. Holograph.]

Boston the 26th of March, 1688.

Sr: You will from Mr. West receive all is materiall or of publick import; an Act for chusing & impowring Select men,

day once a year; whereas the Inhabitants have occasion to meet once a Month, sometimes every Week, for relief of the Poor or other Town-Affairs. But it is easy to penetrate into the Design of this Law, which was (no Question) to keep them in every Town from complaining to *England*, of the Oppression they are under." Narrative of the Miseries of New England; (Reprint, 1775, p. 3.) The day appointed for the annual town meeting was the third Monday of May. See No. CXIII. (14.)

and for the Militia, and additional Revenue, and copy of the Judges and others report of Fees, y^e w^{ch} I did hope to have been sooner (as also for Schoolmasters, Ministers, and Highways, represented as necessary, not passed). Am glad to hear all well in y^r parts, and now the Circuit being so near when the Judges will be there,* will not doubt their giving all due remedies in any thing may be wanting, by the regular methods to be observed, as in these parts, according to law. My own indisposition as well as late extreme loss, have occasioned my not forwarding the settling the post, as I hope it may be, to be regular, and certain, of w^{ch} you'll have a more full account & be advised with by y^e asise time.

I have heard from Gov^r Dongan; still at Albany and all well, but nothing concluded with y^e French, from whom he then expected to hear further; doth not say they were willing to quit the new forts.

No ship from England since Capt. Harris arrived in Jan^y, by whom a packet I then did dispatch to Gov^r Dongan, when I also received several, and (as ordered) Coll^o Shrimpton, Mr. Will^m Brown and Maj^r Smith of Naraganset, sworn of the Council.

I ritt to you some days since by three Indians of Nipnock, to whom I gave three cloaths of Dufels and six shilings money, on y^r letter by them, as the takers of y^e two murderers of the English man near to Norwiche; but, as by my said letter, all such charges ought without delay to be paid on the place, and allowed in the county. Do not think we are altogether well in our matters with y^e Indians, especially towards our places, they having no known place of being, or sachem, from whom we might expect some more advantages, and not apprehend, as now, more danger than benefit; & therefore any may be owned, or to live near us, ought to be known, and if no land to have some given them, to enable them to live as they ought, & is worth y^e consideration of those in place, tho' not proper to be noysed unless necessary & order'd.

I hope to see y^o this Spring, and that I may have time to goe to some parts of the Gov^t where necessary, and should be glad to know more of neighboring parts, as we ought, & desire you will impart to me what y^o may know of contrays y^r way, or norward, beyond our improvem^{ts}. I am

Y^r very affectionate friend,

E. ANDROS.

I think I have answer'd every part of y^r letter of y^e 5th

* The first court of assizes was held at New Haven, April 10th, and at Hartford, April 13th. () Will and Doom.

past,* except of Mr Edwards, who I presume hath given y^o an acc^t thereof himsef, of my readines to give him a dispatch with all just favour, w^{ch} I thought best by refering itt to & be reported from [*your*] parts, but hath nott yett taken itt out.

To John Allen Esqr, [&c.]

No. CXXII.

JOHN WEST TO MR. ALLYN.

[Miscell., I. 43.]

Boston, 19th Aprill, 1688.

Sr: Inclosed is severall Proclamaçons appointing a time of Publique Thanksgiveing & Prayer on y^e occasion of the Queen's being with child, which you are desired to direct y^e speedyest way to be published & made knowne in y^e severall countys of Hartford, New Haven & Fairfield, that it may be duly observed & p^rformed in all parts accordingly. An oppertunity directly p^resenting I have sent p^ticularly to New London county. Perry will attend yo^r commands in any thing in this p^ticular he cann be serviceable.

His Excell^y intends y^e next weeke eastward as farr as Pemyquid, & hope all will continue well in his absence. My humble service to yo^rselfe & Lady, Coll. Talcott, Mr. Willis, & all other friends. I remaine, Sr,

Yo^r assured Friend & Serv^t,
JOHN WEST.

No. CXXIII.

GOV. ANDROS TO MR. ALLYN.

[Miscell. I. 44. Holograph.]

Boston the 23th of Aprill, 1688.

Sr: I have receav'd y^{rs} of the 17th instant† and seen the Judge, who hath also given a relation of the two Indians condemned, who are (only) to be executed accordingly, having had regard to y^{rs}, and no orders for any thing extreordinary.

If the duty on Excise be considered, as tis, (so much lesse than our neighbours and) inconsiderable to all concerned, but

* This letter is not found.

† No copy of which has been preserved.

of import to the publick, I doubt nott its being encouraged by all persons, w^{ch} may be a great means to suply the charge of y^e Gov^t even without the vsuall (att least repeated) contrey rates, and is the only end of itt and duty of customes or imposts and all other Act^s endeavoured, as well as may be, for the King's service and advantage of His subjects in these parts; and shall alwayes be glad to hear from y^o any thing that may contribute to itt; and desiring comendations to L^t Coll^o. Talcott &c. with y^o, remaine

Y^r very affectionate freind,

E. ANDROS.

I have now resolved going eastward as far as Pemaquid, and to set out (God willing) Wensday next, as nessesary att this time, and hope nothing extreo: afore my returne, w^{ch} I shall hasten all I cann.*

The order for Thancksgiving is as ordered and kept in England in January last.

For Capt. Allen, one of the members
of His Maj^{ty}s Councill, att Hartford.

No. CXXIV.

COL. ROBERT TREAT TO SIR EDMUND ANDROS.

[Massachusetts Archives: "Ursurpation," III. 215.]

Your Excellencies of the 17th of Aprell last I receaved and have searched the Records at Hartford about Golden Hill of w^{ch} yor Excellencie being informed of its scituation near y^e sea, quantitie about 150 acres, and belonging to Poquannuck Indians, about which land there have been much trouble in o^r Court between y^e neighbouring Towns of Stratford, Fairfield, and said Indians, but mostly Stratford, as by y^e coppies of agreem^{ts}, court orders and purchases (w^{ch} Mr. Shelton hath coppies and said he would shew them to your Excellencie) doeth giue full information. And the land lyeing neer y^e dividint line of y^e said towns, I take it Fairfield had y^e first

* "His Excellencie Sir Edm^d Andros in the months of April and May last visited the English forts, plantations and settlements all along the sea side and upon y^e great rivers, from Piscataqua to Panopscott eastward distant from Boston about 200 miles, and ordered the Cheife of all the Indians inhabiting those partes to attend him, which they accordingly did. He commanded them to call home their young men and not suffer them to run to the French, and to live quietly with the English their neighbours, * * * and left that country in great peace." Randolph's Letter to the Lords of Trade; Doc. Rel. to Hist. of N. York, III. 567.

Indian title to it (as tis said,) but I have not seen anie deed of it, but Stratford hath a very formall deed, though upon setting this land on the Indians there is an exception of Golding Hill, that when the said Poquanuck Indeans hath done wth Golden Hill and leave it, its to be Stratford men's land; who are to pay twentie pounds to Fairfield when Stratford men possess it, as I take it is partly in lieu of their first title and partly easm^t to Stratford and care to Fairfield to look after the Indeans. But Stratford men's over early and hastie endeavouring to possess themselves, hath occasioned trouble. Golden Hill lands is the Indeans, confirmd to them by order of y^e late Gener^{ll} Court vntill they doe publicly relinquish and resigne it up, and then its to be Stratford's according to their agreem^{ts} between them & y^e Indeans, of May y^e 19th, 1659. But since that, at a Gen^{ll} Court, May y^e 13th 1680, Poquanuck Indeans made application to y^e said Court shewing y^e commodiousnes of those lands for their liueing, by fishing, hunting, et. cet., and they were afraid lest it should be disposed frō them to the injurie of them and theirs, did by their agents for the wholl companie petition that their hands might be tied and not sell their rights in that lands and y^e consideration of it, wth others like minded, occasioned an order that what lands is reserved or set apart for anie Indians shall be recorded to them, and it shall not be in y^e power of anie Indean or Indeans to make anie alienation thereof, and whosoever shall p^rsume to buy anie such lands of anie Indeans shall forfeit treble y^e value or to this purpose so far: so that if this said tract of land be sold, y^e Indeans will soone in a few years repent and one if not both y^e towns will account themselves injured; and if to be sold, Stratford men y^t have so fair a deed alreadie, doubtless would plead for right of redemption. I cannot se anie better at present then that it should remaine according to their so late request. I am as free Mr. Shelton should haue it as anie other, if it be attainable, w^{ch} if so it seems fair that y^e Indeans be elsewhere provided wth lands to good content, and some securitie to free the two towns from y^e burden & charge to provide lands for them, though they should but lease it and not sell it, I leave all to yo^r Excellencies wisdom and beg pardon for my crudenes and prolixities, & remaine.

Yo^r Excellencies humble servant,

May y^e 23^d, 1688.

ROBERT TREAT.

Postsc. I doe hear that some of y^e Indean proprietors of Golden Hill are not willing it should be sold.

No. CXXV.

JOHN WEST TO MR. ALLYN.

[Miscell. I. 45.]

Boston, 20th June, 1688.

Sr:

I thank you for yo^{rs} of y^e 8th of May, w^{ch} received att Pemyquid, & had been sooner answer'd but that Perry's hasty dispatch & hurry of affaires in his Excell^s returne made me loose that oppertunity, w^{ch} hope you'l excuse. I am much oblided for y^e thoughts you have of my satisfacōn, & should be glad to serve you in any thing here. Wee have nothing of news but that of y^e enlargem^t of o^r Dominion by y^e addiōn of New Yorke much talked off.* Ships from London are dayly expected & then what news comes will not faile to imparte. In y^e meane time, content yo^rselfe with domestick affaires, and be assured that I am, Sr,

Yo^r Friend & Serv^t,
JOHN WEST.

Capt. Jn^o Allyn.

No. CXXVI.

FROM WM. WHITING TO SECRETARY ALLYN.

[For. Corresp. II. 18.]

London y^e 29th June, 1688.Mr. Jn^o Allyn.

Sr. I have yo^{rs} of y^e 30th Jan^{ry} last, desiring I would pay the 40^{li} I have in my hands of Sam^{ll} Martins, received of Mrs. Kirke. Now as to that money, I have writ Mr. Hooker at large, to w^{ch} refer you: I cannot part wth 22^{li} of it w^{ch} properly belongs to the sayd Martin, till I have his order to whom to pay it, or be secured in paying it, as I am directed by the Lawyer I employed in the case. As for Mr. Harwood, he hath been dead for some tyme, and that money lost, because Mr. Lord would never give ord^r to sue him, and for Mr. Tyte, that money lyes in y^e Excheq^r, never to be got out for the own^{rs}

* The commission appointing Sir E. Andros Governor of New England, New York and East and West Jersey, and of all the English territories in America from 40^o north latitude to the River St. Croix, Pennsylvania and Delaware only excepted, passed the great seal, April 7th. His instructions are dated April 16th. See both, in Doc. Rel. to Hist. of New York, III. 537-549. Randolph, in a letter to the Lords of Trade, (in October,) states that this commission was received by Andros "upon his return to Boston," from the eastward.

acco^t; and for the money remitted into my hands by the late govern^t of the Collony, it is but very small, what is left, being under 5^{li}, and know not to whom I must account for it; if you expect a pticular acco^t, I cannot give any, a great part of the money having beene distributed to severall psons, for their service, that will not be named. Propose a way how I may be secured, and the ballance shall be forthcoming. I have writ my brother more largely, on these subjects. Wth all due respects to you and yo^{rs},

I am, Sr, yo^r reall friend & Serv^t,
W^m WHITING.

To John Allyn Esq^r. These.

No. CXXVII.

MINUTES OF THE GOVERNOR AND COUNCIL, AT NEW YORK.

[Miscell. I. 46.]

Att a Councill held att New Yorke on Wednesday the nyne & twentyth day of August, 1688.*

PRESENT; His Excellency Sr Edmund Andros Knt.

Joseph Dudley,	} Esq ^{rs} .	John Vsher,	} Esq ^{rs} .
Rob ^t Mason,		Edward Randolph,	
Antho. Brockholls,		John Walley,	
Walter Clarke,		Walter Newberry,	
John Winthrop,		John Young,	
Fred. Phillips,		Nicholas Bayard,	
Jarvis Baxter,		Richard Smith,	
Stephen Cortlandt,		John Allen,	

WHEREAS the Execu^{co}n of an Act made the seaventh day of May last past by his Excellency Thomas Dongan, late Capⁿ Generall and Governour in Cheife of his Ma^{ties} Province of New Yorke in America, intituled, an Act for raising y^e su^{me} two thousand five hundred fifty five pounds six shillings, by or before y^e first day of November in the yeare of our Lord

* "His Excellency began his journey from [*for*] New Yorke on the last of July."

* "I have this day a letter from his Ex^{cy} dated att New Yorke the 24th ins^t. He has been att the two Jerseys and settled them to their great satisfaction. When his Ex^{cy} hath settled the affaires of New Yorke (w^{ch} he hopes would be done in a weeke) then by the advice of the Councill he designs up for Albany." Capt. Nicholson [to Mr. Povey?] Aug. 31st; in Doc. Rel. to Hist. of N. York, III. 550.

"I arrived here the eleaventh of August past, when His Majesties Letters Pattents being published, received this place, as alsoe East New Jersey the fiftenth and West New Jersey the eighteenth following," &c. Andros to the Lords of Trade, from New York, Oct. 4th. (Id. 554. See also, p. 567.)

one thousand six hundred eighty and eight, hath been and is, by order of his said Excell^y in Councill, dated the thirtieth day of July last past, for y^e reason therein men^coned, suspended till further order, which being taken into considera^con, itt is ordered, that y^e said act be fully and duly executed according to the tenor and true intent and meaning thereof, and y^e money therein men^coned duely leaved, raised, collected and paid, as therein is directed, of which all justices of y^e peace & other officers & persons concerned are to take notice & conforme themselves accordingly.

By order in Councill &c.,

JOHN WEST, D. Sec^y.

George Brewerton declareth upon oath y^t he being then Clerk of y^e Secretaryes Office at New York did write y^e foregoing order of y^e Govern^r & Councill w^{ch} was signed by John Witt, Deputy Sec^y.

Copy.

JACOB MILBORNE, Cl. Council.

A true copy of the originall, March 1st, 1689.

[JACOB MILBORNE.]*

[Endorsed, "A copy of the Councill Act charged to be trayterous."]

No. CXXVIII.

SIR EDMUND ANDROS TO MAJOR NATHAN GOLD.

[Massachusetts Archives: "Usurpation," III. 137.]

N. Yorke, 25th August, 1688.

Sr. Haveing some time since rec^d advice of five Indians being killed at Spectacle Ponds and lately of five Christians killed at Northfield† and actors not taken or knowne but supposed to be eleven strange Indians, I cannot tell you how much I am concern'd at the sayd Mischeife and Actors escape. You are therefore to take care that due Watch and Ward be kept in y^e respective out places till further Ord^r and give notice to all Indians in y^r Parts that if any Mischeife be done by

* The original signature has been cut off by or for some autograph collector.

† "During this His Excellence's progresse, newes is brought that five of His Maties Indian subjects were killd at Spectacle Ponds, neere Springfield in y^e colony of Connecticutt. and soon after, of six Christians murdered at Northfield, about 60 miles distant from that place, done by eleaven Indians belonging to y^e French, and since the tyme the Gov^r of Canada sent from y^e King his master the Articles of Cessation to Coll. Dongan. Upon which his Excell. has amongst other things of import for his Maties service, demanded of y^e Gov^r of Canada the eleaven murtherers to be sent to him." Randolph to the Lords of Trade, Oct. 8th. (Doc. Rel. to Hist. of New York, III. 568; see also pp. 550, 554, 557, &c.) Andros "despatched Col. Pynchon, who brought him the account, with orders to pursue the Indians."

Strangers and they doe not apprehend the Actors, or if not strong enough presently give us Notice and Joyne wth o^r Militia, such Mischeifs will be imputed to them. And upon Notice of any such attempts, You are to rayse such Force as shall be Necessary for y^e apprehending or pursuing the Actors to effect, wheresoever they fly, And to afford o^r Indians kind reception and protection in any of o^r Townes or places if desired, and that you let me heare from you of the state of y^r Parts and soe from time to time as occasion. I am, Sr,

Y^r affectionate Freind,

Maj^r Gold.

E. ANDROS.

No. CXXIX.

GOV. ANDROS TO JOHN ALLYN.

[Miscell. I. 47.]

New York, 1st October, 1688.

Sr: Am just now arrived from Albany* and in three or foure dayes intend from hence by land for Boston, and desire to see the principall officers and magistrates as alsoe some of the cheife of the Indians of your countrey together att Hartford, on my way, to whome you are forthwith to give notice that they attend accordingly.

Have nothing to add to my former orders but that all officers be carefull & steady in their respective stations and places, and that noe Indians be troubled or molested, vnlesse criminall; and those by such civill officers and in such manner as by law is directed for the apprehending and secureing malifactors, that they may be brought to tryall and punished according to their demeritts; and then need not be apprehensive, nor the innocent made to suffer with the nocent. I remaine,

Sr, Yo^r affectionate freind,

E. ANDROS.

To Lievtent Coll^l Allen.

* Andros left New York for Albany, August 30th, with several members of his Council, and fifty soldiers. (See Doc. Rel. to Hist of N. York, III. 568, 553, 557-565.) The object of his journey was to cement an alliance with the Five Nations, and to counteract the influence which the French were believed to have acquired with those tribes.

No. CXXX.

JOHN ALLYN TO GOVERNOR ANDROS, RESPECTING THE ORGANIZATION OF THE MILITIA.

[Mass. Archives: 'Usurpation,' III. 244:]

Hartford, October 15, 1688.

Most Excellent Sr.

I hope by the next post to hear of your safe arrivall at Boston and that your Excellency did find all things well there, which will much rejoyce me. Sr, I am willing to take this oppertunity to inform your Excelency that I have taken care to set this regiment in as good a posture as I can, and doe find that there is want of officers in some places, and therefore I doe humbly present to your Excelency Capt. Benjamⁿ Newbery to be Major of this regiment: he is the ancients Captⁿ and will be as acceptable as any I know of. If you accept not of him then some other of the captains as you shall please to appoynt. Captⁿ Fitch's company* they have lost their Ln^t; he dyed at Yorke.† I propownd Thomas Bissell the former Ln^{ts} Bro. to take his place: he is Quarter-master of the Troop, but they have men enough in the Troop sufficient for that place, but they have none in that Company soe suitable to make a Ln^t as this Tho. Bissell is. Allso Mr. Hooker he doth complayn of his unability to hold his place, & hath rece^d some incouragement that his plea will be so far acceptable as to procure his release from his place: and if that be obteyned if your Excelency see cause to grant that company a Captain, Ens. Nath. Standly will doe well for that place, & Mr. Sibborn Niccols will doe well for a Liuetenant. These will be acceptable to the seuerall companys, if your Excelency please to approve of it, & I doe esteem them to be sufficient for their respective places. If your Excelency please to improve them soe, the sooner they have their com^{ns} the better it may be. I pray your excuse for this trouble, & wth my service to your Excelency, I make bold to subscribe, excelent Sr,

Your most humble servant,

JOHN ALLYN.

Sr. I also make bold to inform your Excelency that if you please to make Ln^t Joseph Wadsworth Leiutenant of the company of the North side of o^r Towne & Mr. Niccols of the Sowth side, it will be most accomadating to the people as their habitations are settled. Allso o^r companies are not yet stated

* The Hartford county Troop.

† John Bissell, of Windsor, elder brother of Thomas.

as to their places, & I humbly propownd that Col. Tallcot's company be the first, & Capt. Newbery's the 2d, Capt. Caleb Stanly's the 3d, Capt. Chester's the 4th, Capt. Fitch's of Windsor the 5th, Capt. Lewes of Farmington the 6th, Capt. Harris of Midleton the 7th, L^{nt} Terry of Simsbury the 8th, Ensign Georg Gates of Hadum the 9th, and Watterbury the Tenth Company. If your Excelency approve of this, I will order them to put balls in their colours accordingly, that so they may be distinguished each from other, or otherwise as your Excelency shall direct. Your humble servant,

JOHN ALLYN.

No. CXXXI.

GOV. ANDROS TO JOHN ALLYN.

[War, II. 1.]

Squabague,* 16th Octobr, 1688,
five in y^e morning.

Sr. I haue this night receiued advise from Boston that y^e 11th instant one man was found killed by Indians to y^e Eastward att Cape Porpus & severall others missing who are feared to be lost, the Indians being still out but doe not yett know their number or of others joyned with them, But could not omitt this informaçon to yo^rselfe together with y^e inclosed to Cap^t Nicholson† and Major Generall Winthrop, which desire you to forward by Expresse, of w^{ch} p^rsume y^e Bearer a fitt person for one, and Remaine,

Sr, Yor very affectionate Friend,

E. ANDROS.

For His Maties Service.

To Lieut. Coll. John Allyn, of his Maties

Councill &c. Att Hartford.

* Andros having learned, on his return to New York from Albany, that forces had been sent from Boston to Casco Bay, in consequence of intelligence of hostile movements of the Indians thereabouts, set out for Boston, overland, "intending to visit Northfield, Springfield and other towns alarum'd by those mischiefs to prevent a second Indian war." (Doc. Rel. to Hist. of N. York, III. 569.)

† Capt. Francis Nicholson, deputy governor for Andros, of New York.

‡ "The conduct of that expedition [against the Eastern Indians] was offered upon very good terms to Major General Winthrop, one of the Council." Randolph's Narrative. (Doc. Rel. to Hist. of N. Y., III. 581.)

No. CXXXII.

THOMAS TROWBRIDGE TO GOVERNOR ANDROS.

[Mass. Archives: 'Usurpation,' III. 250.]

New Haven, 22th 8^{ber} 1688.

May it please yo^r Excelency, I heare that Mr. Hudshon our Sheriff hath returned Captin Berd's name for Sheriff of oure County. S^r I humbly conceive it may be verry inconvenient, because there will be no justis from Milford at oure Sessions. Mr. Bryan cannot ride to New haven and Mr. Leet is often sick: and there is one Mr. Campe of Milford, a man of good estate and many with us doe thinke him a fitt person, but leaue it to yo^r Excelency's discretion. Sir, there was one of youre Excelency's horses that was lame that was left with me, I waite for youre Excellency's comand whither I shall send him to Boston if any oportunity presents. I thinke he is cured of his lamenes. Not farther to trouble yo^r Excellency but to crave pardon for my presumption herein and remaineing yo^r Excellencys humble servât to comand.

THO: TROWBRIDGE.

No. CXXXIII.

MR. WEST TO JOHN ALLYN.

[Miscell. I. 48.]

Boston, 29th Octobr, 1688.

S^r: His Excelly arrived here on Wednesday last ab^t noone, where finds noe further acc^t of matters eastward then he wrott you from Squabeague, nor soe much cause for such proceedings as reported, those of y^e Councill being sencible of their mistake in their late actings: but all proper is now resolved, & doubt not good effects to settle all in peace & quiett. The several horses that came with us from yo^r towne & were left att Springfield, must be satisfied for two dayes att one shilling p day, & the three that came heither must be allowed for 13 dayes att y^e same rate, & payed by y^e Constable out of y^e rates of that towne; y^e guides & their horses being already payed by note on y^e constable; & it is his Excellys desire that you ord^r y^e constable to pay y^e same, accordingly.

I am, S^r,Yo^r Friend & Serv^t,

JOHN WEST.

Leiu^t Coll. Allen.

No. CXXXIV.

ORDERS TO LIEUT. COL. ALLYN TO DETACH TROOPS, FOR SERVICE, &C.

[War, II. 2.]

Seal. Sr Edmund Andros Kn^t, Captⁿ Gen^l and Govern^r in Cheife of his Maj^ties Territory & Dominion of New England, to Lieuten^t Coll^l John Allen, Greeting: I doe hereby authorize and require you forthwith to detach and draw out of the Regiment of foot under your Command, sixty able men and to haue them compleatly armed att Hartford within three dayes after receipt hereof, when they shall be mustered and enter into pay and receive such orders as may be necessary for his Maj^ties service. Whereof you are not to faile. Given under my hand and seale, att Boston, the first day of November in the fourth yeare of his Maj^ties Reigne Annoq. Domini, 1688. E. ANDROS.

By his Excell^s Comm^d
JOHN WEST, D. Sec^{'ry}.

To L^{tt} Coll^l John Allen.

Endorsed: "Rec^d Nov^r 9, 88. 10 o'clock."

[War, II. 3.]

BY HIS EXCEL^{cy}.

To Leiut^{nt} Col^{nell} John Allen.

You will herewith receive an Ord^r for the Detaching of sixty men out of y^e Regiment for his Mat^{ies} Service, of whom and such other forces as shall be rayed in y^r parts I have given the comand to Coll. Robert Treat, and have sent him comissions for Officers, and have ordered their marching and quartering att Northfeild or such other Townes or places on Conecticott River as may be most for his Mat^{ies} Service, and the security and defense of those parts.

I have likewise Ordered and Impowered him in case of attempts and necessity of further force, to rayse such other part of your Militia as he shall thinke fitt, giveing you notice thereof, and them to march where he shall judge proper, whose Ord^{rs} therein are to be observed.

In case the sayd Coll. Robert Treat shall be disabled by sickness or death, you are to send for and receive the several

Ord^{rs} and Directions sent for him and duely execute and pforme the same as fully and effectually as if the sayd Coll. Robert Treat might or could have done had he been well or liveing, giveing mee an account thereof and of y^e proceedings from time to time.

Dated in Boston, the first day of November, 1688.

E. ANDROS.

By his Excell^s Command,

JOHN WEST, D. Sec^{ry}.

Endorsed: "Rece^d Nov^r 9, 88. 10 o'clock."

No. CXXV.

CAPT. FRANCIS NICHOLSON TO LIEUT. COL. ALLYN.

[War, II. 4.]

Fort James, December the 4th, 1688, New Yorke.

St.

Yours of the twenty fifth I receiv'd last Friday, and doe give you my most hearty thankes, for the favour you did in sending me the news. I thanke God, wee are all very quiet in these partes; & when I heard from Æsopus, (the letters from thence being dated the two & twentieth of the laste moneth,) all was very well and quiet; and at Albany, I suppose soe too, if otherwise, they would have sent to Æsopus: by the first opportunity I shall advise them to looke out sharpe. I am apt to thinke the reporte to be a tricke of the French, endeavouring to affrighte our country people, and soe make them garison themselves, and then they may insinuate to the Indians, that the English either designs to fall vpon them, or are afraide of them, either of w^{ch} will be prejudiciall to us. In my opinion, if any Indians should bring such like news, they should be secur'd, and if it proves true, very well rewarded; if otherwayes, well punish'd. And when any such news is brought by Indians, the English would doe well to tell them, that they thanke God they neither feare the French, nor Indians, nor both of them together: if the Indians be thus treated, may be they will be more cautious, how they spreade such stories abroade. This place affordes little news, but what is publicke. Soe will not trouble you with it; the bearer being able to informe you. This morneing one Nicholas de Morris, haveing had eight weeks passage from England. He brings word that if not already a warr betwixte France and Holland, there is greate likelyhood of one; and that there is

greater preparations in England, both by sea & land: but I suppose you will have a better account from Boston then I can send you from this place. Harris I heare is at London, & bound speedily for Boston. I hope if any thing extraordinary hapeneth your way, you will please to send it me by expresse: if any thing hapeneth here, worth sending you, it shall be dispatcht by him who is

Your loveing Friend and humble Servant,

FR: NICHOLSON.

Pray my humble service to all our friends and acquaintance especially to our good brother Coronel Pynchyon.

To the Hon^{ble} Coronel John Allyn,
one of his Maj^{ties} Council att Hartford.

No. CXXXVI.

THE REVOLUTION IN CONNECTICUT.

The following extracts from Bulkeley's "Will and Doom," and from his Letter to the Court, or Convention, of May, 1689,* comprise all that can now be learned of the history of the revolution in Connecticut.

The "Will and Doom" alludes to rumours which were current in the autumn and winter of 1688, of "a plot on foot in Connecticut, as well as other parts of the countrey, to make insurrection and subvert the Government;" to the "coming of J. F. [James Fitch,] up to Hartford, once and again, early in the spring, 1689, to promote an election;" and to the evidences of concerted action with Massachusetts, "J. W. [John Winthrop?] his going to Boston on the same account so near about the time of Sir Edmund Andros, his apprehension; for he came to Boston the very day that Sir Edmund was apprehended; his siding with the transaction, taking advice there, and busy promoting of the Revolution here after he came back." In

* THE PEOPLE'S RIGHT TO ELECTION or ALTERATION of GOVERNMENT in Connecticut, ARGUED In a LETTER; By *Gershom Bulkeley* Esq; one of their Majesties Justices of the peace In the County of *Hartford*. - - - *Philadelphia*, Printed by Assignes of *William Bradford*, Anno 1689. 4to. 18 pp. This Letter was addressed "To the honourable Robert Treat Esq; and to the Worshipfull James Bishop, William Jones & James Fitch, and other the Worshipfull Justices of the several Counties; and any other whom it may concern, assembling at Hartford; To advise concerning Holding of a Court of Election by Virtue of and according to the late Patent." It bears date, May 8th,—the day before the meeting of the Convention. This rare tract (of which the only copies known to the editor are those in the library of the British Museum and in that of George Brinley Esq., of Hartford,) will shortly be reprinted, in the first volume of the Conn. Historical Society's Collections.

some counties, some of the Justices, before the election, "declared themselves out of office; others, in another county, tho' met in open sessions, would not be persuaded to do so much as to renew licences &c., as the law required." These things "make it very probable that the plot was of longer standing and of larger extent than we were aware of;" and that being the case, there was less occasion of surprize "that the gentlemen in Connecticut should *so easily*, in the year 1689, receive encouragement by letter from England, to take their Charter Government again, telling them, they were a company of *hens* if they did not do it."

About the time of the insurrection in Boston, "a few factious persons run to and fro in the colony of Connecticut, and by their false and fraudulent stories excite some of their old Freemen to hold an Election on the 9th of May ensuing; which project was promoted very privately, but at length spoken of more openly, yet not easily believed.

The discourse of an Election beginning to grow warm, and coming to the ears of those in authority, as a thing really intended, some endeavour was used in the County of Hartford to control this irregular and preposterous motion; but nothing could then be effected, the most of them also (who should have been wiser,) pretending (although it appeared afterward that they were not really of that opinion,) that Sir E. A. being imprisoned, the government was determined."

"One, it may be both of the Prince of Orange's declarations" had reached Connecticut.

"Because there was no Governor or Deputy Governor to summon a General Court for Election according to the Charter, J. F. [Capt. James Fitch,]* a Justice of the

* "This James Fitch," writes Bulkeley, in another place, "is a corporation captain (forsooth), and was a prime ringleader in the late motions." In 1691 and 1692, Capt. Fitch wrote and published two pamphlets, justifying the resumption of charter government: and the refutation of these "scurrilous libels," appears to have been a principal object of the author of 'Will and Doom.' They are cited, respectively, as "*A Plain Short Discourse*," &c., and "*A Little of the Much*," &c. [No copy of either of these tracts has been discovered, though search has been made for them in various public libraries and private collections. They are mentioned here, in the hope that by directing to them the attention of collectors, copies of one or both may be brought to light.] Capt. Fitch was a son of Rev. James Fitch, the first minister of Norwich. He was elected an Assistant in 1681. His purchase of the Wabaquasset and Nipmug country (see p. 150, ante,) and of other extensive tracts in New London and Windham counties, made him one of the largest landed proprietors in the colony and proportionably increased his personal interest in the deposition of Andros,—who paid little regard to so-called Indian titles and accounted Indian deeds of no more value "the scratch of a bear's paw." But Capt. Fitch did not require this additional incentive to opposition to arbitrary government. His subsequent career shows him to have been jealous, in the extreme, of every encroachment on popular liberty. Thirty years later, he was contending, as strenuously against Gov. Saltonstall and the Council, for the rights and privileges of the Lower House, as now against the usurped government of Andros. His energy, self-reliance and inflexibility of purpose, with his strong sympathies with the cause of the people, would have qualified him in an eminent

Peace, - - - travels from Dan to Beersheba to incite the Freemen. In one place, a constable who was bound by his oath well and truly to serve our Lord the King and to keep his peace, yet convenes the Freemen for this purpose. At Hartford, Nathaniel Stanley and James Steel, (private men, except that they were select men, or townsmen as they were called, for that town,) took on them to send out their tickets to divers towns, and in other places other private men take order to convene the Freemen to chuse Deputies &c., in order to an Election. This was the summons of the General Court for election in May 9th, 1689."

"When the time drew near, the Gentlemen aforesaid (and some of the old Freemen also,) came up from several towns to Hartford, something sooner than was usual, proposing on the eighth of May, (the day before their intended Election,) to hold a consultation about it: they seem'd very tender and scrupulous, and pretended a conscientious deliberation and debate of the lawfulness and expediency thereof, &c. - - - - The management and event of this debate (when it came to be known,) did demonstrate to us, that all this was but a pretence; they were resolved before hand; and the real intent was, not to consider the lawfulness of the matter, but only to project some way to seat themselves in their old places again. - - - - One Justice of Peace (siding with them,) declared, that they were resolv'd they would have a government before they went home, or he would spend his blood," &c.

[It was to this meeting for consultation, May 8th, that Mr. Bulkeley's letter of remonstrance was addressed. See note on page 455. He had been commissioned by Andros, as one of the Justices of the Peace for the county of Hartford, and declares that it is "only this trust reposed in him, and his real desire for the common good,"—not any enmity to ancient charter privileges, or ambition of retaining office,—"that puts him on, very well knowing that nothing but ill will is like to be his reward." He proceeds, "in sense of his duty to God, the King, yourselves, and all his Majesty's good people here," to offer a few considerations with respect to the proposed Election,—a motion which seemed to him to be "not only illegal, needless and unprofitable, but indeed very criminal, dangerous and hurtful to us." pp. 1, 3.]

It is asserted in "Will and Doom," that there was not only division in this council as to the mode of effecting the restoration of charter government, but that "the ringleaders of the

degree for a popular leader, had it not been for his occasional rashness and the violence of his opposition to men or measures that interfered with the accomplishment of his objects.

faction," or immediate representatives of the popular movement, were violently opposed to any course of proceeding which would re-instate the old magistrates in office without recourse to a new election: and that their influence had so far prevailed with the freemen, "that many of them at least were resolv'd that (if possible,) those Gentlemen aforesaid should be *blanked*."* "The Gentlemen on the other hand were too willing to an election, but not willing to be cast off, but had rather oppose the election, and so (no doubt) would have done, and have nominated the then present government,† if no trick could have been found to prevent that; this therefore was the difficulty, which was not determined till the next morning.

"The Freemen then at Hartford, waiting the issue of the consultation, and perceiving some difficulty or other did arise upon the debate (tho' they knew not what it was,) sent to the Gentlemen to let 'em know that they waited for their advice, and if they would please to give 'em their advice, they would submit to it and follow it, whatever it were; and one Minister there present told them, that if it were thought not to be advisable to proceed, he would undertake for his people, and go his way home and improve his interest to the utmost to content them.

"Hereupon the hot headed ringleaders (present in the consultation) perceiving the Freemen to be capable of good counsel, and the Gentlemen under a temptation to give it them, and so fearing a total disappointment by provoking the Gentlemen to oppose the Election," consented to a middle course, leaving the manner of effecting the change of government to the vote of the Freemen themselves.

"And for this end 3 propositions were drawn up, to be made to the Freemen at the time of Election, to this effect, viz:

1st. Whether they would that those in place and power

* In the election of assistants, each person nominated was voted for separately, every freeman putting in "a paper with some writing for election, or a white paper for a *blank*," which was counted against the candidate.

† Whereby Mr. Bulkeley and the other new justices commissioned by Andros, would have been continued in office. This was the course which he had urged the Convention to adopt, in the Letter before mentioned; that "instead of moving towards an election," the Judges and Justices should "unanimously declare, that they will maintain and exercise the government (in their degree,) according to their commissions, in conformity to the laws" of England, until such time as a sufficient warrant should come from the Crown, for other orders. (p. 12.) The accuracy of Mr. Bulkeley's report of a consultation at which he was not present and the nature of which was not known to the freemen who stood without, waiting its issue, (as he subsequently states,) may be reasonably questioned. That there were differences of opinion among the magistrates and the leaders of the revolution as to the best mode of attaining the end proposed, it is easy to believe; but that they made their own continuance in office a condition of assenting to a change in the form of government, as the author of 'Will and Doom' asserts is too improbable to be credited on his unsupported testimony.

when Sir E. A. took the government should resume their place and power as they were then; or

2dly. Whether they would continue the present Government; or

3d. Whether they would choose a Committee of Safety.

The last of these was a mere Chimæra; no man knew what to make of it, or what to do with it." - - - -

"And now the Gentlemen fall in and promote the Election in the way of these propositions.

"The time of the election being come, after the usual solemnity of a Sermon, (the more is the pity that the name of God must be so taken in vain, and religion made a cloak of sedition,) some preliminary discourse past upon the present occasion. - - -

"Divers of the Freemen who were present personally and openly declared against this proceeding and Election as illegal and irregular. - - - Others of 'em came only as spectators. - - - The rest, (a small party in comparison of the body of Freemen) were drawn together in the green† (sub dio) to hear the propositions read, which were accordingly read to them.

"Little or nothing was said to the 2d or 3d, but the first made a great uproar and tumult among 'em. Should they put them in place again who had betrayed the Government before?‡ No! they would never do it. Yet this only was put to the vote *pro* and *con*, by the lifting up of hands, and some credible persons have asserted that upon good observation made by them, being present, the negative vote was clearly the major vote. But the other party (who were for the affirmative) would not be so satisfied. Hereupon, (particular interest watching its seasons,) they were drawn into the house to vote again upon the first Proposition, by papers." - - - - At the second trial, some freemen refusing to act further, and

* This was the course adopted by the freemen of Massachusetts: a mistaken policy, as it proved, to which Increase Mather attributed the loss of the charter and the reduction of Massachusetts to a province of the crown. (See Extract from Mather's "Brief Account," &c., in note to No. CXXXVIII.)

† "The Green" was the open ground about the meeting house, near where the State House now stands.

‡ "Some I know reflect hard upon them for giving up the former Government; much like those that reflect upon old father *Adam*; but I will so far apologize for them, as to desire you to reflect upon yourselves, for have you already forgotten that you (I mean the people) were divided in your opinions; many grudged at the charge of that affaire, - - - others were so afraid of being annexed to *Yo'ke*, that they thought it the best way to submit without more adoe, so that they might be annexed to the Bay. Surely you cannot forget these things, by which (coming from the people by their Deputyes) it is reasonable to think that the Generall Assembly was moved to make that submission to the King; - - - and it is possible, that if those who reflect so hard upon them had been under the same circumstances, they would have done the same thing or worse." (The People's Right to Election, &c., pp. 9, 10.)

others supposing that the choice was only of temporary officers, to constitute a Court or Session for a regular Election, "it was said that the affirmative votes carried it; which being published, immediately upon this Election of 'em in the lump, oaths were administered for the year ensuing, without any further choice, in several, as was expected."

In a subsequent portion of the volume, the author incidentally quotes a characteristic remark made by Gov. Treat, in October, 1690, which is well worthy of preservation. In a trial before the Court of Assistants, the defendant pleaded to the jurisdiction, and challenged the authority of the court and of the existing government under which it was constituted. Gov. Treat declared, "that the *People* had put him in, and he had ventured all he had above his shoulders on this account,—and therefore he would maintain it."

Arguing that the Revolution was the unauthorized act of *individuals*, not that of the Governor and Company in their corporate capacity, and so without legal force, the author asks,—

"By whom was the Charter or its Government restored? What! by *James Fitch*, *Nathaniel Stanley* and *James Steel*, and such like *private men*?"

The allusion to Secretary Allyn as "*antesignanus* in the Revolution, and as the "dictator" who "could easily influence the Court with his gloss and move them to speak in his dialect," has been elsewhere noticed.

No. CXXXVII.

CAPT. JONATHAN BULL'S REPORT FROM ALBANY.

[War II. 6.]

Being sent by the Honrd Collo^l Allyn to Fourt Albany to enquire how matters stand between them of Albany & the Indians Maquaes & Ciniquas, &c.—

Coming to Albany Saterdag the 18th of May, 1689; In the first place I repaired to the mayor of the citty, delivered him a leter frō Collo^l Allyn, frō thence went with the mayor att his desier, up to his councell, whoe were then met together, where was maior Baxter, the maiestrats & aldermen, whoe were inquisatiue for nues. I tolde them w^t I thought convenient of tranceactions here, & w^t we had frō other parts, The mayor urging hard for more nues, I tolde him I made no dout but he had seen, at least, the substance of w^t colde be

tolde him, in printed papers, both as to foren nues and trance-
actions at Boston. His answer was y^t he neaner see any of
them, but haueing an intimation befor by som considerable
men on this side the Riuer y^t the mayor & his councill were
uery studious to keep all intilgence frō the people, I thought
it not conuenient to giue the printed papers into his hands
least thay sholde be kept both frō me & the people, but first
gaue Cap^t Bleaker a sight of them; the mayor coming just as
he began to read them, seemed to be disgusted y^t he had not
the first sight of them; I tolde him I did not think it conuen-
ient to shew them while Maior Baxter was preasent: he read
them and said it was not conuenient y^t the people sholde see
them for it wolde make them run all madd. I answerd, y^t I
thought he did not consult his owne interest in goeing about
to hide y^t frō the people y^t was so publick, for y^t it must needs
worke in them a gelosie of his faithfullness to them; & also
of them y^t were actiue with him in so doing; in y^t it was very
proper y^t all good Christian protestants should be acquainted
with these things; to which he answered litle, but seemingly
went away satisfied. The next day being the Saboth the
mayor sent to me for the papers which I readyly sent to him,
& in the euening discorsing with diuers gentlemen of the city,
who being earnest for nues, I tolde them I sholde not be want-
ing to impart w^t news I had to them, but the papers y^t I
brought had lent them to the mayor. One of them reply'd y^t
he inquier'd of the mayor since noone & he said he had not
heard nor seen any papers, & y^t there was none com, where-
upon they concluded they sholde neauer see them. I in-
formed them the substance as neer as I colde, & also y^t thay
sholde haue a sight of them to morow, at which they seemed
much tranceported, and vowed there shold be no Roman
Catholick in the Castle twelue hours longer; their zeall grow-
ing higher and higher for purgeing all places of & disarming
all Papists. Maior Baxter hearing of this gaue out y^t he
wolde be gon in 3 or 4 days, & accordingly did; after which
som of the miliary officers informed me y^t now thay had
taken the charg of the castle & all the keys into their owne
hands, and kept 25 men of the towne to wach & ward in the
Fourt, day and night, att which the people were much satis-
fied. I was then speakeing of returning home, but the mayor
& diuers others aduised me to stay and hear the result of
the Makques sachems of their buysnes, whome they ecspected
eauery day: but weary of waiting, I went up toward the
Makques country, ecspecting to meet them & with all to se &
know w^t posture the Duch were att Skenecteda & up y^t
Riuer, whoe I found much rejoyst with the nues y^t was

brought, & free frō feares of enemies, concludeing y^t all the five nations of Indiens aboue them are & will be true to their league with the Christians. Returning again to Albany, the Maquaes were ready to make their propositions in the Court house, with a present of Beauer and other firs, as I judged to the value of twenty pounds or more, which they brought and layed doune in the house, and haueing chose their speaker, he began, rising up with two or thre beauer in his hands, the rest all silent, not one word to be heard frō them all the while. The speaker spoke as foloweth, being the 24th May, 1689.

1. Breatheren, we are now com as our grandfathers used to doe, to renew our vnity & freindship and couenant made between us & you.

2. We desier y^t this house being the couenant & proposition house, may be kept clean, y^t is, y^t we may keep a clean, single, not a double heart.

3. We do renue the former couenant or chain y^t has been made between us & you, y^t is to say, New England, Vergenia, Mereland, & all these parts of America, y^t it may be kept bright on eauery side, y^t it may not rust nor be forgot.

4. We are heartyly sory to hear of Christian blud shed by those ill minded Indiens to the eastward. We now present this guift, as our Indien maner is, to wipe the tears frō the eyes & the blud of the relations of those y^t haue lost freinds by those ill minded men.

5. Let the tree of love & unity, unity & commerce, grow & flourish & the roots spread & branch forth through all our seauerall dominions to stand so fast so y^t none can moue it, so y^t we may all liue under the shade of this tree so y^t the sun of discord & quareling may not scorch & wound us.

6. We haue heard y^t there has been seauerall imbassages from you to Cannady this last year y^t we could not be acquainted with. We do all publickly aboue borde & we desier y^t you will do so also.

We heard y^t the eastward Indiens came where som of our men were a hunting desierous to speak with us, but we refused to haue any discourse with them but warned them to be gon, so y^t thay came not near our fourts but went as they com.

7. We intend a meeting of the cheif of our five nations in a little time at Onnodado, there further to consider of publick affairs & desier y^t you will send som person frō you to hear w^t we shall confer of, and also som of the Riuer Indiens if thay se caus; their meeting cheifly to consider what answer to giue the French whoe had often sent to them to speak with them.

This last proposition, when the sachems heard how maters

were circumstanced, & w^t nues was com to hand, thay seem to be glad & reioyce at w^t thay heard & wholly layd aside their intended meeting, promising nether to speak with the French nor hear the French speak to them.

The Aco^t writen on the other side being the substance of w^t I met with at Albany: only I was inform^d by som of the Duch there, y^t the Maques wolde be uery willing if desiered to goe against the Indiens to the eastward.

p JONATHAN BULL.*

Dated in Hartford, June 1^t, 1689.

No. CXXXVIII.

ADDRESS TO THE KING (WILLIAM III.), JUNE 13, 1689.

[For. Correspondence, I. 38.]

To the King's most excellent Majesty:

The Humble Adresse of your Majestie's dutifull & loyall subjects, y^e Govern^r and Company of your Majestie's Colony of Conecticot in New England.

Great Sr. Great was that day when y^e Lord who sitteth upon y^e floods and sitteth King forever did divide his and your adversaries from one another like y^e waters of Jordan forced to stand upon an heap, and did begin to magnifie you like Joshua in y^e sight of all Israel, by those great actions that were so much for y^e honour of God and y^e great deliverance of y^e English dominions from popery and slavery, and all this separated from those sorrowes that usually attend y^e introducing of a peaceable settlement in any troubled state; all which doth affect vs with a sense of our duty to return y^e highest praises unto y^e King of Kings and Lord of Hosts, and blesse Him who hath delighted in you to set you on y^e throne of His Israell, and to say, Because y^e Lord loved Israell forever therefore hath he made you King, to do Justice and Judgement; and also humble and hearty acknowledgements for that great zeal that by your Majesty hath been expressed, in those hazards you have put your Royall Person to, and in y^e expense of so great treasure in y^e defense of y^e Protestant interest: In y^e consid-

* "Since Albany was more eminently exposed to danger and the divided state of New York Government made the danger greater, and to secure the Five Nations of Indians to the English interest, we, 1st, sent Captⁿ Bull with Boston agents to joyne with those of Albany to renew the league & made the Nations a present, which had the desired effect: 2d, At the instance of the Albanians and Five Nations, we sent Captⁿ Bull with a company who posted at Albany many moneths, and was there when Schenektegee was taken, wher som of his men were lost." ("A briefe Narrative" &c. in War, II. 179.)

eration of all which, we your Majestie's dutifull and loyall subjects of your s^d Colony, are encouraged humbly to intimate that we with much favour obtained a Charter of King Charles y^e 2^d of happy memory, bearing date Aprill 23, 1662, in y^e 14th year of his reign, granted to the Govern^r and Company of his Majestie's Colony of Conecticot, y^e advantages and priviledges whereof made us indeed a very happy people; and by y^e blessing of God upon our endeavours we have made a considerable improvement of your dominions here, which with y^e defense of ourselves from y^e force of both forraign & intestine enemies has cost vs much expence of treasure & blood; yet in y^e 2^d year of y^e reign of his Late Majesty King James y^e 2^d we had a Quo Warranto served upon us by Edw: Randolph, requiring our appearance before his Majesties Courts in England; and altho y^e time of our appearance was elapsed before y^e serving y^e s^d Quo Warranto, yet we humbly petitioned his Majesty for his favour and y^e continuance of our charter with y^e priveledges thereof; but we received no other favour but a 2^d Quo Warranto; and we well observing that y^e charter of London and other considerable cities in England were condemned, and that y^e charter of y^e Massachusetts had vndergon y^e like fate, plainly saw what we might expect: yet we not judging it good or lawfull to be active in surrendering what had cost us so dear, nor to be altogether silent, we improved an attourney to appear on our behalf and to present our humble Adresse to his Majesty to entreat his fauour. But quickly upon it (as S^r Edmond Andros informed us) he was impowered by his Majesty to receive y^e surrender of our charter, if we saw meet so to do, and also to take us under his government. Also Col: Tho: Dongan, his Majesties govern^r of New Yorke, laboured to gain us over to his government. We withstood all these motions and in our reiterated Adresses we petitioned his Majesty to continue vs in y^e full and free enjoyment of our liberties and properties, civill and sacred according to our charter: we also petitioned that if his Majesty should not see meet to continue vs as we were but was resolved to annex vs to some other governmt,* we then desired that (inasmuch as Boston had been our old correspondents and a people whose principles and manners we had been acquainted with), we might be annexed rather to S^r Edmund Androsse his government then to Col. Dongan's; which choice of ours

* This address appears to have disturbed the equanimity of the author of 'Will and Doom,' almost as much as did the Revolution itself. He inserts it, at length, and criticises it paragraph by paragraph. At this place, he remarks; "We do not easily believe they used such language to King James, viz, "*if your Majty be resolved to annex us,*" &c. but take it to be only the *Dictator's* paraphrase, who could easily influence this Court with his gloss and move them to speak in his dialect."

was taken for a resignation of our Government, tho that was never intended by us for such, nor had it y^e formalities in law to make it a resignation as we humbly conceive. Yet Sr Edm: Andros was commissioned by his Majesty to take us vnder his government. Pursuant to which, about y^e end of October, 1687, he with a company of Gentlemen and Granadeers to y^e number of sixty or upwards came to Hartford (y^e chief seat of this Government) caused his commission to be read and declared our government to be dissolved, and put into commission both civill and military officers thro out our Colony as he pleased when he passed thro y^e principall parts thereof. Y^e good people of y^e colony, tho they were vnder a great sense of y^e injuries they sustained hereby, yet chose rather to be silent and patient then to oppose, being indeed surpris'd into an involuntary submission to an arbitrary power; but when y^e government we were thus put vnder seem'd to us to be determined, and we being in dayly hazard* of those many inconveniences that will arise from a people in want of government, being also in continuall danger of our lives by reason of y^e natives being at war with us, with whom we had just fears of our neighbouring French to joyn, not receiving any orders or directions what methods to take for our security, we were necessitated to put ourselves into some form of government; and there being none so familiar to us as that of our charter, nor what we could make so effectuell for y^e gaining y^e vniversall compliance of y^e people, and having never received any intimation of an enrollment of that which was interpreted a resignation of our charter, we have presumed by y^e consent of y^e major part of y^e freemen assembled for that end, May 9th, 1689, to resume our government according to y^e rules of our charter, and this to continue till farther order. Yet as we have thus presumed to dispose ourselves not waiting orders from your Majesty, we humbly submit ourselves herein, intreating your Majesties most gracious pardon, and that what our urgent necessities have put vs vpon may no wayes interrupt your Majesties grace and favour towards us your most humble and dutifull subjects,† but that in your clemency you

* 'Fear,' interlined.

† It was this portion of the Address, probably, which Mr. Whiting, the colony's Agent, objected to as "pernicious both to Connecticut and the rest of the country." See his letter, No. CXLII, *post*. Increase Mather, who was then in England petitioning for the restoration of the old charter of Massachusetts, attributed his want of success, to similar admissions in the Address from that Colony to the King. "Had they at the time of the Revolution, entered upon the *full exercise of their old charter-government*, and then humbly signified to the King that they had so done, and that they were persuaded His Majesty, who declared, when Prince of Orange, that Charters and Ancient Priviledges should be restored to the English Nation in general, would not be offended at them on the account of their adhering to what was their undoubted right; wise men are of opinion that they might have gone on without disturbance."

would be pleased to grant us such directions as to your princely wisdom may seem meet, with such ratifications and confirmations of our charter, in y^e full and free enjoym^t of all our properties, priveledges and liberties both civill and sacred as therein granted to us* by your Royall predecessor, King Charles y^e 2^d, which may yet farther ensure it an inheritance to us and our posterities after vs, with what farther grace and favour your Royall and enlarged heart may be moved to confer upon us, which we trust we shall not forget nor be unprofitable under, but as we have this day, with y^e greatest expressions of joy, proclaimed your Majesty and Royall Consort, King and Queen of England, France and Ireland, with y^e dominions thereto belonging, so we shall ever pray that God would grant your Majesties long to live and prosperously to reigne over all your dominions, and that great and happy worke you have begun may be prospered here and graciously rewarded with a crowne of glory hereafter.

ROBT TREAT, GOV^r.
 p order of the Generall Court of Conecticut, signed,
 JOHN ALLYN, Sec^y.

No. CXXXIX.

CAPT. JACOB LEISLER TO MAJOR NATHAN GOLD.

[War, II. 8.]

A 1689 y^e 7 June in N. Yorke.

Mess^r Nathⁿ Gold.

Sir, yours of the 5 of Instand is come saef to my hand wherein I understand your autoryse our action in securing the fort wich we gat in our possession the Last of May, god be tankt, without blod shed but y^e govern^r and Councell with all there Createurs haue use all the maens inmaginable to discourage all the well maendet habitants so that in 2: days half of the People where afraid and specialy my Compagni ware the work with all the art inmaginable for to divert them

"But in an Address to the King, they assure his Majesty, That *they had not entered upon the full exercise of their charter-government; but that not having received directions from England, which they humbly waited for, they entered upon the Government for the preservation of peace, until such time as they should receive an orderly settlement from England,*" &c. . . . When wise men in London saw this: Will you (said they) who are Agents for the Massachusetts Colony, refuse to submit to a settlement of your Government from England, when your principals have signified to the King that they will do it?" &c. ("Brief Account concerning several of the Agents of N. England" &c. London, 1691.)

* "We do not know of any clause in the Charter that gave them any sacred liberties and propriety. They and we are beholden to the act of Parliament for these liberties. * * We know very well who drew up this Address: this is a sly, in croaching insinuation, *et latet anguis in hac herba.*" Will and Doom.

but the 2 June at night I enterd in y^e fort to y^e gard with aboute 50 men aboute 30 men absented themselves for faer they lett me enter without any condition for hoers account. In the morning the 3: I had news of 3 Ships comming within the sand point whereupon I alarmed the towne and gatt the train Band in the fort and acquainted them upon watt account I garded the fort and tender them the Inclosed writing which wasseigned by six Capt^s and aboute 400 mens ho seems all to be animosly agreed to the preservation of the Protestant Religion and the fort for the present Protestant power that now raigus in England which does not jett putt the laet govern^r and his 3 counsels out of hoop to remaine raiguing still. I ame informed the intend to send one a purpose for England to act against use. We send to his Majeste one adres with y^e Inclosed seigned by the severall Capt^{ns} and Inhabitants. I am now ferry Busey and cane not inlarge only I advise that by y^e first, Commites ma be chosen and one trusted man send to procure in England some Privileges. I wish we ma have parte in your Charter, being as I onderstand in the Latitude. If posible I could be informed of the said Charter and Previledges it would be grate satisfaction. I tank your in behalf of all that ried yours, for all your Broderly Lofe and Kaindness and fully accept of itt and after respekt I recommaend you and us all in the Protection of the almighty god and Remaine, Ser,

Your most humble Servant,

JACOB LEISLER.

I refare me selbst to the Barer about the gratt Borden the Inhabitans have En it is in faver off the holl Contre.

JACOB LEISLER.

No. CXL.

THE GENERAL COURT TO CAPT. LEISLER.

[War, II. 7.]

Hartford, June 13, 1689.

Honord Gent^a:

We haue heard that upon waighty considerations, in a declaration of yours, dated 31 of May last past, you have attacked the Forte in N. Yorke and taken possession thereof to keep it in your hands for the defence of your citty, the protestant religion and people in those partes, and for his Mat^{ties} service. We haue also seen a writing you have published wherein you

declare that upon the arriuall of any orders from His Highnesse the Prince of Orang, now King of England &c., you will deliuer up the sayd Forte to his order wth all the artillery, armes and ammunition thereto belonging &c.

Gentⁿ, considering what you haue don we doe aduise that you keep the Forte tenable and well manned for the defence of the protestant religion and those ends aboue mentioned and that you suffer no roman catholick to enter the same armed or without armes, and that no romish catholick be suffered to keep armes wthin your government or citty, and that those whoe shall be betrusted with the government or command of your forte be trusty persons whome you may confide in.

And that we may know your p^rsent state and what may be necessary for vs to contribute towards your welfare, we haue appoynted the Honord Major Nathan Gold and Captⁿ James Fitch Esq^r to giue you a vissit and to giue there best aduice to you in any thing wherein they may be helpfull to you, and we desire that you will be pleased to give them full credens in what they shall haue reason to discourse with you about, and that you giue them a full acco^t of y^r affayres.

Gentⁿ, we shall not enlarge, but wth o^r hearty desires of your welfare and p^rsentation of o^r best respects, We bid you farewell, and are your assured friends,

The Generall Court of Connecticut,

p their order signed,

JOHN ALLYN, Secret^{ry}.

These for the Honord Captⁿ Jacob Leisler
& the rest of the Capt^{ns} in New York,
this dd.

No. CXLI.

GOV. BRADSTREET AND THE COUNCIL OF MASSACHUSETTS TO
THE GOVERNOR AND COUNCIL OF CONNECTICUT.

[Miscell., I. 49.]

Boston, 3^d August, 1689.

Hono^{ble} Gentⁿ: In addition to all the troubles and distresses have befall'n us since the Revolution of the Government, by the outrages of the heathen upon o^r neighbours and friends in the eastern parts and other difficulties wee have met withall, the intelligence received this day of S^r Edmund Andros his escape from the Castle,* hath added no little to the

* "Sir Edmund, his servant having enticed the centinel to drink, and then to suffer him to be upon guard in his stead, escaped from the castle, and went to Rhode Island, where Major Sanford stopped him, and sent him back to the castle again." Hutchinson's Hist. I. 392. See Doc. Rel. to N. York, III. 614, 615, 617.

great disquiet and disturbance of the people here, who are exceedingly concerned thereat, and all care is taken to make search for Sr Edmund both by water and land, the people being very ready and diligent in that matter. And it was thought needfull to post away the advice and intelligence thereof unto yo^r selves, not knowing which way he is gone or by what meanes, but doubtless hapened by treachery of some of the souldiers upon the guard, that such measures may be taken as are needfull.

The Letter from the Councill forwarded unto you now more than a fortnight since, its hoped is come safe to yo^r hand, and that you have advised upon the matters therein offered to yo^r consideration, and that wee shall speedily receive yo^r answer and see some Gentlemen from yo^r parts here to consult and advise of what is behoofull for the publique at such a time in this present conjuncture of affaires, and the growing insolencys of the heathen likely to overrun the eastern parts and make farther incursions into the country, unless some-speedy course be taken to suppress them. Wishing you all prosperity, begg your prayers for us and take leave to subscribe

Gentⁿ, Yo^r assured Friend & faithfull servant,

[S. BRADSTREET.]*

By consent & approbation of the Councill,
Is^a ADDINGTON, Sec^{ry}.

Please to dispatch and forward away the inclosed with all speed.

For The Honorable John Alleyn Secretary
of the Colony of Connecticott to be
forthwith comunicated to the Governour
and Council, These.

Hast Post Hast, For their Majesties service.

No. CXLII.

WILLIAM WHITING TO GOVERNOR TREAT.

[For. Corresp. II. 16.]

London, the 12th August, 1689.

Honrd Sr: I have yo^{rs} and Gen^{ll} Court's of y^e 13th June last, wth the inclosed Adress to his Maj^{ty}, which I have not delivered, but lodged with a Gentlemⁿ for yo^r service. There

* The signature has been torn off.

are sever^{ll} passages in it towards the close of it, that are pernicious both to yo^rselves and the rest of the country, therfor by councell (wth whom you ord^r me to advize) I am perswaded not to deliver it, but another Adress by word of mouth hath been made in yo^r behalf, w^{ch} was well rec^d. As to appearing as yo^r Attorney, I must absolutely refuse it; there is nothing to be done at Court without money, and my acquaintance and interest there is gon, and no new is to be made without it, w^{ch} you do not supply me with; and I am now too old to turn Courtier, and cannot follow busyness so close as I could formerly: besydes yo^r Collony owes me money that I have disbursed for them, w^{ch} amounts to 5 or 6^{li}, I cañot exactly tell, having not yet taken upp the sollicitors' bill, for fees and getting a copy of yo^r Charter attested, w^{ch} was made use of at the Councill board in a plea before them, where it was asserted that there was neither record of surrender or judgem^t against yo^r Charter, and was acknowledged by the late Attorney Gen^{ll} and Mr. Blythwait that there was not any; so suppose yo^r Charter to be good. As for an Attorney, we here think S^r Henry Ashurst to be a proper person for it, who is allready intrusted by yo^r neighbour Collonyes; and it may not be improper to employ the same person for the Vnited Collonyes, where the interest is the same, though at present there be some different circumstances: it is easy to agree to yo^r proportion of charges, and a supply of money must be made, otherwise yo^r busyness will not be done. I shall not add further, but refer you to Mr. Mather who can fully informe you; and with all due respects to yo^rself and the rest of the members of the Gen^{ll} Court, take leave and am,

Honrd S^r, Yo^r very humble Serv^t,

W^m WHITING.

To Robert Treat Esq^r.
These. In Hartford.

EXTRACTS FROM THE
RECORDS OF THE COMMISSIONERS
OF THE
UNITED COLONIES.

The acts and proceedings of the Commissioners of the United Colonies of New England, transcribed from the original minutes attested by their signatures, were "at large set down in the books of their records, whereof every colony had one." *Winth. Jour.* II., 246. Two, only of these copies are preserved,—that of Connecticut, and that which formerly belonged to Plymouth colony, now in the Secretary's office of Massachusetts. The latter was copied by Mr. Hazard, for publication in his second volume of *State Papers*, in 1794, and is soon to be again published, (as a portion of the Plymouth colony records,) by authority of the State of Massachusetts. The Connecticut copy is in good preservation. Its collation with such of the original minutes as have been preserved, attests its general accuracy; and it comprises the records of several meetings of the commissioners which are omitted from the Plymouth copy; namely, the informal meeting at Plymouth, September, 1652; the special meeting at Hartford, August, 1673; meetings at Hartford, September, 1678; at Boston, August, 1679; and at Hartford, September, 1684. Of these, only the three last mentioned fall within the period comprised in this volume; but it has been thought best to insert, with them, the records of the earlier meetings not found in the Plymouth copy or published by Mr. Hazard; and to incorporate such letters and reports, belonging to the files of the Commissioners, as are preserved in the Connecticut archives.

In transcribing for publication, it has not seemed advisable to retain the orthographic peculiarities, contractions, &c., of the manuscript record, which is itself a copy, by various hands, of original minutes few of which are now preserved.

RECORDS OF THE UNITED COLONIES.

At New Plymouth the 2d day of September, 1652, being the first Thursday of the said month, and the day appointed by the Articles of Confederation for the yearly meeting of the Commissioners of the United Colonies:—

There appeared Mr. Simon Bradstreete and Capt. Will. Hathorne, commissioners for the jurisdiction of the Massachusetts; Will. Bradford Esq., commissioner for the jurisdiction of New Plymouth; Roger Ludlow Esq., and Capt. John Cullick, commissioners for the jurisdiction of Connecticut; all invested with full power and authority from their several General Courts, according to the articles of confederation for the United Colonies of New England, concluded at Boston, the 19th of May [1643;] but none of the other commissioners appearing, the meeting, as some of us conceive, was frustrate.

Some other of the commissioners conceive that according to former precedents, and for some other reasons, the meeting might have gone on as formerly, viz.—Will. Bradford, John Cullick, John Astwood.

Upon the 3d of September, at night, appeared Mr. John Browne, the other commissioner for Plymouth, (who alleged he was so troubled with the tooth-ache that he could not come sooner, if he might have had all Plymouth,) and Capt. John Astwood, one of the commissioners for the jurisdiction of New Haven, (who alleged that he set out from New Haven the Thursday seven-night before the day of meeting, at two of the clock in the afternoon, and did his uttermost endeavor to be here at the day appointed; but fell short, as aforesaid.) Whereupon it was again taken into consideration whether the meeting might not be holden; but upon serious debate, it was concluded by some in the negative, that we could not proceed. Their reasons alleged were,—

First, Because the day appointed by the Articles of Confederation was past.

Secondly, Because the number of commissioners that by the said articles are yearly to meet, were not complete, nor like to be, this meeting.

Thirdly, Because of the great danger and prejudice that in after times may befall some one or more of the jurisdictions, by making such a precedent and acting according thereunto.

Fourthly, Because we see not that any act or conclusion of such a meeting can, in a strictness, oblige any of the jurisdictions further than they please.

Fifthly, Because there did not appear any such matter of moment as the neglect whereof might hazard the peace or welfare of all or any of the Colonies, and so imbolden us to presume upon the good liking and approbation of the several General Courts, in holding such a meeting.

Yet forasmuch as there were several complaints brought to us from several Sachems of the Narragansetts and others, informing one against another; we gave them the best direction and advise we could, for the preservation of the common peace and safety of the colonies, which we hope will be effectual to that end; and referred their further hearing to the next meeting of the Commissioners, where the parties complained of might be present who now are absent.

And whereas there were letters presented from the Corporation in England that required answer by the first opportunity, we thought meet and advised, that such commissioners as shall meet at Boston, in their return from hence, do perfect the accounts with Mr. Rawson, as also receive Mr. Eliot's accounts, and send them, with such a letter as they shall think meet, to Mr. Winslow, to be communicated to the Corporation there; keeping copies thereof. And it is left to the commissioners of the Massachusetts to give order for the sale or disposal of such goods as will not keep without damage, for the benefit of the Indians; and to do therein, as near as they can, according to the intent of the donors and mind of the Commissioners.

The complaints of the Indians are as followeth:—

1. Awashawe, a Narragansett Indian belonging to Ninigrett, complained that Uncas his brother robbed Ninigrett's men, and some other of the Sachems' men of Narragansett, and took from them much goods, trays, pots, pans &c., so many as they cannot name.

2. Secondly, that a Narragansett Indian belonging to Ninigrett, travelling from Connecticut to the Narragansetts, three of Uncas his brother's men met him and killed him.

3. Thirdly, that four of Uncas his men came to Niantecutt about three years since and killed a woman, and the Narragansetts in their pursuit of them killed one of his men.

4. Fourthly, they complain that the Coissett Indians, Pumham &c. carry themselves proudly towards Ninigrett, and refuseth to mourn for the death of their princes; and that Pumham's wife's brother stabbed one of Ninigrett's men, with a knife.

5. Fifthly, they complain that Uncas put to death their sachem, after he had taken a ransom for his life; and that the Commissioners promised them that their proof should be heard at any time after they had paid their wampum.

6. Sixthly, that some of their chief men are gone to Ossamequin, and that Ninigrett intends to fetch them, lest they there plot evil against him.

7. Seventhly, that Ninigrett bought a great mastiff dog of Robert Cole, and gave him forty shillings for him, besides other charges that he was at about him; which dog afterward ran home to Robert Cole, who killed the said dog. Ninigrett therefore requires the forty shillings of the said Cole.

The Commissioners answered to the complaints of Awashawe and the other Narragansett Indians, as followeth:—

That we are ready to do them justice, upon due proof of any wrong or injury done them; but it is not the manner of the English to determine any thing without hearing both parties; and therefore their three first complaints must be left to the next meeting of the Commissioners, where Uncas may have notice to be present; who also hath several complaints against the Narragansetts.

Fourthly. Concerning the Coissett Indians, we answer that Pomham and Sacanoco &c. have submitted themselves to the government of the Massachusetts, and we know not any tribute or subjection that they owe to the Narragansetts, nor that they ought to mourn for the death of any of their Sachems without they please; and for that of Pomham's wife's brother, it may be considered at the next meeting of the Commissioners.

Fifthly. Concerning the ransom they mention of their dead Sachem, it was heard and ended at Hartford, eight years since; and if they had had any further proof, they should have brought it sooner.

Sixthly. Concerning the notice they gave of their intention to fetch their men from Ossamequin, the Commissioners are offended at their presumptuous resolution, it being contrary to the articles of agreement betwixt the English and them, at Boston, the 28th of the 5th month, 1645, which binds them to advise with the Commissioners, and not do any thing that may disturb the peace without the counsel and allowance of the

said Commissioners ; and therefore the Commissioners do forbid any such proceedings as they intimate, at their peril. Further, the Commissioners will be ready and willing, at their next meeting, when they may speak with Ossamequin, to inquire into the case, and do them justice.

· Seventhly. Concerning the dog killed by Robert Coale, being informed by Mr. Browne of the truth of their complaint, we will write to Coale to return the forty shillings to Ninigrett.

Awashawe, a Narragansett Indian, with others, of their own accord appeared at Plymouth, who declared to the Commissioners that they had brought Pemumbans, a Pequot Indian, whom they accused for being hired by Uncas to poison Ninigrett, having cut off two of his fingers, and alleged they had some English proof that he confessed it before them ; who being examined in all the particulars, the Commissioners gave their answer, by Thomas Stanton, as followeth:—

If the Narragansetts could have proved that which they charge him with, we should not think the cutting off his fingers too great a punishment ; but forasmuch as he denieth all the particulars that he is charged with, or that he ever confessed any such things as are testified against him which might make him culpable, but that the interpreters did wholly mistake him ; affirming he only said that a Powawe going with him, upon the way told him that Uncas and three others had hired the said Powawe to kill Ninigrett, and asked him if he would go along with him ; which at last he told them he would ; but went that night only to the place where his wife was, where he was apprehended by Ninigrett ; the said Pemumbans denying that he was to have had any recompense, or had any poison or other like materials taken with him or in his keeping, but another Indian received it of the Powawe, (as the said Indian himself before us confessed,) and carried it to Ninigrett, which said Indian was Pemumban's only accuser. We therefore see no cause, in regard of any thing proved before us, for the punishment already inflicted ; and if the Narragansetts should proceed to any further punishment, without better proof than yet appears, the Commissioners will be offended, and account it a breach of covenant ; and for the present we see no cause but that the said Pemumbans should be set at liberty.

Whereas we were informed by Chekanoe, an Indian of Menhansick Island, on the behalf of the Indians inhabiting the said island, that they are disturbed in their possession by Capt. Middleton and his agents, upon pretence of a purchase from Mr. Goodyear, of New Haven, who bought the same of one Mr. Forrett, a Scotchman, and by virtue thereof the said Indians are threatened to be forced off the said island and to

seek an habitation where they can get it; the said Indians deny that they sold the said island to the said Forrett; and that the said Forrett was a poor man, not able to purchase it, but the said Indians gave the said Forrett some part of the said Island, and marked it out by some trees; yet never, that themselves should be deprived of their habitation there. And therefore they desired that the Commissioners, (they being their tributaries,) to see they may have justice in the premises.

The Commissioners therefore, in regard the said Mr. Good-year is not present, and that he is of New Haven Jurisdiction,

^ at their Court, to hear the complaint of the said Indians, and to satisfy the said Indians, if they can: if not, to certify the Commissioners, at the next meeting, the truth of the premises; that so some further order may be taken therein, as shall be meet.

ROGER LUDLOWE,
JOHN CULLICK,
JOHN ASTWOOD.

SIMON BRADSTREETE,
WILLIAM HATHORNE,
WILLIAM BRADFORD.

The Commissioners returned this ensuing answer to the Corporation.

Much Honored Gentlemen:

The Commissioners that met at Plymouth not having the ministers' accounts present, (as they ordered and expected,) committed the writing to you, as also the receipts of accounts and transferring the same, to so many of us as could meet at Boston. Sirs, we received yours of the first of May, 1652, as also we understand of your letter to Mr. Rawson, with the bills of lading and goods, to the sum of 162*L.* 8*s.* 2*d.*, with a cask of hats. For the iron work prepared by Mr. Bell, we have no notice of it, nor understand what is become of the same. We rejoice to hear that God hath brought in anything for the carrying on of the work of God amongst these poor Indians, which are now gathering into a church, as you will more fully understand by Mr. Eliot, as also from ourselves or some of us, by the first opportunity. For Mr. Butcher, we hope the ministers will write to him according to your desire. For Mr. Williams and his affirmations about the Indian work, we suppose he hath not been in these parts where the most of good appeareth amongst them: and if there were no more but five or seven wrought upon in sincerity, (with the manner civilized,) it were a great work. This we can say: the work of God, as we are informed and believe, goes on comfortably amongst them; which we should not affirm, were it not so; as you shall more particularly understand, (we hope,) by the

next. Mr. Eliot's brother, mentioned in the accounts, is one who accompanies his brother in the work and overseeth their buildings, fencings, cattle, &c. He hath hitherto had but 20*L.* per ann., but now demandeth thirty pounds, which he thinks he may now deserve, the work being much greater, many coming in daily to the embracing of the Gospel. What we have given out of the goods sent over by you to the ministers, schoolmasters, or best deserving men, we here send the accounts here inclosed; which are not so express as we desired. We doubt not but the ministers, to whom we leave the disposing of particulars, now understanding what we expect, will be careful to give hereafter. There is another minister, Mr. Peirson, who hath taken some pains in the work, who deserves encouragement. He lives at Branford, near New Haven. There is 28*L.* charged to account, which is for an Indian, whose scull and jaw bone was broken by the fall of a piece of timber, as he was sawing for the meeting house, sorely bruised and wounded, lying senseless many days; for which cure the chirurgeon hath 20*L.* and his diet and attendance, 8*L.* He is, (as Mr. Eliot saith,) no loser by his affliction, there being great hopes of his conversion, and hath diligently that employment ever since. For the allowance of 48*L.* to Mr. Winslow, we readily concur in the same; and for the other 100*L.* we have made the Colonies debtors for the same, and have it ready in hand to disburse, as the work shall need. There are some of the goods sent over which are not so useful for the Indians, as Mr. Rawson will more fully inform you. So leaving you, and the good work of God in your and our hands, to his blessing that is able to do above what we can ask or think, we remain, Sirs,

Your humble Servants,

10th Sept. 1652.

JOHN CULLICK,
JOHN ASTWOOD.

SIMON BRADSTREET,
WILLIAM HATHORNE,
ROGER LUDLOW.

REPORT OF A COMMITTEE APPOINTED TO INQUIRE RESPECTING THE
CLAIMS OF UNCAS TO THE PEQUOT COUNTRY; PRESENTED TO THE
COMMISSIONERS, AT THEIR MEETING IN BOSTON, SEPT., 1663.

[From a copy certified, from the files, by Simon Bradstreet, 1663; from which, this, in Towns & Lands, 1. 67, is certified by Eleazer Kimberly, Secretary.]

Boston, September 19th, 1663.

We, being desired by the Commissioners of the United Colonies to enquire of the Indians present concerning the interest of the Pequots, or respecting lands which Uncas layeth claim unto, we accordingly have endeavored the same, according to our best skill and understanding; and there being present, Cas-

sisinnamon, Kitchamaquin and Tomasquash Ecodno (alias,) the old honest man, Pequots; also, Womesh, Mumuho, Kaiton, Narragansett Councillors, with many others Indians; which do all jointly affirm, that long before the Pequots were conquered by the English, Uncas, being akin unto the Pequots, did live upon and Enjoy that land above a place called Montononesuck, upon which Mr. Winthrop's saw mill standeth; also, that it was his father's before him, and left unto him by his father; which he possessed some time. But he growing proud and treacherous to the Pequot Sachem, the Pequot Sachem was very angry, and sent up some soldiers, and drave Uncas out of his country; who fled unto Narragansett, for a while. At last he humbled himself to the Pequot Sachem, and desired that he might have liberty to live in his own country again; which the Pequot Sachem granted, provided he would be subject unto him, and carry it well. But soon after, he grew proud again, and was again driven out of his country, but his men subjected unto the Pequot Sachem; and yet again, upon his humbling, was restored, and grew proud again, and was conquered; and so five times; and upon his humbling himself was restored, and again conquered; until when the English went to war against the Pequots; and then Uncas went along with the English; and so, since, the English have made him high.

They further say, they know not the English fashions, but according to their manners and customs, Uncas had no lands at all, being so conquered. This, they say, Uncas cannot deny, but if he should deny it, the thing is known to all the Indians round about.

Also, the Narragansetts say that there is yet two of his men yet alive that fled with him into the Narragansett country, and have there abode ever since, who knew these things to be true. And further, they jointly affirm that Uncas had at first but little land and very few men, insomuch he could not make a hunt, but always hunted by order from other Sachems, and in their companies; which Sachems, being five brothers, lived at a place called by the Indians, Soudahque, at or near the place where Major Mason now liveth; who were the sons of the great Pequot Sachem's sister, and so became very great Sachems, and had their bounds very large, extending their bounds by Connecticut path almost to Connecticut, and eastward meeting with the bounds of Pasquattuck (who lived at Showtackett, being a Pequot Sachem whose bounds extended eastward and took in Pachogg;) the which five Sachems, being brothers, grew so great and so proud that upon hunting they quarrelled with the Pequots: at which the great Pequot

[Sachem] being angry with them, made war upon them and conquered them and their country, and they all fled into Narragansett country, (leaving their country and men unto the Pequot Sachem,) from whence they never returned, but there died. So that Indians affirm all their lands and Wocas's too, according to their customs and manners, were Pequot lands, being by them conquered, and now are the true right of the English, they having conquered the Pequots.

This was declared and testified by the Indians as abovesaid, clearly, to our understanding: as witness our hands,

GEORGE DENISON,
JOHN STANTON,
CARY LATHAM.

This is a true copy of the original left on file amongst the papers of the Commissioners, at their meeting at Boston, September 1st, 1663.

SIMON BRADSTREET, President.

LETTERS, &C.

ADDRESSED TO THE COMMISSIONERS, AT THEIR MEETING IN
HARTFORD, SEPTEMBER, 1664.

From the Council of Connecticut, objecting to the admission of Commissioners from New Haven colony.

[Original, in Miscellaneous Papers, I. 86.]

Hartford, September 2^d, 1664.

Much Hon^rd Gentⁿ. We understand by o^r Comm^{rs} that New Haven Gentⁿ have p^resented an order (as they call it) of their Gen^l Court,* whereby it appears Mr. Leet & Mr. Joanes are chosen Com^{rs}, and inusted wth power to act as Com^{rs}, for New Hauen Colony. Upon this information we thought good to p^resent o^r thoughts unto your consideration. Wee cannot approue of the afoarmentioned Gentⁿ to sitt as Com^{rs} amongst you; because it doth not appear that they are a Colony, or haue any power of government distinct from us, confirmed by regall authority. And we know no other gouerment in his Majesties dominions but such as is confirmed by him. They being noe gouerment as afores^d, we cannot but judg it will be prejudiciall to the severall colonyes, & o^r charter, to owne & approue of that Gouerment of New Haven. Besides we doe clayme them to be parte of o^r colony, being included in his Majesties Royall Grant.

* May 25th, 1664. New Haven Col. Records, II. 543.

And we doe hereby declare that we shall haue a tender respect to o^r Hono^rd Freinds & bretheren of New Haven, & shall apply o^rselues to improve o^r all to accomadate them wth all such desireable priviledges as o^r Charter affoordes.

Farther we thought it conuenient to informe your Worps that it is o^r desire still to maytaine o^r Confederation wth the vnited Colonyes of Massachusetts & New Plimoth, desireing that full prouission may be made to that purpose, according to that article of the Confederation that allowes of two colonies vniteing into one, which is consonant to y^e advice of the Com^{rs} & the Honoured Court of Massachusetts to this Colony.

Gentⁿ, we rest your Freinds & Seruants,

JOHN ALLYN, Secret^{ry}, in the name

& by the order of the Councill of Coⁿecticut.

*From Capt. Daniel Gookin.**

[Ecclesiastical, I. 9.]

Gent.

I thought it duty to giue you some short accompt of the worke comitted to me among the praying Indians, and the success therof. I haue applyed myselfe when I haue benee wth them, w^{ch} hath been frequent, with my vtmost endeauors, not only to compose and determine sundry difficult cases and questions that do arise among them, but to infuse into them principles of morality and industry, and to excite and draw forth the practise therof. The truth is, I doe (to my great comfort) find, especially among them y^t are sober and pyous, a heareing eare and a propense inclination to justify the rule and acknowledge the good therof: and also some of them (w^{ch} may bee excitations as well as examples to others) doe put forth in aplying themselues to vertue, diligence and industry.

I haue put the men, vpon breaking vp more ground, sawing of boards in winter; aplying themselues to serue and practise vsefull trades; and the women to spinning, knitt woolen and cotten; some of most of these things there are of y^m them that do practise; and my way is euery court to require and take an acco^t of their progres therin and as I find the case to incoradge the diligent and shame the idle. I doe p^{ce}ue

* "Several letters were received from Mr. Mayhew, Mr. Eliot, sen., Mr. Peirson, Mr. Chauncey, Mr. Usher, Mr. Bourne, and Captaine Gookin, which, with the answers returned to diuers of them, are left on the file with the records of this meeting at Hartford." Records of the Comm^{rs}.

the sinne of idleness is so riueted in them, that much patience and labour must be put forth and exercised before it can be expected to see the contrary vertue flourish among them: but I am not wthout hope of a good fruite in time.

That 10^{li} you ordered Mr. Vsher to pay for to buy wooll and cotton wooll for to stt y^m aworke, some of it hath bene delivered y^m and others haue spake for more and appointed to come for it, and they are imployed in the working and manufacture of it, of w^{ch} a carefull acco^t shalbe kept and made when the matter is ripe. I find the worke to increase vpon me, and my inability and insufficiency to doe any worke faithfully for God, I desire to bee more and more senscible of, but myne eyes are vnto him who is alsufficient, to giue wisdome and strength, for this as wel as other publiqe worke; w^{ch} may bee furthered by yo^r praier, w^{ch} I humbly craue, for him who is a begger at the throne of grace for yo^r near and strong vnity, and desireth to be acco^ted,

Honored Gentlemen,

Yo^r affectionate freind and seruant,

DANIEL GOOKIN.

Cambridge, 27th of August, 1664.

These. For the Hono^rd the Co^missioners of the Vnited Collonys at Hartford to bee p^resented.

From Mr. Daniel Weld, of Roxbury.

[Ecclesiastical, I. 8.]

Much Hono^rd. I humbly salute you in the Lord, with my humble seruis vnto your good Wor^{ps}. I doe here present myne accounts vnto you, of the Indians that are committed to my trust: I haue onely three Indian Schollers, and their yeares came out vpon the 25 of July last: And I acknowledge my selfe fully satisfied for the yeare past, by your Wor^{ps} direction to Mr. Vsher: And I could wish, if it might stand wth your Wor^{pps} likeinge, that there might be one Indian more added to those I haue, because they are much subiect to consumptions whereof 4 haue died within these few yeares. See praying the Lord to bles you and to send you safe home, I humbly rest, from Roxbury, Sept. 5 (64)

Your Wor^{pps} humble seruant,

DANIEL WELD.

To the much hono^rd Mr. Bradstreet & Mr. Danforth & the rest of the hono^rd Commissioners of the vnited Colonies now sittinge at Hartford, these present.

From Rev. John Eliot.

[Ecclesiastical, I. 10, a.]

Wor'pfull & much hono^red in the Lord.

The hour of temptation, w^{ch} Christ hath foretold, Re. 3. 10, shall come upon all the world, to try them y^t dwell upon the earth, is in pt come, and still coming upon us; and the true state of every man, in the sight of God, is that, as he is found to be, upon tryall. And therefore the wisdō of every true Christian is, so to stand fast in the Lord, as that, when all is done, he may be found standing; Eph. 6. 13, and having done all to stand. This wisdom and grace I beg of God for you all, as for my owne soule.

Touching the Indians, the first matter I shall p^rsent, is touching Phillip, and his people of Sowamset who did this winter past, upon solicitations and means used, send to me for books to learne to read, in order to praying unto God, w^{ch} I did send unto him, and p^rsents wthall; and my sonne hath bene twice wth them, and taught among them, and both my sonne and myselfe are ingaged to visit them afore winter (if God p^rvent us not;) w^{ch} we had purposed to have done afore this sitting of your selves, but that you may easily conceive w^t unexpected ocasions of delay have fallen out. Moreover, sundry places in the country are ripe for labourers, and some places doe intreat that some of theire countrymen, by name, might be sent unto them to teach them. One of the brethren of the Church of Natick is so called, by Indians about Nashawa, and one of the brethren of the Church at Martins Vinyard is called by the Nantuket Indians to teach them. We finding the Spirit of God thus moving upon these waters, the church of Natick, comēding it to God first in prayer, have agreed to send forth divers of the brethren unto sundry places where we know sundry are willing, and some desire, to be taught and to pray unto God. And because no man goeth a warfare at his owne charges, 1 Cor. 9. 7, I tould them y^t every one so sent should have shoes, stokins, a coat and neckcloth p^rvided for them; w^{ch} the mercifull p^rvidence of God hath (at p^rsent) p^rvided for, by the* rent of a Farme in the hands of the Wp^{fl}. Mr. Danforth, and I thank him he hath ordered supply in this matter; only I doe request y^t you would p^rticularly take notice of, and make supply unto Samuell, of Martyns Vinyard, who is called by the Nantuket Indians to teach y^m, and crave the boldnesse to intreat y^t you would please to

* In the margin, in Mr. Danforth's hand-writing, "A great mistake so to affirme."

allow him not lesse then ten pounds for this yeare, he having a wife and 6 children to pvide for.

The busynesse of the two schoolemasters w^{ch} petitioned the last yeare, was called afore Capt. Gookins, in open court, and they were (as I supposed it would prove) found defective in their attendance to the work, & were ordered by him to make it up by teaching schoole the winter following.

Because of what was written by the Honorable Corporation, of laying aside Capt. Gookins in this work, I was bold to request of them his continuance and encouragem^t, p^rsenting my reasons, w^{ch} I thank God & them, were so accepted as that they doe appve both of his labour and encouragem^t, w^{ch} they leave to your selves for the measure; and my humble request is, that it may be honor^{able}. If I thought it were needfull I could p^rsent you wth reasons, w^{ch} I doubt not but would be accepted by you. This is one, that it doth necessarily bring much resort to his house, and of such as cañot, in co^mon civility and humanity, be sent away wthout entertainm^t. Which I intreat your prudent consideration of.

When you were pleased, the last yeare, for weighty reasons, to put an end to salaries for Schoolemasters, and required the parents to be at that charg themselves, I was bold to tell you that the busynesse of teaching them on the Sab. and lecture dayes, and catechizing, as they grew more in light and knowledg, so the work grew the more difficult, and required the more attention, and would necessarily call for encouragm^t frō yourselves. And therefore my humble request is, that you would allow them not lesse than 5^{li} a man: and because there be 8 w^{ch} in o^r several Townes are teachers, I doe intreat, that for them there may be 40^{li} allowed for this yeare. And this I speake respecting ours in our parts, besids what is at the Vinyard, & at Sandwich, where my beloved broth^r, Mr. Bourne, is a faithfull and prudent labourer, and a good man. And if you please to ord^r the w^rpfull co^missioners of Plimmouth to give encouragm^t to John Sosoman, who teacheth Phillip and his men to read, I think it will be an action of good prudence, and a means to put life into the work; for human and rational meanes are to be used in p^moting God's works among mankind; though this work hath had this divine stampe upon it, that God himselfe is the beginer of it in every place.

Touching the Presse, I thank God & yourselves for the good successe of the work in it. Mr. Baxter's Call is printed and dispr^{ced}. And though I have Mr. Shepard's Synceare Conv^t & SoundBeliever all most translated, though not fitted and finished for the Presse, yet by advertizm^t frō the honor^{able} Corporation, I must lay that by and fall upon the Practise of

Piety,* w^{ch} I had intended to be the last: therefore this winter I purpose, if the Lord will, to set upon that booke. Moreover, they are pleased to put me upon a Gramar of this language†, w^{ch} my sonns and I have oft spoken of, but now I must, (if the Lord give life and strength) be doing about it. But we are not able to doe much in it, because we know not the latitudes and corners of the language: some general and useful collections, I hope the Lord will enable us to pduce. And for these reasons my request is, that you would please to continue my interprt^r's Salary, w^{ch} is ten pound more aded to w^t I was bold to make mention of afore.

My request also, in respect of Mr. Johnson, is, that seing the Lord hath made him instrumentall to finish the Bible, and Baxter, and is now returning for Engl^d, you would please to give him his due incuragm^t, and such further countenance and comendation, as your wisdō's shall see meet to afford him.

The hon^rable Corporation doe require of me to give them intimation how a greater revennu might be best employed in this work: now my opinion hath allways bene, y^t the sending forth and supporting fitting instrum^{ts} is a necessary, and I conceive, the best way, to pmote this worke; and you see y^t Divine Providence hath ripened more feilds toward this harvest, w^{ch} call for more labourers, and will multiply the labours of such as be therein employed, w^{ch} affords another reason of an honorable incuragm^t to Capt. Gookins, whose busynesse doth much enlarge, had he wherewth to afford answerable attendance. I shall cease to give you further trouble at

* "The Practice of Piety is finished, and beginneth to be bound up," writes Mr. Eliot, twenty-two years after this, to Robert Boyle. Letter of 29th Aug. 1686, in 1 M. H. C., III. 187.

† This suggestion appears to have come from Boyle. A letter to him, from Mr. Eliot, dated Aug. 26, 1664, refers to it as follows:—"I am bold to present some things to the honourable corporation (according as I am advised by the hand of my Christian friend, Mr. Ashurst.) What doth more immediately concern learning, I crave the boldness to make mention of unto yourself. You are pleased to intimate unto me a memorandum of your desires, that there may be a grammar of our Indian language composed, for publick and after use, which motion, as I doubt not but it springeth from yourself, so my answer unto yourself about it will be most proper. I and my sons have often spoken about it. But now I take your intimation as a command to set about it. When I have finished the translation of the *Practice of Piety*, my purpose is, if the Lord will, and that I do live, to set upon some essay and beginning of reducing this language into rule; which, in the most common and useful points, I do see, is reducible; though there be corners and anomalies full of difficulty to be reduced under any stated rule, as yourself know better than I, it is in all languages. I have not so much either insight or judgment as to dare to undertake any thing worthy the name of a grammar; only some preparatory collections, that way tending, which may be of no small use unto such as may be studious to learn this language, I desire, if God will, to take some pains in." Boyle's Works, (fol. 1744) V. 548. "The Indian Grammar Begun, or an Essay to bring the Indian Language into Rules," &c. was printed at Cambridge, in 1666, and was dedicated by Eliot to Boyle and the Corporation.

p^rsent, but com̄iting you unto the guidance and blessing of the Lord, I rest,

Your Wor'ps to serve you
in the service of the Lord,

JOHN ELIOT.

Roxbury, this 25 of the 6^t. 64.

To the Wor'pfull the Cōmissioners
met at Hartford, These p^rsent.

At a meeting of the Commissioners of the united Colonies in New England, (extraordinarily summoned by the Governour and Magistrates of Connecticut,) held at Hartford, August 21st, 1673 :—

The Articles of Confederation being read, an order of the General Court of the Massachusetts, dated May 7th, 1673, was presented and read, whereby it appeared that Thomas Danforth Esq. and Wm. Stoughton Esq. were chosen commissioners for the year ensuing, for that Colony, for a full and complete year, and were invested with full power and authority according to the tenor of the said Articles concluded at Plymouth in September, 1672.

The like order of the General Court of New Plymouth, dated June 3d, 1673, was presented and read, whereby it appeared that Thomas Hinckley Esq. and Capt. Wm. Bradford Esq. were chosen commissioners for that Colony for a full and complete year, and were invested with full power and authority according to the tenor of the aforesaid Articles.

The like order of the General Court of Connecticut, dated May 8th, 1673, was presented and read, whereby it appeared that Wm. Leete Esq. and Major John Talcott were chosen commissioners for that Colony for a full and complete year, and were invested with full power and authority according to the tenor of the aforesaid Articles.

Wm. Leete Esq. was chosen President for this meeting.

The Governor and Council of Connecticut being met, declared that the cause of their summoning this present meeting of the Commissioners was, the late enterprize and success of the Dutch fleet in the surprisal of New York, and bringing it and the places adjacent under their obedience, in a hostile manner; as also their threats referring to ourselves; that in such a juncture the common safety of these colonies might be

provided for. Whereupon the Commissioners agreed upon this following remonstrance :—

Hartford, August 27, 1673.

The Commissioners of the United Colonies in New England, having had communicated unto them a letter sent from the Governor and General Assembly of Connecticut Jurisdiction, unto the commanders-in-chief of the Dutch fleet riding in Hudson's River ; as also their answer thereunto, wherein they declare themselves sent forth from the States General of the United Netherlands, to do all manner of damage unto the enemies of the said States, both by water and land, &c. ; upon serious consideration of the whole matter, do judge meet to declare their approbation of the said letter from our allies unto the said Dutch ; and do hereby also further declare that, according to the articles of confederation, they shall at all times account the damage or spoil that shall be done to any one member of the confederate Jurisdictions, as done to the whole ; and are therefore firmly resolved, in confidence of divine assistance, accordingly to demean themselves ; and do also commend to the General Courts of the several Jurisdictions, that sufficient orders be given, and all due and effectual care be forthwith taken for provision of all manner of ammunition, men, and means of defence, that there may be no disappointment of aid to any one of the Colonies which may be first invaded. And that this our remonstrance be forthwith published in the several Colonies, by sound of the trumpet or beat of the drum.

The copies of the letters abovesaid are as followeth :—

Hartford, August 7th, 1673.

Sir :

Although we have heard of your actions at York, yet because the chief trust of those parts did reside in other hands, from whom you have too suddenly surprized it, we made it our business to attend what was devolved upon ourselves that way nextly. Yet we understanding you content not yourselves with what you have already taken, but demand submission of the people, his Majesty's subjects seated on Long Island eastward, beyond Oyster Bay, and have seized a vessel of Mr. Sellick's, one of our people, near one of our harbors, we have therefore sent James Richards Esq. and Mr. William Rosewell to know your further intentions. And we must let you know, that we and our confederates, the united Colonies of New England, are, by our Royal Sovereign Charles the 2d, made keepers of his subjects liberties in these parts, and do hope to acquit ourselves in that trust, through the assistance of

Almighty God, for the preservation of his Majesty's Colonies in New England. Which is all at present presented to you, from, The Governor and General Assembly of the Colony of Connecticut. Signed, per their order,

per me, JOHN ALLYN, Secretary.

These for the Commander-in-chief of
the Dutch Fleet riding in Hudson's River,
at New York, This,
per Mr. James Richards & Mr. Wm. Rosewell.

In Fort William Hendrick, this 24 August, 1673.

Sir: To answer your letter of the 23d August, which was delivered unto us, we say, that we are sent forth by the High and Mighty Lords the States General of the United Netherlands and his Serene Highness the Lord Prince of Orange, to do all manner of damage unto the enemies of the said High and Mighty Lords, both by water and by land; from which cause, we being come here into Hudson's River, have brought the land and forts within the same under our obedience; and in regard the villages lying to the eastward of Oyster Bay did belong to this Government, so it is that to prevent all inconveniences we have cited the same to give the oath of fidelity; in which if they remain defective, we are resolved to force them with arms. Likewise also we shall not be afraid to go against those that shall seek to maintain the said villages in their injustice.

Concerning the vessel that is taken by us close by your haven, there is no other consideration but that it was taken from our enemies; wherefore it appears very strange before us, that we should be objected against concerning it. We do well believe that those that are set for keepers of his Majesty's of England's subjects will quit themselves as they ought to do, for the preservation of the Colonies in New England; however, we shall not for that depart from our firm resolutions.

We conceive we have herewith answered your letter. Thus done, in the place as above,

By order of the Commanders & Council of War,
N. BAYARD, Secretary.

The Commissioners of Connecticut made a relation of a murder lately committed by an Indian called Mowim, upon a Pequot Indian girl, in the bounds of Stonington within their jurisdiction; which murderer was apprehended and imprisoned in order to his trial; but breaking prison he fled to Ninicraft, who refuseth to deliver him up to justice amongst the English, pretending his own right to be the proper judge

himself. Upon consideration hereof, and being requested to give our advice, the Commissioners think it most just and necessary that the authority of Connecticut do forthwith make further demand of the said murderer and bring him to his trial; and in case of neglect or refusal, to prosecute their demand to effect; and that Ninicroft be called to account and compelled to make reparation for the injury and affront hereby done to the English and their government.

Whereas the Thirteenth Article of the Confederation, concerning vagabonds and wandering persons, doth not so clearly and universally determine what abode of persons removing from one colony to another shall make them become a settled inhabitant of that colony into which they come, by reason whereof some differences have already happened, the Commissioners judge meet that it be proposed to the General Courts of each Jurisdiction, that this amendment of that article be mutually concluded and enacted, to wit, that the words, "or otherwise removing from one colony to another," be inserted therein and added to those of "vagabond and wandering;" and that the time of three months be enlarged unto nine.

In testimony of our joint consent to the foregoing conclusions, we have hereunto set our hands, this 27th August, 1673.

THO. HINCKLEY,

WILLIAM BRADFORD,

JOHN TALCOTT.

WILLIAM LEETE, President.

THOMAS DANFORTH,

WILLIAM STOUGHTON,

At a meeting of the Commissioners of the United Colonies, at Hartford, Sept. 5th, 1678:

The Articles of Confederation being openly read, an order of the General Court of the Massachusetts, dated May 8th, 1678, was presented and read; whereby it appeared that Thomas Danforth and Joseph Dudley Esquires were chosen commissioners for that Colony for a full and complete year, and were invested with full power and authority according to the tenor of the said Articles concluded at Plymouth, Sept. 5th, 1672.

A like order of the General Court of New Plymouth, dated June 4th, 1678, was presented and read; whereby it appeared that Thomas Hinckley, Esquire, and Major James Cudworth, Esquire, were chosen commissioners for that Colony for a full and complete year, and were invested with full and complete authority, according to the aforesaid articles.

A like order of the General Court of Connecticut, dated

May 9th, 1678, was presented and read; whereby it appeared that Wm Leete Esquire and Captain John Allyn were chosen commissioners for that Colony for one full and complete year, and were invested with full power and authority according to the said Articles.

William Leete Esq. was chosen President for this meeting.

A letter directed to the Commissioners of the United Colonies from the Governor and Council of the Massachusetts, under the hand of Mr. Edward Rawson, their Secretary, dated August 30th, 1678, was presented and read, the contents whereof informing of the mischief done by the Maquas to the praying Indians of Natick, and of their endeavors used for the regaining of the captives by them taken; commending of that matter to the consideration of the Commissioners, for the preventing of the like depravation for the future: as also a letter from Major Daniel Gookin and the Reverend Mr. John Eliott, of the same import.

[From the Files. War, Vol. I., Doc. 138.]

Much Honoured Gentⁿ.

I am required by our honored governo^r & Council mett in Boston 9th of August inst. to signify to you that some of the Macquaes in June last at Maguncog not farr from Natick kild three and carryed away captive twenty four of our freind Indians into their country wthout the least prouocation made knowne, the sense of which injury mooved our Council to comissionate and instruct Samuel Ely & Benjamin Wayte to reparaire to the Macquaes Sachems, and to demand of them the reason of such their hostile actions, as also the delivery of the said captiues. The said persons went & returned with such evading frivolous answers, as gives just cause to comend the weighty consideration of the case to your wisdome; that such course may be directed to & taken, as (if it be the good will of God,) may prevent any more such prejudiciall actings in one colony or another to the disturbance of the peace of the colonies. Having referred it to our honored comissioners to give you a more ample information as to the particulars thereof, not willing to give you further trouble, desiring the presence & blessing of the Almighty to be wth you, remaine, Gentⁿ,

Your lo: freinds & confederates

The Gov^r & Council of the Massachusetts.

EDW^d RAWSON, Secret^y, by their ord^r.

Boston, 30th August,
1678.

The Commissioners, after a full debate of what was expedient to be done in that matter, drew up the following letter to be sent to Sir Edmund Andros, Governor of New York:—

Hartford, September 6, 1678.

Honorable Sir: The meeting of the Commissioners of his Majesty's United Colonies, at Hartford, upon the date of these presents, gives good opportunity to congratulate your safe return into these parts, where we are jointly concerned in one common interest of his Majesty and the English Nation, and hope your Honour's ready compliance in and advance of those means that may conduce thereto; in special, to a general resettlement of the country, after so much trouble and mischief lately suffered by the barbarous Indian enemy,—which Almighty God hath in a great measure already indulged unto us, no new trouble in view seeming to threaten, unless by means of misunderstanding between the Maquas and our friend Indians, the Maquas having lately made a depredation near our English houses, killing and carrying captive twenty four. Since, we have so far concerned ourselves as, by messengers, to solicit their return to us, and to inform [them of] their mistake, if it may so charitably be construed; obtaining yet no more than that they should be returned if again sent for, and in presence of your Honour, upon whom they seem (if not wronged by the interpreter,) to have a great dependence. The Indians under the governments of these Colonies do greatly complain of their constant annoyance and mischiefs done by them, so that we fear if their further quarrell be not prevented it will quickly break out into a flame which may endanger the scorching of their English neighbors; and who can foresee the sad consequences thereof. Whether your Honour will have a like resentment of the matter as we have, or shall judge it meet to concern yourself so far as to exert your power and interest for the return of these captives and quieting of those disturbers of mankind, we know not; but do judge it our duty which we owe to his Majesty and the peace of his subjects in these United Colonies, to give you a true and timely information thereof; these troubles hindering the further planting and settlement of our countrymen in these parts, which yourself and we are laboring to procure. Your sense herein and answer while we are sitting, will greatly oblige, Honorable Sir, Your most humble servants,

The Commissioners of the United Colonies,

WILLIAM LEETE, President.

These for the Hon. Sir Edm.
Andros Knt. and Governor
of his Royal Highness's
Territories in America; at
Fort James, in New York,
This delivered.

THOMAS DANFORTH,
JOSEPH DUDLEY,
THO. HINCKLEY,
JAMES CUDWORTH,
JOHN ALLYN.

New Plymouth's Account of charges of the late War with the Indians.

	li.	s.	d.		li.	s.	d.
New Plymouth,	601.	01.	06	Easthampton,	500.	00.	00
Yarmouth,	497.	12.	08	Sandwich,	1099.	08.	04
Barnstable,	800.	17.	09	Scituate,	1200.	00.	00
Taunton,	1000.	00.	00	Rehoboth,	1100.	00.	00
Swanzy,	500.	00.	00	Bridgewater,	244.	10.	08
Duxbury,	300.	00.	00	Marshfield,	600.	00.	00
Dartmouth,	200.	00.	00	Middleborough,	100.	00.	00
				Treasurer's Disbursements,	3000.	00.	00
				Total Sum,	11743.	10.	11

Presented by, THOMAS HINCKLEY,
JAMES CUDWORTH.

The accounts above written, by the votes of the Commissioners were accepted.

WILLIAM LEETE, President.

Not consented to: JOSEPH DUDLEY.

1675.	COLONY OF CONNECTICUT.	Dr.
		li. s. d.
	By Governor Winthrop's salary,	150. 00. 0
	By Dep. Governor's salary,	40. 00. 0
	By Treasurer's salary,	15. 00. 0
	By Secretary's salary, allowed,	15. 00. 0
	By Marshal's salary,	12. 00. 0
	By charge of the Deputies,	107. 04. 0
	By Mr. James Bishop,	10. 00. 0
	By Jailer's salary,	12. 00. 0
	By the Deputies' charge of a special Court,	30. 12. 0
		<hr/> 391. 16. 0 <hr/>
	[1676.]	
	By Gov. Leete's salary, with charge &c.;	100. 00. 0
	By Dep. Governor's salary,	20. 00. 0
	By Secretary's salary,	15. 00. 0
	By Treasurer's salary,	20. 00. 0
	By Marshal's salary,	12. 00. 0
	By Jailer's salary,	12. 00. 0
	Deputies,—two Courts,	107. 04. 0
	By allowed 38 Deputies, 4 ^s per man,	7. 12. 0
		<hr/> 293. 16. 0 <hr/>

[1677.]

	li.	s.	d.
Capt. Denison's, Pr[ovost] Marshal,	2.	10.	0
Granted Mr. Thomas Denham,	10.	00.	0
By Gov. Leete's salary and charge,	100.	00.	0
Dep. Governor's	30.	00.	0
Treasurer's salary,	30.	00.	0
Secretary's,	20.	00.	0
Deputies, 2 Courts, expenses,	107.	04.	0

299. 14. 0

391. 16. 0

293. 16. 0

985. 06. 0

To the Marshal's salary, 15. 00. 0

To the Jailer's salary, 12. 00. 0

1012. 06. 0*Per Contra.**Cr.*

October 14, 1675.

li. s. d.

By a rate granted of 12 <i>d.</i> on the pound, on all the rateable estate of the Colony, 157,939 <i>L.</i>	}	7,896. 19. 0
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Oct. 12, 1676.

By a rate granted, of 18 <i>d.</i> on the pound, of all the rateable estate of the Colony, which rateable estate was 139,525 <i>L.</i>	}	10,464. 07. 06
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Oct. 11, 1677.

By a rate granted, of 8 <i>d.</i> on the pound of all the rateable estate of the Colony, which rateable estate was 144,738 <i>L.</i>	}	4,824. 12. 0
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23,185. 18. 06

1,012. 06. 00

22,173. 12. 06

What was raised by captives is spent in the
war; the accounts not yet come at,

And the Colony is yet in debt,

That these rates were granted as above expressed,
is affirmed per JOHN ALLYN.

The Accounts above written, by the vote of the Commissioners were accepted.

WM. LEETE, President.

9678*L.* not consented unto per us,
THO. DANFORTH,
JOSEPH DUDLEY.

Capt. Arthur Fennor appearing before the Commissioners and exhibiting his petition for recompense of damage done him by the soldiers when they were pursuing the enemy, in his hay and fencing stuff &c.; it appearing to be the enemy's hands, whom they were then pursuing, and that it had all been lost otherwise, had not the soldiers made use thereof; yet with respect to his particular loss thereby sustained, in case he shall rest satisfied therewith, the Commissioners do agree that he shall be allowed twenty-eight pounds, ten shillings; to be paid by the treasurers of the several colonies, in proportion as followeth:—by the Massachusetts, fifteen pounds; by Plymouth, four pounds, ten shillings; by Connecticut, nine pounds.

Mr. Stephen Arnold, upon the produce of Gen. Winslow's order for the delivery of six or eight sheep to the forces sometime lodged at Patuxet, is allowed fifty shillings, to be paid by the several colonies in proportion.

It appearing fully to the Commissioners that Anthony Lowe, during the time of the late war with the Indians, was at great expense of time and charge for the furtherance and help of the soldiers, by himself, sloop, and servants, the Commissioners do agree that he shall be allowed twenty-eight pounds, ten shillings, to be paid by the several colonies, as followeth:—Massachusetts, 15*L.*; Plymouth, 4*L.* 10.; Connecticut, 9*L.*

A Copy* of Sir Edmund Andros's letter, in answer to the Commissioners.

New York, September 10th, 1678.

Honble. Sir: Since my arrival, I wrote to the Governor and gave [him] an account of my return &c.† Yours of the 6th instant, I received last night; for which give you many thanks; and shall be still ready to do my duty as I ought, and especially to my neighbors. And as [to] that particular late act of the

* The original is in War Papers, Vol. I., Doc. 139,—with which the record has been collated. This letter has been printed in Documents Relating to the Col. History of N. York, III., 274.

† This letter, of August 8th, was not received by Governor Leete until the 18th of September. "Where lay the fault is uncertain, however it hath obstructed the answer which in civility would have been sooner given," wrote Gov. Leete, on the day of its receipt. See his letter, (no copy of which is found in the files,) in Doc. Rel. to Col. Hist. of N. York, III., 275.

Maquas you mention, and your having sent a messenger, and had answer from the said Maquas, you are best able to judge thereof and what is proper to be done thereupon, which if you shall think necessary to signify, or any your desires, I shall not be wanting on my part, as occasion, to prevent any flames which may endanger any of his Majesty's subjects, as you seem to suggest may ensue, or trouble or hindrance to the planting and settlement of our countrymen in these parts: and remain, Honorable Sirs,

Your humble servant, E. ANDROSS.

Directed; For the Honorable Wm. Leete Esq.
Governor of His Majesty's Colony of Connecticut,
& Comm'rs for the Colonies at Hartford.

Received, 13: 7th, 1678.

Hartford, September 14th, 1678.

Honble. Sir: Your letter directed to the Governor of this Colony not being yet come to hand, the contents are unknown; and so craves excuse that you had no answer thereof.

These are to signify our thankfull acceptance of your friendly lines in answer to our former letter, the 6th of this instant. And that nothing might be wanting on our part we do hereby further request of your Honour, speedily to improve your interest and power for the return of those poor captives yet remaining alive among the Mowhawks, and for the future security of all our friendly Indians. Our bowels cannot but greatly yearn towards them, considering how friendly and faithful they have manifested themselves to be to the English in our late troubles; and many of them are among the little number on whom the blessed God hath had compassion, in sending to them his everlasting Gospel, and we hope not without success to some of their poor souls. We have not yet been informed of any just ground that the Maquas pretend for their daily excursions and depredations. Your friendly aspect and pains herein, and for the settling of a general peace among the Indians, we judge will be acceptable to God, to his Majesty, and shall be to us, who are, Honorable Sir,

Your humble servants,

The Commissioners of the United Colonies:

WM. LEETE, President.

Directed: For the Honble. Sir
Edmund Andros, Knight, &
Governor of his Royal High-
ness's Territories in America,
at Fort James, in New York.

THO. DANFORTH,
JOSEPH DUDLEY,
THO. HINCKLEY,
JAMES CUDWORTH,
JOHN ALLYN.

Mr. Samuel Wilson and John Watson, of Pettaquamscott, having presented to the Commissioners, each of them, a bill of

charge of sundry particulars, upon the Colonies, for provisions to the army in the Narragansett country, the Commissioners, being not certified by the officers of those companies charged to receive such supply, nor vouchers signing their accounts, cannot at present see cause to allow their demands.

The Commissioners having been moved to consider Captain Avery for his good service in assisting in the Government of the Pequots, for sundry years past, having received no consideration for the same, do agree to grant him five pounds, to be paid out of the Corporation [stock,] the next year.

There is ten pounds, for one hundred bushels of corn delivered the Indians from Watertown mill, which hath been now presented to be accounted for, which is also reserved to be paid in the next year's account.

For the settling of the accounts between the United Colonies, with reference to the late Indian War:—

The accounts presented by the Commissioners of the Massachusetts, amounting unto forty-six thousand two hundred and ninety-two pounds in money, is allowed; provided always, in case the General Courts of the other Colonies, on their perusal of the result of this meeting, shall disallow the charge of those expeditions that were without their patent liberties, within the province of Maine or farther eastward, then so much as was expended on the first exigent that happened on those parts, Oct. 1st, 1675, being allowed, according as the Commissioners then ordered, the remainder of what is charged in that account for after expeditions in the abovesaid province &c. as above, shall be abated out of their account.

The accounts presented by the Commissioners of Plymouth, amounting unto eleven thousand seven hundred forty and three pounds, whereof was paid out of their treasury, three thousand pounds, and the remainder by the disbursements made in the several towns; the whole is allowed.

The account of disbursements made by Connecticut Colony, amounting unto twenty-two thousand one hundred and seventy-three pounds, raised by rate upon their several inhabitants, is allowed; and their Treasurer informing that they remain yet debtor to several, to the value of about one thousand pounds in like pay, when made appear, the same shall be allowed also. 19. 7th. '78.

WM. LEETE, President.

THO. DANFORTH, } consent hereto, excepting as to the defalking of any
JOSEPH DUDLEY, } part of the charge spent in the Eastern parts.

THOMAS HINCKLEY,
JAMES CUDWORTH,
JOHN ALLYN,

The Commissioners do agree that it be by them severally propounded unto their General Courts, that means may be used, by proclamation, messengers, or otherwise, to draw off the remainder of the enemy Indians, from the French and other parts, and them to dispose in meet places where they may be secured from doing or suffering further damage.

Passed by vote,

WM. LEETE, President.

Whereas, in the year 1660, the Commissioners, for the encouragement of the Indians to put their children apprentices to the English, ordered that such as should so do should have one coat per annum during the said term,—the Commissioners do judge meet to revise the said order, provided that they be put apprentices not for less term than until they come to twenty-one years of age, and be placed, with the approbation of two of the Commissioners, with godly masters, such as will engage to teach them to read well, and bring them in Christian nurture; and that once in each year, they make their appearance before the Commissioners of some Colony and give an account thereof; upon whose certificate that these conditions are performed, then the said coats shall be paid out of the Corporation stock; otherwise, the said apprentices are to be taken from their masters, and the request of the parents, and placed where they may be nurtured and educated as here provided.

Scantamaugeawg, a Natick Indian, coming to the Commissioners, and showing them a girdle of wampum which he said was sent them by the Maquas to put out a fire which they had kindled by some injuries that had been of late done to them by some of theirs; and he asking our advice about it, with professing that himself and all those Indians so sent unto are and will be still under the command of the English, to remain faithful to them and their interest at all times, however they should advise about this matter; the Commissioners told him that he and all those Indians so doing and remaining in their possessed subjection and fidelity to the English, and signifying so much to the Maquas upon their taking the wampum, we left them to their liberty to receive it or not; but wish them not to ensnare themselves thereby, in subjecting to or confederating with the Maquas, inconsistent with their relation to the English as aforesaid; which was by himself promised in behalf of the said Indians; and so he was dismissed.

The Commissioners of the United Colonies do agree to commend to their several General Courts, that the third Thursday in November next may by all their people jointly [be] set apart and kept a solemn day of Fasting and Prayer, to the end

that they may humble themselves before the Lord and seek his face;—

1st. That we may be suitably affected with and humbled under all the many tokens of his great anger kindled against us.

2dly. Freely to pardon all our manifold provocations, be reconciled unto us, and heal our land.

3dly. That as he was present with that blessed generation of his precious ones, the leaders of his people into and in this wilderness, and did hear them when (in their distress) they cried unto him, so he will still please to dwell in the midst of, and not forsake us.

4thly. That he will not take away his holy Gospel; and, if it be his good will, yet to continue our liberties, civil and ecclesiastical, to us and our children after us.

5thly. That a spirit of conversion may be poured out upon our children, that they may give up themselves and their seed after them to be the Lord's, willingly subjecting themselves to all his holy rules and government in his house.

Ult. That in our now low estate, in very many respects obvious to all serious spirits whose eyes are open, [so to smile upon us that]* his tender mercies may speedily prevent us.

The disbursement of the Colony of the Massachusetts upon the late War; taken out of said Colony's accounts, as stated from the 25th day of June, 1675, to the 23d day of September, 1676; the number in the margin, referring to the Ledger folio, and the number on each article therein, directing to Journal page, wherein every particular of the parcels thereof is, also the number of each debenture, order, account, or blotter entry; all which are filled up in hundreds, to the number of 5794.

<i>Debtor,</i>	WAR.	<i>Dr.</i>
To the following accounts paid off, as stipends, in or as silver, viz.—		Li. s. d.
168. Indian service,		6.13.03
425. Contingents, about Indians, horses, enter- tainments, journeys, &c.,		133.02.03
556. Scalps,		7.00.00
567. Maritime disbursements, for freight and wages,		127.02.09
569. Military service; to commander, officers and soldiers,		9557.07.02 $\frac{3}{4}$
607. Postage and guides,		34.15.10

* See page 21, *ante*.

608. Carriages and guards for cartage, lighter-
age, conveys [for] wounded men, 103.14.01
621. To the following accounts of magazine dis-
bursements, paid off in silver as before,* 191.16.05

10161.11.09 $\frac{3}{4}$

Li. s. d.

29. Smith's work ; for fixing arms
and shoeing horses, 30.13.04
567. Ammunition ; for powder, ball
and match, 393.02.11
576. Arms ; for muskets, carbines,
swords, bandoleers, powder
bags, horns, cartridge boxes,
flints, pole-axes, colours,
drums, 412.00.03
621. Saddlery ; for work, saddles, bri-
dles, girths, pannels, pan-
niards, 80.02.04 915.18.10

To the following accounts disbursed as
before, in silver, for provant :—

155. Bacon, 01.10.09
283. Liquors ; for wine, beer, spirits, 208.05.09
286. Medicaments ; for salves, ungu-
ents, oils, powders, 170.13.08
291. Fish, 2.12.00
Salt, 7.18.02 $\frac{1}{4}$
292. Beef, 51.11.11 $\frac{2}{4}$
392. Fodder ; for hay and grain in
the straw, 80.00.00
526. Bran, 1.04.00
565. Grocery ; for fruits, spice, sugar, 64.00.10
568. Biscuit ; for bread and rusk, 902.16.08 $\frac{2}{4}$
Pork, 301.07.09 $\frac{2}{4}$
Grain ; for pease, wheat, bar-
ley, rye, Indian, 95.07.01 $\frac{1}{4}$
569. Cattle ; for oxen, heifers, cows,
sheep, swine, 173.09.07 $\frac{2}{4}$
607. Chandlery ; for cheese, oatmeal,
vinegar, oil, lard, tallow,
meal, weeke (wick ?), 31.18.07 $\frac{3}{4}$
619. Tobacco and pipes, 56.17.01
621. Billetting, for quarters, 168.05.06 $\frac{2}{4}$ 2317.19.08 $\frac{3}{4}$ $\frac{2}{16}$

* This entry is, obviously, out of its proper place. It belongs with the four items of account which next follow. The recorder probably omitted, in transcribing the original statement of account, the entry made from the Ledger folio 621.

To the following accounts disbursed
in silver, for clothing:—

19. Breeches,	22.07.02	
150. Trousers, straps and mantles,	5.13.08 } 0.15.00 } 1.04.00 }	7.12.08
209. Coats,	102.16.02	
292. Upholstery; for rugs, blan- kets, tent canvas,	26.19.05	
353. Waistcoats,	91.05.00	
	<hr/>	
	251.00.05	13395.10.04 $\frac{2}{4}$ $\frac{2}{16}$

Per Contra.

Cr.

By the following accounts, received in or
as silver, viz.

137. Military fines, from several, for not obeying command,	99.00.09	
550. Captives; for 188 prisoners at war, sold,	397.13.00	
555. Hides, sold,	36.13.04 $\frac{2}{4}$	
621. Apparel; for severals, defalked from the soldiers, of that charged for clothing,	394.09.03	927.16.04 $\frac{2}{4}$

Debtor,

WAR.

Dr.

	Li.	s.	d.	Li.	s.	d.
Brought from folio 1,	251.00.05			13395.10.04 $\frac{2}{4}$ $\frac{2}{16}$		
122. Millinery; disbursements for combs, mittens, gloves, thread, silk, tapes, filleting, thongs, neck-cloths, pins, needles, paper, wax, books,	34.00.02					
565. Stockings,	108.16.01					
566. Drapery; for cotton, duffels, linen, calico, sacking, bolt- ing cloth, canvas,	226.13.01					
570. Shirts,	183.04.06					
608. Drawers,	141.00.03					
619. Shoes,	268.13.03			1213.07.09		

To the following accounts relating to the
Train, paid in and as silver, as before:—

13. Materials; for boards, nails, spikes,	05.10.01 $\frac{2}{4}$	
43. Utensils; for copper kettles, stew-pans, bellows, bowls, porringers, spoons, dram cups, bottles,	33.17.09	
252. Instruments for chirurgery, knives and scissors,	5.01.06	
566. Miscellanies; for severals, so mixed and mated together as not well to be severed in distinct accounts,	25.02.09	
570. Tools; for axes, hatchets, pick- axes, spades, reap-hooks, files,	19.13.00	
620. Baggage; for sacks, hogsheads, barrels, runlets, chests, boxes, bags, wallets, twine, rope, line, hooks, cords, snapsacks,	49.11.05	138.16.6 $\frac{2}{4}$
<hr/>		
600. Mixed disbursements, for severals, expended by divers towns, for arms, ammunition, provision &c., as particularized in their particular accounts that are come to hand to be stated,		4346.03.00 $\frac{3}{4}$

19093.17.08 $\frac{2}{4}$ $\frac{2}{16}$

Per Contra, is
Brought from folio 1,
By Balance, for the difference,

Cr.
927.16.04 $\frac{2}{4}$
18166.01.04 $\frac{2}{6}$ $\frac{2}{1}$

19093.17.08 $\frac{2}{4}$ $\frac{2}{16}$

<i>Debtor,</i>	WAR.	<i>Dr.</i>
		Li. s. d.
To balance, of the foregoing account stated,		18166.01.04 $\frac{2}{16}$
Rate [pay], 5794.17.5		
To payments in silver by the for- mer Treasurer, Richard Russell Esq., to the charge of <i>Dr.</i> WAR, as per his account, more than is stated as before,	} 1038.08.8 $\frac{2}{4}$	
Ditto in rate pay, 2114.07.1 $\frac{1}{4}$	} 1585.15.4	2624.04.0 $\frac{3}{4}$ $\frac{2}{16}$

To payments also made in silver by the present Treasurer, for severals, to <i>Dr.</i> WAR, as en- tered on the 2d and 3d Blotters, not yet stated,	}	12163.1910	
Ditto in rate pay, 17784.1.0		13338.00.09	25502.00.07

Both these sums are gathered out of the Waste Books; the 2d Waste Book beginning at fol. 113, and out of the third Waste Book, from fol. 1, to fol. 77.

46292.06.00

Per Contra, is

Cr.

Per Balance, for the whole charge of the War, that is yet come to the Treasurer's hands,	46292.06.00
[Ditto in rate pay,] 25693.05.06 $\frac{3}{4}$	

As attests,

JOHN HULL, Treasurer.
Errors excepted.

9.6.'78, accepted by us,

THO. DANFORTH,
JOSEPH DUDLEY.

The accounts above written, by the vote of the Commissioners were not accepted.

WM. LEETE, President.

The true reason of our above written vote of the non-acceptance of the Massachusetts accounts, is because we do not see it made appear that the whole of the above written charge is expended in the limits of the Confederation,

WILLIAM LEETE, President.

The Commissioners do agree to adjourn [to] the 3d Thursday in March next, to meet then at Plymouth, at which time the advantage gained by sale of persons, lands or goods, already made by either Colony, with reference to the late Indian War, shall be then presented; and so much as is not already defalcated in the accounts passed at this meeting shall be then settled; and what remains yet to be disposed of, in lands or otherwise, shall then be disposed, by a committee appointed by the General Courts or Councils of each Colony, and in defect thereof, by the Commissioners of the Colony. And the lands, or value thereof, &c. as the best market will afford, shall

by them be settled, and divided as the Ninth Article in the Confederation doth direct. Dated, 19 (7.) '78.

WM. LEETE, President.

I consent hereunto, provided that I am not hereby included to act in the dispose or division of the lands, at that present meeting, if good reason shall then appear to the contrary.

THOMAS DANFORTH,
JOS. DUDLEY,
JAMES CUDWORTH,
JOHN ALLYN.

THO. HINCKLEY.

The foregoing conclusions were agreed and underwritten by the Commissioners of the United Colonies, Hartford, September 20th, 1678.

WM LEETE, President.

THOMAS DANFORTH,
JOSEPH DUDLEY,
THO. HINCKLEY,
JAMES CUDWORTH,
JOHN ALLYN.

*Governor Andros to the Commissioners.**

[From the Files; War, I. 140.]

New Yorke, 7^{ber} 25th, 1678.

Hon^{ble} S^{rs}

I rece^d yo^{rs} of the 14th Instant last night, & in answer to what is therein desired haue advised therevpon and find, (that you haueing made a pticular treaty with the Maquas and afterwards vpon rong rece^d as you men^{con} sent to demand satisfac^{con} without my knowledge or notice to any here in my absence) it is not adviseable for me to deale with s^d Maquas on yo^r accompte unlesse you send some by you sufficiently authorized for that purpose (it being necessary you assertaine yo^r s^d treaty & message with them), w^{ch} if you shall thinke fitt to doe this way I shall not only afford them all lib^{rty} through the Governmen^t but contribute what shall be further proper on my parte as occasion, when it will be requisite that some likewise come from Vnkus & y^e other yo^r friend Indians: And if it be necessary for the publique good of these Collonyes further to advise on the matter, I am willing and ready myselfe to

* This letter has been printed in Documents Relating to the Col. History of New York, III. 275. As it was not received at Hartford until after the adjournment of the meeting of the Commissioners, it was answered by Gov. Leete and Mr. Allyn (as Commissioners for Connecticut.) See their letter, of October 9th, in the Appendix, No. III. (p. 259, ante.)

gine a meeting att Newhauen or any other fitting place between this and that, desireing to doe my duty to y^e vtt^rmost in euery good respect you mencon & remaine

Hono^{ble} S^{rs}, your most humble servant,

E. ANDROSS.

[Addressed:] For the Hono^{ble} the Govern^r of Connecticut & Commissioners of y^e Vnited Collonys, Att Hartford.

From Mr. Thomas Mayhew.

[Original, in 'Ecclesiastical,' I. 48.]

Vppon the Vnynard 24: 6: 78.

Right worshipfull
and worshipfull.

Be pleased to vnderstand the work of God amongst the Indians vppon [] seemes to me to prosper. There are here two churches consisting of forty [] members that hath hitherto walked inofensyvely; there are now seuen [] every Lord's daye, supplied with eleuen teachers that are able and doe [take] counsel to promote fayth holyness. The chiefe men of euery place are [] and doe put forth their abillities to vpphold the worshipp of God and alls[o] gouernment. There are about one hundred and forty men that are not tainted w[ith] drunkennesse which is seuerely punished in euery place. Witchcraft and [] are here out of vse. I hope the Lord will gyue the lyke blessing to or indeauors touching drunkennesse; there are some that are already of the worst that hates it. At Elyzabethes Iland there are 40 families and a teacher which doe allso carry out the worshipp of God, and they also doe pay the drunkards t[] Its straunge to see how readily they stripp themselues to receive punnishment for this sin of w^{ch} or nation is much guylty. All vessells that com hither and [that] passe through the Sound, Rhoad Ilanders and some of our Inhabitants, doe supply them and its very hard to take them. I am not out of hope but that the generallity will be convinced of their folly and gyve it quite over, that is, the vse of rum. Thus matters stand heer at present. I conceiue no man can contradict it. And for Nantukket, things are in a very comfortable way. I sent 4 vnderstanding Indians thither purposely, whose goeing was very usefull in severall respects too longe to recite here. The honoured Commissioners hath bene pleased to expresse their readynes to encouradge

such as are employed in this service. There are twelue here; Iacomo^s and Toquanosh* haue had 16^{li} severall yeares; they well deserue it; the rest fyfty shillings a peice w^{ch} is forty one pound. Metark† hath had sometymes more: for John Mayhew‡ he is laborious and the Indians with him are vnyuersally satisfied, who intended to come vnto yo^r honoured selues but where you now meete he cannot. For myselfe, this is the 31 yeares that I haue beene vpon this Employment. I suppose seuen years I received nothing though I was at much chardge about it; yf I am not more seruiceable now than euer as it is with me to this work my tyme hath not beene well spent. I expect a paper this morning from the Indians, that contains what was done att Nantukkett, w^{ch} I hope will come ere the vessell goes. I began this last night. I much desired to write to yo^r worthy selues to gyve something towards a meeteing house and also schoolling. If ten pounds may be had it will be much for their Incouradgment whoe without murmuring hath borne the shortninge of theire wonted allowance. I will add this, that to this hower wee never have had the least cause to my best vnderstandinge to suspect any trouble from the Indians, but haue and doe carry things verry well. John Mayhew his letter is not yett com to my hand; I doubt it will not; I shall send it yf possible; this opportunyty is sudden, w^{ch} I was verry willing to make vse of, for I heard not till Satterday of yo^r meeteing at Conectacutt. John Mayhew I expecte his letter now w^{ch} will further informe of the state of things according to his vnderstanding. The next yeare yf God p^rmitt he by word of mouth may gyve a full accompt. It hath pleased God to keepe me alyue and verry well, to write

* "Hiacoomes was an Indian of Great Harbor, now Edgartown, where a few English families settled first in the year 1642." (Mayhew's Indian Converts.) "The first Indian embracing the notion of forsaking their gods, and praying to the true God." Mather's Magnalia, b. VI., c. 6. sec. 2,—where the name is written, *I-a-coomes*. An Indian church was gathered at the Vineyard, August 22, 1670, "This church, after fasting and prayer, chose Hiacoomes to be their pastor; John Tockinosh, an able and a discreet Christian to be their teacher." *Id.*, b. III. pt. III. Hiacoomes, of whom a full account is given in E. Mayhew's Indian Converts, and in Mr. Thomas Mayhew's letter to Mr. Whitefield, in 3 Mass. Hist. Coll., IV. 109—118, died about 1690. John Taquanosh, or Tackanash, who "was reckoned to exceed the said Hiacoomes, both in his natural and acquired abilities," became the pastor of the second church, and, after the death of Hiacoomes, the two churches were united under his pastoral care. Indian Converts, 14, 15.

† "Mitark, Sachem of the Gay-head on Martha's Vineyard, deceased January, 1683. - - - A prince memorable for his forsaking his people for the sake of Christ, and his return with happy success in proselyting his subjects to the worship of God in Christ." Magnalia, b. VI., c. 6.

‡ Son of Thomas Mayhew Jr., now about 26 years of age. "Mr. Mayhew [senior,] by Mr. Cotton's removing from the island, was left alone as to any English assistance: but Mr. John Mayhew, his grandson, being called to preach to a small people, [at Tisbury,] by the urgent and ardent desires of the Indians, and being well skill'd in their language, comply'd with them; and once every week preached at some of their plantations." Magnalia, b. VI., c. 6. He died, Feb. 3, 1689, æt. 37.

thus much in my 87th yeare half out.† I wish a vessell may com in here bound for Connectacutt tyme ynough for me to be there ere yo^r meeteing breake vpp; yf any doe yf God please I will see you there, w^{ch} is my greate desyre, but by land it is to farr a Journey for me. For the present with my service remembred vnto you all, desireinge yo^r prayers that I may fynnish my dayes in a holy manner, desireing the Lord to blesse and prosper you in all yo^r worthy vndertakeings, I hastyly rest

Yo^r worshippes to serue you in o^r Lord
Jesus, THOMAS MAYHEW.

John's letter nor the
Indian paper is not come.

[Addressed:] For the right worshippfull & worshippfull
the Commissioners of the Vnyted Collonyes.
These present.
Att Conectacutt.

At a meeting of the Commissioners of the United Colonies, in
Boston, August 25th, 1679.†

In answer to His Majesty's letter to the Governor and Magistrates of the several Colonies, a letter was drawn up and directed to the Honorable the Earl of Sunderland, one of his Majesty's principal Secretaries of State, to be communicated to his Majesty.

Right Honorable:

In observance of our duty and allegiance to his dread Majesty, our gracious Sovereign, and obedience to his commands by his letters directed severally to the Governors of his Majesty's United Colonies in New England, given at his royal

* This indicates the early part of the year 1592, as the time of Mr. Mayhew's birth. Consequently, he had not completed his ninetieth year, at his death in 1681. This is, nearly, as stated by Rev. Dr. Freeman, in 2 Mass. Hist. Coll., III. 70: but Dr. Prince (in the Account of English Ministers at the Vineyard,) says that Mr. Mayhew died "in the 93d year of his age;" and so, the editor of Gookin's Hist. Collections, in Mass. Hist. Coll., I. 202, who is followed by Dr. Holmes, and other later writers.

An imperfect impression of Mr. Maybew's seal, on wax, remains upon this letter: the escutcheon bearing, on a chevron, between three birds, five lozenges; with a mullet (as of difference,) in middle chief. This coat is given by Burke, as that of "Mayou, of Dinton, Co. Wilts." The birds are probably Cornish choughs, one of which constituted the crest of the Lestwithiel (Co. Cornwall) family of Mahewe or Mayow, and of the Mahewes of Essex.

† The original minutes of this meeting, in the hand writing of Mr. Allyn, subscribed by the Commissioners, are in Foreign Correspondence, Vol. I., Doc. 15. With these, the record has been collated.

Court in Whitehall, Feb. 12th, 167⁹; we perceiving, by mutual advice, that his Majesty's letters aforesaid, to each of these colonies, are of the same import, containing like commands of an account of the contents of the lands of Mount Hope and Narragansett &c., which in the late wars with the barbarous natives, our neighbours, were taken out of their hands,—we crave leave to give your Honour this following account.

As [to] the immediate and more apparent occasion of the said war with the natives, the progress and consequences thereof, the printed narrative which we here emit to your Honour, although the labour of a private hand, yet for the substance thereof doth truly set forth the same: nevertheless we have (as we apprehend) just ground not only to fear, but without breach of charity to conclude, that these malicious designers, the Jesuits, (those grand enemies to his Majesty's crown as well as to the Protestant religion by us professed,) have had their influence in the contrivement thereof; and of the certainty hereof we have been credibly informed, by both Indians and English, at home and abroad.

And as for those lands of Mount Hope, although Philip, with the Indians over whom he was Sachem, possessed the same, yet they are not so properly to be called conquered lands, but such whose Indian claim therein and title thereto is now forfeited into the hands of the English of said colony, by his breach of covenant with them. And we thus apprehend, for these reasons:—

1. In that those lands are indubitably within the limits and bounds of his Majesty's Colony of New Plymouth, contained within the express limits of his Royal Charter granted to them, and are within the bounds of an English town of that colony, planted by them near forty years, called Seaconck and Swansey.

2. Philip, Sachem, and all those Indians under him, were orderly subjected to his Majesty's government there settled by authority of said Charter, as by sundry instruments under the hands and seals of said Philip and his chief men may fully be made to appear.

3. The necessity as well as justice of said war, on the part of the English, for the preservation of the lives and estates of his Majesty's good subjects there settled, the printed narrative above mentioned doth fully declare, and we have no reason to doubt but will be to satisfaction.

As for the contents or value of said lands called Mount Hope, they have formerly been estimated at seven thousand acres, but upon a late survey do appear to be of less quantity; and for value, its advance is the more considerable by reason

of its situation near the sea, and so may be some accommodation to that Colony for a place of trade; otherwise, the improvement and benefit thereof would be very inconsiderable, and an invaluable sum towards New Plymouth's part of disbursements, which in the whole hath been more than one hundred thousand pounds.

As for that proposal made in behalf of Mr. Wm. Crowne, we may truly inform your Honour that neither his former losses,—which were rather imaginary than real,—nor his present demeanors seem such to us as should highly deserve of his Majesty; being rather a burden and disservice to such places where he hath been, than otherwise; and particularly to one of our plantations, settled before the unhappy war, where himself, as well as others, had good accommodations freely granted him; but very unhappy disquiets attended that plantation during his residence there.

As for those lands of Narragansett, they are included in his Majesty's Charter granted to Connecticut, and so, regularly under the government thereof: and before the war began, were peaceably settled with inhabitants in several parts thereof, in right of purchase from the Indians, and were likely to have been a flourishing plantation, under the countenance of his Majesty's government there settled by his Letters Patent to that Colony, under the broad seal, and by his particular commands to other of the Colonies severally, requiring their assistance of them. But, since the war, these parts are disturbed by sundry who do intrude themselves upon them, by countenance of the government of Rhode Island, as they allege, and are an ungoverned people, utterly incapable to advance his Majesty's interest or the peace and happiness of their neighbours.

As for the acts of his Majesty's Commissioners, 1664–5, we hope that none of their conclusions were intended to contradict his Majesty's charters granted to his good subjects here; especially, considering the absence of Colonel Niccols when such conclusions were drawn up by others of them; without whose concurrence, their acts, as their own commission exhibited declared to us, were invalid.

We humbly crave leave to propose that it will be most difficult, if not impossible, for the several claimers of right in that country, now resident in these Colonies, to defend their interest, in England, before his Majesty and Honorable Council; the whole estate of many of them being not able to transport them over seas, or supply the management of an easy defence at such a distance; whence they must inevitably sink under the burden of the loss of all, if his Majesty be not pleased in his

royal wisdom to order some other expedient to an issue. The English of these Colonies having, by his Majesty's good leave, under security of his letters patent, removed themselves into this remote wilderness, near fifty years now past, they have confidence that the malice of their adversaries, by their private insinuations and unjust reproaches, shall not now prevail to disturb them in their so orderly settlement.

We humbly offer to your Honour's hands these brief intimations, which we humbly intreat your Honour's favour and candour so far to communicate and lay before his Majesty as in your wisdom you may judge a service to his Majesty's interest and benefit to his good subjects here. A more full and particular answer to his Majesty's commands, as the Colonies may be severally concerned, we shall refer to their General Courts to present.

Honourable Sir, we take leave to subscribe ourselves, your most humble servants, the Commissioners of the United Colonies of New England, viz., the Massachusetts, Plymouth and Connecticut; by the special order of the respective Governors and Councils of his Majesty's said Colonies.

Boston, in New England, Aug. 25, 1679.

To the Right Honorable the Earl of Sunderland, one of his Majesty's principal Secretaries of State; to be communicated to his Majesty,—These humbly Present.

T. D[anforth.]

J. D[udley.]

J. W[inslow.]

T. H[inckley.]

J. A[llyn.]

J. R[ichards.]

Allowed in money, to Capt. John Hull, for cattle eaten by the confederate army in the Narragansett, in proportion from the several Colonies, twenty-five pounds.

To Capt. John Hull* and Wm. Crofts, for ditto, in money, twenty-five pounds, from the several Colonies.

Appeared, the Reverend Mr. John Eliot, and made a motion referring to the re-printing of the Bible.†

Some demands of Mr. Smith and Mr. Sandford are referred to the next meeting of the Commissioners.

* Capt. John Hull, of Boston, was a partner with Samuel Wilbor and others in the purchase of Pettiquamsent (South Kingstown, R. I.) from the Narragansett Sachems, in 1657. He held extensive tracts of land there, until his death, when they passed into the possession of his son-in-law, Judge Sewall. William Crofts, of Pettiquamsent, was perhaps a tenant of Capt. Hull.

† This motion had been preferred by Mr. Eliot at the previous meeting, in March, 1679,—when, “the Commissioners having had some debate about that matter, do judge it most expedient to defer the determination thereof to the next meeting.” An edition of the New Testament was printed in 1680; which was afterwards bound up with the revised edition of the Old Testament, printed at Cambridge (by Samuel Green,) in 1685.

Agreed upon, the day and year above written, by the Commissioners of the United Colonies.

THOMAS DANFORTH, President.
 JOSEPH DUDLEY,
 JOSIAH WINSLOW,
 THOMAS HINCKLEY,
 JOHN ALLYN,
 JAMES RICHARDS.

At a meeting of the Commissioners for the United Colonies, the 6th of September, 1681.

For the full settlement of the claim of Mr. Gershom Bulkeley, for the cure of a wounded soldier* sent by Major Pynchon, whereupon suit is depending at Connecticut Colony, it is mutually agreed that there be forty-nine pounds in money paid in full, in such proportion as the Articles direct. And the Commissioners for Hartford Colony do engage the vacating of the said process against Major Pynchon, thereupon :

That there be in the like pay and proportion paid to Wm. Woodcock, of Plymouth Colony, fifty-five pounds, ten shillings, in full of all demands from any of the said Colonies.

Massachusetts share, being concluded to be, of the whole, 53*L.* : Plymouth, 20*L.* : Connecticut, 31*L.* 10*s.*

Allowed the widow Cole, for sheep and cattle eaten in the Narragansett country, in proportion from the several Colonies, 10*L.*

WILLIAM STOUGHTON, President.
 JOSEPH DUDLEY,
 THOMAS HINCKLEY,
 JAMES CUDWORTH,
 ROBT. TREAT,
 JOHN ALLYN.

* June, 1680, the Massachusetts Court granted Mr. Bulkeley, "in full satisfaction for his cure of Jonathan Welles, a wounded soldier in the late war, the sum of twenty five pounds money, or forty pounds in country pay." *Mass. Rec.*, V. 282. This grant was not accepted by Mr. Bulkeley, who, in December following, sued Major John Pynchon, of Springfield, at the Hartford County Court, on his engagement that due care should be taken for payment of charges, medicine &c., for Welles, and obtained a judgment for £49.11, and costs. *Hart. Co. Court Rec.*, IV. 64. Massachusetts complained that the allowance and countenance of this suit by the government of Connecticut was "a plain and manifest breach," and contended that by the agreement of the Commissioners, at Plymouth, each colony was bound to discharge all existing debts to their own inhabitants, for charges incurred by the war. See *Mass. Rec.*, V. 298, 318, 358, 360.

At a meeting of the Commissioners for the United Colonies, the 5th day of September, 1684; at Hartford.

Forasmuch as at a former meeting of the Commissioners at Boston, August 25th, 1679, it was then agreed upon that the case of Mr. Richard Smith, of Narragansett, should be considered, that he might have some allowance made him for the great charge he was at in maintaining of our soldiers when at his house, several times, and for that he was so greatly serviceable himself;—it is therefore hereby concluded that forty pounds in money shall be paid to said Richard [Smith,] in full, in such proportion as the Articles direct. The Massachusetts to pay of this, 21*L.* 10*s.* 6*d.*; Plymouth to pay 6*L.* 3*s.* 2*d.*; Connecticut to pay 12*L.* 6*s.* 4*d.*

The Commissioners of the United Colonies, considering what need there is of our solemn addresses to God, by fervent prayer and humiliation of ourselves, throughout the country, by reason of those rebukes and threatenings from Heaven which we are at present under, his hand being stretching out still; and also to implore grace for, and the pouring out of his Spirit upon, the rising generation;—have thought meet to recommend it to the several Governments, that the 22d day of October next be observed as a day of solemn humiliation; to the end that we may meet together in united prayers at the throne of grace, for the more effectual promoting of the work of general reformation, so long discoursed of amongst ourselves, (but greatly delayed;) and that we may obtain the favor of God for a farther lengthening out of our tranquillity, under the shadow of our Sovereign Lord the King; and that God would preserve his life and establish his crown in righteousness and peace, for the defence of the Protestant religion in all his dominions.

ROBERT TREAT, President.

Richard Smith's Petition.

[From the Original, in "Colonial Boundaries," I. 159.]

To the Hon^r^{ble} the Commissioners of the United Colonys siting att Herford the 5th day of Septembr, 1684, in his Maiestys Collony of Conecticott,

The humbell petition of Richard Smith of Wickford, in the Nanhigansett, sheweth, that yo^r petitioner in the time of the late troubles and ware with the Indyans here att Nanhigansett did suffer muche in his estate by entertayning the maney companeyes of soulders, at his cost and charge; sent up by the Collonyes; for which noe recompense hath it [yet?] bin done to yo^r petitioner.

1st. Maior Savige and companeyes, with about 6 hundred, and Conecticott forces with him under co^mand of Capt. Winthrop, they had horse shoos and nayls to valew 3^{li} 12^{sh}, besydes theyer interteynement 8 or 10 days, never pd. one farthing. After which, the entertaynment of the whole armye, myselfe and six of my seruants being one seruis, one of which was slayne at the swamp fight, had noe allowance for our seruis. Also 26 hed of catell killed and eate by the sowders, with 100 gootes att least, and att least 30 fatt hoggs; all the coper, bras and wooden vessells for the armeys use spoyled, stole and lost, to the valew of nere 100^{li} sterling; great parte of my post and rayle fences being feched and burnt by the sowders; my oxen and cartt and utinsells being all lost, after the garison went away; and lastly my housing burnt, being of great valewe. Al which is to much for one perticular man to bare; I hauing bin to my utmost power redy to serue the Cuntry alwayes in what I could, nor ever had aney thing allowed me for all aboue expresed, only for what the comasaryes kept a acco. of, which was most salt provizons kept by me by order, for use of the armye. Other men haue had satisfaccion in sume mesuer; and when I last petitioned your Honnors att Boston, I had a promise of consideracion; wherfor this 2^d time I doe request yo^r Honnors to take the premises into yo^r judishous and wise consideracion, to allowe me in yo^r wisdom what you shall thinke requescett, and yo^r petitioner shall praye etc. and subscribe,

Yo^r Honnors obleged and humbell servant,

RICH^d SMITH.

Wickford in Nanhigansett,
First daye of Septem. 1684.

*Petition of Robert Chapman Sen., Capt. James Fitch and Rev. Thomas Buckingham, asking that provision be made for the maintenance of Joshua's son.**

[From the original, in hand-writing of Rev. T. Buckingham; 'Indians,' I. 41.]

To the Hon^{ble} Co^{rt} of Commissioners of his Majest^{ts}
United Colonies, now sitting in Hartford.

Honorable and Worshipfull. Wee account it noe small parte of o^r happinesse that wee haue such an assembly as yourselves to make mention of. Nor doe wee doubt but yo^r hands will bee full of greater matters than what wee crave liberty to present to yo^r consideration,—which is as followeth: Joshua, late sachem, perceiving himselfe hastening to the period of his life, was guided (in the criticall time of the late wasting war) to seale his (alwayes experienced) friendshippe to the Englishe interest, by roleing the care of his children (then three, now but one) upon the English, and in speciall upon us; desiring that they might be educated according to the English manner. The surviveing child (according to the will of the deceased Father) was deliuered to us and received by us, and hathe been under Englishe education, from the fourthe of April, 1681, untill now. The father, as appeareth, supposed himselfe to have provided to maintaine his child. It would bee too tedious to give yo^r hono^{rs} an account of the failure thereof; but it is come to soe small a matter that the child is run in debt upwards of twenty pownds. Wee have been waiting in hopes of some way nearer home, but there appeareth none; wherefore, have for some time intended to spread this case before yo^r worthy selves, but have been providentially hindered untill now. And to avoide prolixity, what wee have to present will come under these two heads; first, that it seemes a pity that such a motion from an Indian should not bee countenanced by the Englishe; it bidding soe faire towards the, at least, civilizeing, if not christianizeing the heathen; it being alsoe, a motion from a knowne, approved freind to the Englishe interest; the childe alsoe being towardly and promising, and as good a proficient for his time as could be expected. Nor is it unworthy consideration that the eyes of

*Attawanhood, or Joshua, the third son of Uncas, and sachem of the western Niantics, died, May, 1676, leaving three children. He directed, in his will, that they should be taught English, and live, for four years, with their mother, at or near Saybrook, and afterwards, "be kept at the English schools," and "come not among any Connecticut Indians." He desired that all his legatees might have respect to his children, but entrusted them to the especial care of Capt. Chapman, Lieut. Pratt and Mr. Buckingham. (Will, in Indians, I. 30.) Only one of the children, Abimelech, was living at the date of this petition.

the Indians are upon us. And yet, secondly, wee see noo other way but this designe must fall unlesse yourselves, in yo^r publik capacity, will please to support it, by allowing something to-defray past and coming charges.

Wee will not adventure to adde, but to crave yo^r pardon for o^r boldnesse, and yo^r consideration of the case. Soe, chearfully lifting up o^r poore prayers to God, for his gracious presence with yo^rselves, wee take leave to subscribe o^rselves, yo^r hono^{rs} humbly at command,

Say-Brooke.

1st: 7^{br}: 1684.

ROBERT CHAPMAN, Senior.

JAMES FITCH, Jun^o.

THO: BUCKINGHAME.

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Two errors of the original record escaped notice until too late for correction on the pages where they respectively occur:

Page 26: the name of "Deacon Wm. Fowler" is recorded as one of the deputies for Guilford. There was no person of that name and office, in Guilford,—but the town records show that the deputies elected, for the Court of May, 1679, were Deacon William Johnson and Ensign John Grave.

Page 229: in the list of Assistants elected, May, 1687, "Capt. Wm. Leete, Esqr." appears,—in the place of Capt. Andrew Leete. Mr. William Leete was not in the nomination, and consequently not eligible to election. The name of Capt. Andrew Leete is found in the roll of assistants, at subsequent sessions of the same year, on pp. 236, 238, 248.

Page 36, line 11, for *Nath*: read *Math*:

" 48, line 7, from bottom, for *Bull*, read *Bell*.

" 49, line 15, from bottom, for *Stratford*, read *Standford*.

" 116, line 5, for *Ensigne*, read *Captaine*.

" 186, line 9, from bottom, omit the marks of parenthesis.

" 396, last line of note, for *CXL*., read *CX*.

" 450, line 17, the * after the word "company," should have been placed after the word "Troop," two lines below.



