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REYNOLDS HISTORICAL
GENEALOGY COLLECTION

Colonial
RECORDS

OF THE
COLONY OF RHODE ISLAND,
AND
PROVIDENCE PLANTATIONS,
IN
NEW ENGLAND.



PRINTED BY ORDER OF THE GENERAL ASSEMBLY.

EDITED BY
JOHN RUSSELL BARTLETT,
SECRETARY OF STATE.

VOL. III.
v. 3 Part 1
1678 to 1706.

PROVIDENCE:
KNOWLES, ANTHONY & CO., STATE PRINTERS
1858.

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FORT WAYNE, INDIANA

J. H. S. S.


R E M A R K S.

THE Third Volume of the Colonial Records of Rhode Island commences with the proceedings of the April session of the General Assembly, in the year 1678, and ends with the October session of that body, in the year 1706; thereby including twenty-nine years of the Colonial Annals.

The events of this period are among the most important in our Colonial History. They include first, a discussion of the several claims for the ownership of Mount Hope and the Narragansett Country; the latter, from royal grants, the limits of which had never been defined. The Duke of Hamilton, the Earl of Arran, Major Atherton, Governor Winthrop, of Connecticut and his associates, with others, claimed large portions of this country. Connected with these, is the official Report of the Narragansett Commissioners, who were appointed by Charles the Second, to inquire into the respective claims and

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titles of individuals, as well as Corporations, to the jurisdiction of that country, known also as the King's Province.

Next follow the complaints to the King against the Colony, by Edward Randolph, with articles of misdemeanor ; in consequence of which, writs of quo warranto were issued by the King against the colonies of Rhode Island and Connecticut, the latter of which was also the subject of complaint. The documents connected with these transactions, including the orders in Council, and the addresses from the Colony, elucidate much in the annals, which would otherwise be obscure. The proceedings of Joseph Dudley, Governor of the New England Colonies and President of the Council, close this portion of our history.

The subversion of the Charter government, and the administration of Sir Edmund Andros, render the year 1686 an important era in our Colonial history. The Colony was now merged into the government of New England, under that Royal Governor, and degenerated into a mere county. No meetings of the General Assembly took place under his government, and the only records that in any way show what was done in the Colony during this period, are those of the Courts of Quarter Sessions. These, though meagre, have been introduced into this volume as a link in the chain of our annals. Further to elucidate this portion of our history, the commission of, and instructions to, Sir Edmund Andros, from James the Second, with a variety of letters, addresses, etc., have been introduced. The particulars connected with the arrest and imprisonment of Andros in Boston, and the first revolution in New England that followed the accession of William and Mary to the English throne in 1689, complete the history of his administration of the American colonies. No

records of the official proceedings of the Council of Sir Edmund Andros are known to exist. It appears that they were forwarded to England, during the administration of Sir Edmund, but they are not now to be found in the English State Paper Office.

The valuable documents so important to fill up this chasm in our annals, are taken from the collection of papers in the possession of our townsman, John Carter Brown, Esq., for whom they were copied from the originals in Her Majesty's State Paper Office, London; from the "Usurpation Papers," or documents relating to the administration of Sir Edmund Andros, in the "Collections of the Massachusetts Historical Society;" and from the "Documents relating to the Colonial History of New York," recently printed by that State.

The Colonial Records, beginning with the assumption of the Charter in February, 1690, after the fall of Andros, are now followed to the year 1706, where the volume ends. It is to be regretted, however, that the proceedings of certain sessions are wanting in 1691-93, '94 and '95, and are not known to exist among the State Records, or among the archives of any towns in the State. Our little Colony continued to suffer greatly from without; and it is probable that among the constant calls from the Home government for the proceedings and public acts of the Colony, that the original records now missing, were sent to England.

This opinion is strengthened from the fact, that after the printing of this volume had proceeded to the year 1695, there was found among the manuscript volumes in Mr. Brown's collection, copies of the entire proceedings of the General Assembly of Rhode Island, for the sessions of May and June,

1691; two sessions, in the proceedings of which, the State was deficient; thus filling an important hiatus in its records. As these could not be inserted in their proper place, they have been added at the end of the volume, preceding the index. From the endorsement on these papers, it appears that they were transmitted to England by the Earl of Bellomont, who was sent to Rhode Island, under a commission from the King, to inquire into certain "irregularities."

The next serious troubles which the Colony had to contend with, was in consequence of "Representations to William and Mary about irregularities in the government." This led to the appointment of a commission of inquiry under the Earl of Bellomont. The full instructions to this nobleman, with the queries he was directed to put to the Governor and others in authority; the various letters of the Board of Trade to and from the Governor, in relation to this matter; the Report of the Earl of Bellomont on the irregularities charged against Rhode Island; the Journal of the Earl's proceedings in the execution of his Majesty's Royal Commission, when he visited Newport; with a number of letters, to and from the prominent men of that day, appear at length in this volume. These important papers, so indispensable to the elucidation of our history, are almost entirely taken from Mr. Brown's magnificent collection of manuscripts, generously placed by him at the disposal of the editor. Some other papers have been kindly furnished by the Secretaries of State of New York and Connecticut, from their public archives.

The concluding documents in the volume appertain to the history of the privateers and pirates, which infested our waters,

among which the notorious Captain Kidd appears. The facilities with which privateers' commissions were obtained of the authorities led to serious complaints, and involved the Colony in many difficulties. For the papers illustrative of these, which are inserted where the events are referred to in the legislative proceedings, the editor is also indebted to Mr. Brown.

PROVIDENCE, May, 1858.

J. R. B.

RHODE ISLAND RECORDS.

RHODE ISLAND RECORDS.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 30th day of April, 1678.

Mr. Benedict Arnold, Governor.

Major John Cranston, Deputy Governor.

ASSISTANTS.

Mr. James Barker,
Capt'n Peleg Sanford,

Mr. Joseph Clarke,
Mr. John Whipple, Jun'r,

Mr. Stephen Arnold,

Mr. Thomas Olney, Jun'r,

Capt'n Samuel Wilbore,

Capt'n John Albro,

Capt'n John Greene,

Mr. Samuel Gorton,

DEPUTIES.

For Newport.

Mr. Caleb Carr,

Mr. Thomas Ward,

Mr. Edward Richmond,

Mr. John Greene,

Mr. James Barker, Jun'r,

Mr. John Rogers,

For Providence.

Mr. Edward Enman,

Mr. Samuel Bennitt,

Mr. Thomas Arnold,

William Haukins, Jun'r.

For Portsmouth.

Mr. John Sanford,

Mr. Hugh Parsons,

Lieut. William Correy,

Mr. William Wilbore.

For Warwick.

Mr. Walter Todd,

Mr. Thomas Greene,

Mr. Elza Collins,

Mr. John Carder.

For New Shoreham.

Capt'n John Sands.

For East Greenwich.

Scargent Clement Weaver,

Sergeant Thomas Dungen.

The Deputy Governor chosen Moderator.

John Sanford chosen Clerke.

Voted, John Remington, Jun'r, Thomas Coddington, Richard Barnes, Josias Arnold, Henry Timberlake, and Philip Long, all freemen of the towne of Newport, are admitted freemen of this Collony.

Voted, William Coggeshall, Joseph Nicolson, Sen'r, Joshua Coggeshall, Jun'r, Benjamin Hall, Thomas Cornell, Robert Havens, William Wilbore, Jun'r, John Cooke, sonn of Thomas Cooke, Stephen Brayton, Gyles Sloecum, Jun'r, and Thomas Brigs, freemen of the towne of Portsmouth, are admitted freemen of this Collony.

Voted, Malachi Roades, Thomas Hopkins, Joseph Stafford, Peter Green, Jonathan Knight, John Houldon, James Carder, Henry Knowles, and Hugh Stone, all freemen of the towne of Warwick, are admitted freemen of this Collony.

Voted, This assembly is dissolved.

At the Generall Assembly and Election held for the Collony at Newport, the 1st of May, 1678.

The above named Magistrates and Deputyes, members of this Assembly.

Voted, That Mr. Samuel Gorton and Mr. Caleb Carr are appointed to receive the votes from each person, and if any votes be brought double, they may open them, and soe deliver but one into the hat from each man.

Voted, Capt'n Peleg Sanford and Mr. Stephen Arnold are appointed to open the proxies.

Voted, John Sanford and Lieut. Edward Richmond are appointed to write the names of those that vote.

By the Election, was chosen the following, who were severally engaged.

GOVERNOR.

Mr. Benedict Arnold, Sen'r.

DEPUTY GOVERNOR.

Major John Cranston.

ASSISTANTS.

Mr. James Barker,
 Capt'n Peleg Sanford,
 Mr. Joseph Clarke,
 Mr. Stephen Arnold,
 Mr. Thomas Olney, Jun'r,
 Mr. John Whipple, Jun'r,
 Capt'n Samuel Wilbore,
 Capt'n John Albro,
 Mr. Samuel Gorton,
 Mr. Thomas Greene.

RECORDER.

John Sanford.
 GENERAL SERGEANT.
 Thomas Fry.
 GENERAL TREASURER.
 Capt'n Peleg Sanford.
 GENERAL ATTORNEY.
 Lieut. Edward Richmond.
 SOLICITOR.
 Mr. Edmund Calverlye.
 MAJOR.
 Deputy Governor Cranston.

Voted, That whereas Mr. Benedict Arnold, Sen'r, is by free vote of the people chosen Governor, and he being soe ill that he cannot come to the Assembly, the Deputy Governor, with Mr. James Barker and Capt'n Peleg Sanford, Assistants, and the Recorder, are empowered to goe to him and receive the engagement from the said new elected Governor.

Voted, Whereas in the late unhappy war with the Indians in the year 1676, there appearing great a necessity of calling a Court Martiall in Newport, in his Majesties Collony of Rhode Island and Providence Plantations, the 23d of August, for the then present tryall of a certain number of rebellious and trayterous Indians, prisoners, then in safe custody of prison, which with great care and prudence of his Majesties Justices of this Collony, together with the commissioned officers of the several traine bands, was held in Newport, aforesaid, a Court Martiall for the tryall of the said Indian rebels, and such of them as were found guilty of such crimes as deserved death were by order of the said Court executed. And whereas, all the writings and papers that doe concerne the said Court Martiall, are in the custody of Lieut. Edward Richmond, who was Clerke of the said Court, should have been delivered unto the then Secretary, Mr. Richard Bailey, to record in the Booke of the Generall Councill, which hath not been done, and the said Mr. Richard Bailey being deceased: This Assembly doe order, that

the said papers shall be delivered unto the Generall Recorder, to be recorded in the Booke of the Generall Court of Tryalls. And alsoe the Recorder shall draw out and give unto Major John Cranston, who was president of the said Court Martiall. copys of all the said Court's proceeds, and the charge thereof to be borne by the Collony; and the said copys to be delivered within ten days after the publication of these orders. Alsoe, that the proceeds of the Court Martiall held the 21st of June, 1677, shall, after the recording of the forementioned acts, be recorded by the Recorder in the said Booke of Tryalls, on publick charge.

Voted, Whereas, his Majestie in his most gracious Pattent hath bountifully been pleased to declare, order and command, that the Generall meetinge or Assembly of this Collony shall consist of the Governor, or Deputy Governor, and six of the Assistants, at least to be seven, with soe many of the freemen which shall be elected by the freemen of the respective townes, according to the Charter, and then present at such Assembly. And not in the least doubtinge his Royall Majesty's reall meaninge and intent therein was, and still is according unto his express words of his Pattent: It is therefore ordered by this Court and the authority thereof, That the Generall Assembly of this Collony shall be the Governor, or in his absence the Deputy Governor, with six of the Assistants, and soe many of the freemen as shall be elected in each respective towne, according to the Charter, or the major part of them then present, who shall have full power and authority to make, constitute and enact such laws, orders and ordanences as to them shall be duly judged to bee for the good and weall of this said Collony and the inhabitants therein, according to the Charter; and to lay such mulcts and rates upon the inhabitants thereof as shall be necessary for the payment of debts or otherwise, for the maintaineinge, preserveinge and upholding the Charter, and the great priviledges and libertys therein so graciously granted. Yett it is the real intent and meaning hereof and hereby enacted, that noe rate, tax or mulct shall be layed or imposed upon the inhabitants of this Collony, before that each respective

towne within the same have legall notice by warrant from the Governor, or in his absence or by his permission, the Deputy Governor, that such rate, tax or mulct is to be assessed, that soe the respective townes may accordingly by their representatives give their due attendance; any law, act, usage or custom to the contrary in any wise heretofore, notwithstanding; and in particular the law made at the Generall Assembly the 30th of October, 1672.

Voted, That a petition presented by John Spencer, Clement Weaver and Philip Long, is granted by this Assembly; and they haveing therein desired that men shall be appointed to lay out the lands of East Greenwich, this Assembly doe give power to the petitioners and partners in said Greenwich to appoint one or more to lay out the said towneship, and devide the great devisions, and when said land is surveyed and layed out, it is desired that Mr. Samuell Gorton and others of Warwick, and any other place, may be present if they will take the paines, to see that the said land be fairly layd out, soe as not to intrude upon the lawfull rights of any others.

Voted, Upon a petition of Samuell Bennitt, for to be accomodated with an equall right or share of one hundred acres of land in the township of East Greenwich, with the rest of the freemen of said towne, the said land is granted unto the said Samuell Bennitt on the same conditions as it was formerly granted to others the freemen of the said towne; if any of the said former freemen relinquish their grant, and if it soe shall fall out that he cannot be accomodated there, he is to have the like proportion in the next towneship, of five thousand acres to be layd out.

Voted, Whereas, there is a petition presented to this Assembly relating to the securing the estate of bankrupts, to the end it might be equally distributed to pay all just debts due out of the same, according to proportion, and that the estate of bankrupts may not be privately concealed, or fraudulently impropriated to wrong, abuse and injure the true creditors of such bankrupts' estates, contrary unto the statutes of Queen Elizabeth and King James in such cases made and provided.

The Court having taken the matter into their serious consideration, and that a due, just and legall proceed might be administered according to the reall intent and meaninge of the statutes above recited, doe by the power and authority of this Court, enact and declare, that five judicious and understanding men shall be elected and chosen Commissioners, and have hereby the whole and sole power of Commissioners of Bankrupts conferred unto them as fully to all intents and purposes, as is expressed in the aforesaid statutes; and that they, or the more part of them, have full power and authority to make an equall distribution of such bankrupts' estates. That is to say, to every of said creditors a proportion rate, and rate like according to the quantity of his or their debts; and that such Commissioners and the more part of them, are hereby empowered to meet together, to consult, agree and determine the equall distribution as aforesaid, from time to time, untill such time as they have fully perfected the same; as alsoe to constitute and depute such officer or officers as to them shall be found requisite and needfull for the manninge and full carrying on the power and authority of the Commissioners or more part of them, by the due execution of the orders, judgments, rules, directions and sentences as from time to time they shall receive.

And further, it is hereby ordered, That the said Commissioners or the major part of them, shall sett forth proclamation according to the aforesaid statutes, that such creditor may thereby have notice to appeare and make forth what they can demand from the estate of such bankrupt. The persons elected and chosen the Commissioners of Bankrupts, are Major John Cranston, Capt'n Peleg Sanford, Mr. John Coggeshall, John Sanford, and Lieut. Edward Richmond, whoe shall upon their solemn oath sweare to doe equall justice to each person concerned, before they proceed to act in or concerninge the premises abovesaid. And ordered, that a cobby of this act under the seale of the Collony, with the Recorder's hand, shall bee their sufficient commission to perform the premises.

Voted, Whereas there is presented to this Court a petition

by John Foanes, Henry Tibbitts, and others therein concerned, and named, relating to purchase of land by them made in the Narragansett country, as appeareth more at large by a deed of sale of the same, bearing date the 1st of January, 1671-2, in which said petition the petitioners desire a ratification of their said purchase. Butt findinge that part of the land by them claimed according to their purchase doe intrench upon some part of those lands already granted by the authority of this Collony to the towneship of East Greenwich, wee doe therefore order and appoint, that the towneship of said East Greenwich shall be first layd out with all the lands thereto belonging, as is already granted, and then what lands shall remaine within the purchase of the petitioners according to their deed, dated as aforesaid: soe that noe part thereof may intrench nor interfere upon any part of the former grant or grants granted to the people of the towneship of East Greenwich, aforesaid, nor upon any other good and lawfull grants or purchase already made, or procured in the said Narragansett country. And what quantity of land shall otherwise remaine, and be within the purchase of the said petitioners as aforesaid, wee doe grant to the said petitioners and their partners all to the number of twenty-four two thirds parts thereof, with all commoditys and conveniences to the same belonging, to them, their heirs and assignes forever; and one-third part of the land that shall be soe remaininge within the said purchase shall belong to the proper use and benefitt of this Collony, to be disposed of as they shall see cause.

Voted, This Assembly haveing taken into consideration that the office of a Major is of principal concernment with respect to the regulating of the millitia, and whereas, there is an act made October 31, 1677, seeming to referr the choyce of a Major as aforesaid, wholly unto such as beare armes, soe that many of the antient freemen of this Collony may thereby be debarred of their priviledge in voteinge to a matter of such great consequence: therefore, this Assembly hath ordered and doe hereby declare, that henceforward every freeman in this Collony shall have free liberty to vote, provided they personally

appeare in the choyce of a Major, together with the Traine Company at the time of election or choyce of such an officer as it is hereotfore prefixed and concluded, any former act or clause in any law to the contrary notwithstanding.

Voted, whereas, complaints are made to this Assembly of the disobedience of some of the souldiers of the Traine Bands, in the refusing to obey the commands of their superior officers and commanders, this Assembly doe referr the tryall and punishment of such offenders to the Major, together with the major part of the Captains and commissioned officers of the severall Traine Bands of Rhode Island; as alsoe in all other matters of that nature, properly belonging to them.

Voted, This Assembly is adjourned untill the 12th day of June next, and then to assemble againe at the house of Mr. Henry Palmer, in Newport.

June the 12th, 1678.

According to the aforesaid adjournment, the Assembly called and satt.

Voted, Upon a petition presented to this Assembly, by Col- lonell William Crowne, how he may proceed to recover what is his due from the estate of the deceased Mr. John Paine, of Prudence, who deceased intestate. Upon long debate of that matter, and considering the laws made in such cases, this Assembly, as their judgments in way of answer, doe declare they conceive it belongs to the Councill in any towne to be responsible for not doeing their duty in all such cases, that relates to intestates, according to law.

Voted, Upon a petition presented by Edward Greenman to this Assembly, the matter therein contained haveing reference to, or being grounded upon a petition formerly presented to this Assembly, signed by the Honored Governer Arnold, Francis Brinley, William Hedge, and Jahleel Brenton, concerning the estate of George Browne, and that there may be Commissioners appointed to order the estate of the said George Browne, as a bankrupt. This Assembly had much serious debates, and per- rusinge and consideration of the laws in that case provided.

have and doe see cause to declare, that wee cannot find grounds by the laws of England, to proceed with the said Browne's estate as with the estate of a bankrupt. And in serious consideration of the premises aforesaid, doe therefore ordaine, enact and declare, that the former order made by this Assembly, May the 3d, 1678, concerninge the nominating, empowering and commissionatinge certaine gentlemen to be Commissioners of Bankrupts, shall be, and is hereby repealed, made null and voyd, to all intents and purposes, as if the said order had not been made, any thing therein contained to the contrary hereof notwithstanding.

Voted, Upon a petition presented to this Assembly by Rachill Andress, for a divorce from her husband Richard Andress, who for several years hath been absent from this Collony, and not heard of where he is; and probation made to this Assembly that he, the said Andress had a wife in old England, the Assembly doe see just cause to order, and doe grant a full release and divorce to the said Rachill from her aforesaid husband, Andress.

Voted, Whereas, there is a petition presented unto this present Assembly, by the inhabitants of the towne of Warwick, and also another petition from Mr. John Foanes and Mr. Edward Thurston, for themselves and partners; in both which the petitioners doe complaine that the men of East Greenwich in layinge out of the land to them granted, have very much intrenched upon the lands claimed by the petitioners, contrary to the true intent of the grant, which is like to raise and occasion great strife and contention, if not speedily prevented. This Court haveing taken searious consideration of the matter, and being very desirous to maintain the peace and tranquility with and amongst the inhabitants of this Collony, and encourage the inhabitinge of the Narragansett lands, in a lawfull, orderly way and manner: doe order and enact and it is hereby ordered and enacted by this Court, &c., That two honest and just persons, skillfull in the arte of survaying lands, be elected and chosen surveyers to lay out the land granted, unto the inhabitants of East Greenwich, accordinge to their grant; and the reall intent

thereof, as also to run Warwick southerly line according to their grant; and to draw a draught of the lands claimed by the men of Warwick about Potowomett; and alsoe of the lands claimed by John Foanes, Edward Thurston, and partners, with all other lands that the Court shall advise them to survey within this Collony, and true draughts thereof returne unto the Assembly.

It is ordered by this Court and the authority thereof, That all persons whatsoever, that layeth any claime unto any lands in the Narragansett, Coessett, &c., by purchase or otherwise, from the natives, are to bring in their severall deeds of sale, gift or other instruments by which they claim their title, unto the Generall Assembly, there to be confirmed or disallowed of, that soe the lands now lyeth as waste and unimproved, may be settled in a peaceable, orderly way and manner, by the order of the Generall Assembly, and not to be entered upon by any person or persons whatsoever, untill further order given from this Assembly.

And voted, That Capt'n Peleg Sanford, and Mr. Benjamin Speere are chosen and empowered by this Assembly to be surveyers of the lands in the Narragansett, &c., by this Assembly afore-appointed to be surveyed; and that the charges and satisfaction to the said surveyers and help therein shall be borne and paid by the Collony.

And further ordered, That the Deputy Governor, Mr. James Barker, Assistant, Capt'n Samuel Wilbore and Capt'n John Albro, Assistants, Mr. Caleb Carr, and Mr. Thomas Ward, are empowered by this Assembly to agree with the said surveyers for what they shall have for their service, and the time when, and what they doe therein shall be as authentick, as if done by this Assembly.

Voted, Whereas, there was very lately in the towne of Newport, on Rhode Island, very great hurt done to a small childe, by reason of exceeding fast and hard ridinge of horses in said towne, this Assembly takeing the aforesaid matter into their searious consideration, and being desirons for the future to prevent the like mischief, doe ordaine. and enact and declare. and by the au-

thority thereof be it ordained, enacted and declared, That from and after the publication hereof, if any person or persons shall presume to ride on either horse, mare or gelding, a gallup, or to run speed in any of the streets or highways, of the said towne of Newport, between the house that lately John Horndall lived in, and the house where Thomas Clifton liveth, shall for his said offence pay or cause to be paid unto the Treasurer of the said towne five shillings in money on demand; two shillings of which said five shillings shall by the said Treasurer be paid to give any person or persons, that shall give information thereof, and the other three shillings to remaine for the use of the said towne.

And further it is enacted and declared by the authority aforesaid, That if any person or persons offending as aforesaid, shall neglect to pay the five shillings to the said towne Treasurer, on demand as aforesaid, that then any one Magistrate in this Collony, is upon complaint to him made, hereby empowered and required to grant forth warrant to the Sergeant of the towne of Newport, aforesaid, to take by distrainte the said five shillings, together with two shillings for his service therein, and to make returne of the five shillings by him distrayned, to the said towne Treasurer.

Voted, The accounts presented by part of the Generall Auditt, haveinge been seariously debated and considered, are owned, and the sum therein mentioned, which is four hundred and thirty seven-pounds, three shillings and ten pence, to be the Collony's just debt and due to pay.

Voted, To be Conservators of the Peace, in the King's Province, for Westerly, Tobiah Sanders, and John Badoock. For Pettacomscutt, Mr. Jiren Ball, and Mr. Sazael Wilson. For Kings Towne, Mr. Thomas Gould, engaged, and Mr. John Greene, engaged. For East Greenwich, Mr. John Spencer, engaged; Henry Tibbitts, and John Mackandrew, are appointed Constables.

And ordered, That the Recorder shall give forth commissions to the said engaged Conservators, under the scale of the Collony.

Voted, This Assembly takeing into consideration the laws made in the yeare 1647, and the yeare 1674, concerninge the

orderinge the estates of persons dying intestate, or the executor or executors refusing to administer; and in the aforesaid laws the towne Conncill or the major part of them are empowered to make an Executor, which said word being an improper tearme to be used in that case, this Assembly doe therefore ordaine and enact, That in the roome and place of the word Executor, there shall be placed the word Administrator; it being in that case the more proper and usuall tearme in the law.

Voted, This Assembly takinge into consideration the many and frequent misbehaviours committed in this jurisdiction towards his Majesty's officers in the due and lawfull execution of their said offices, and the former laws made in this Collony being very short, and not fully declareing what shall be accounted misbehaviour, this Assembly doe therefore order, enact and declare, That where the law of this Collony doth not fully declare what misbehaviour is towards his Majesty's officers, in this Collony in the due execution of their said offices, that every person soe offending, shall be judged by the laws of England in such case made and provided.

Voted, Whereas, there hath been a petition presented to this Assembly by John Pebody and Mary Pebody, late wife to the deceased James Rogers (Generall Seargeant,) concerninge the accounts that have been betweene the Collony and the said deceased (Generall Sergeant) James Rogers, which said accounts have been dilligently examined by the late Generall Auditt, whoe have declared that they find the accounts soe imperfect, that they could neither allow nor disallow the same. And forasmuch, as there doth appeare such difficulties and doubts in the said accounts, and to prevent further trouble thereabouts, this Assembly, with the free consent of the said petitioners, doe agree and determine that there shall be and is hereby and equall, cleer ballance of all the aforesaid accounts between this Collony and the said James Rogers; and that by this act there is a full and fynall issue of all differences relating to the said accounts from the beginnunge of the world unto this present Assembly.

Voted, Whereas, there is a clause in the Major's commission, restricting said Major to the advice of the Councils of each respective towne: this Assembly upon consideration thereof, doe see cause to make the said clause null and voyd; and that for the future, the said clause shall be wholly left out in the Major's commission, and the Major for the future not to be any wise obliged thereby, but to be wholly cleer thereof, as if the said clause had not therein been inserted.

And further it is enacted, That if the Major see cause to assemble the severall Companys together in armes, in military exercise, or soe many of the severall Companys as the Major shall cause to call and command together once or twice in the yeare, and oftener if urgent occasion present; the respective Companys by the Major soe called, shall dilligently attend his commands therein. And every listed souldjer in the said Companys by the Major's warrants required to appeare, and not accordingly attendinge, shall be lyable to the like penaltys and forfeitures, as are by the law provided and injoynd on all those that appeare not or attend not on the severall training days by law appointed for the severall respective days yearly.

And alsoe it is ordered, That the authority placed in the former laws and commissions relatinge to the military commanders, wherein the Towne Councils have power to order them, the said clauses and power therein given to each respective Towne Councill, is alsoe hereby made null and voyd: and the severall military commanders are not longer to have their commissions under that injunction of observeing the advice and orders of the Councils of each respective towne; but shall be only injoynd to the Generall Assemblys, the Governor, or Deputy Governor, or Generall Councill's orders.

Voted, It is ordered and enacted by this present Assembly, That all the estate of John Carr, of what nature soever, shall be seizable or lyable to be seized to answer the judgment and sentence of the last Generall Court of Tryalls, held in May last. to answer the cost and charge relateing to

the same, according to the sentence of the said Court; as alsoe the said Assembly doe give full and ample power to any two Magistrates to dispose of the body of the said Carr as a servant, to be transported to some other place or country, or otherwise as the said Magistrates shall think meet, till the said Carr shall serve as an absolute servant, till all manner of cost and charges shall be defrayed by the produce thereof, as relating to the sentence and judgment of the said Court of Tryalls, and all other charges thereon depending; and that the said Carr shall remaine in safe custody of prison according to the former sentence, till the performance of what is above declared. And that if he the said Carr, be found within the limitts of this Collony after the said Magistrates have acted as according to the power before given, the former sentence of the said Court of Tryalls shall stand good in all respects according to the true intent and meaning thereof.

Voted, Josiah Helling, and Joseph Billing, both freemen of the towne of New Shoreham, are admitted freemen of this Collony.

Voted, That the letter sent from Major Talcott, to our Honored Deputy Governor, shall be answered in the name and behalfe of the Assembly, by the Recorder.

Voted, That the Recorder shall have three pounds, ten shillings in money, or equivalent, for copys of this Court orders, to be paid by the towne of Newport; one pound, five shillings, by the towne of Portsmouth; one pound by the townes of Providence, Warwick, and New Shoreham, each of them eight shillings, four pence.

And voted, That the orders of this Assembly shall be soe copyed out and delivered on the 25th day of this instant, to the Towne Clerke, that they shall be published in the towne of Newport, on the 26th of this instant June, there to be published by the order of a Magistrate. And the other copys to be delivered soe that in each towne they may be published within thirty days of the adjournment of this Assembly.

Voted. This Assembly is adjourned until the last Wednes-

day in August next, or untill the Governor or Deputy Governor shall see cause to conveye the same.

Voted, Upon the petition of Margaret Smith, her former sentence of beinge incapable of givinge in evidence in any case, and thereby stands as a perjured person, is remitted, null and voyd.

Voted, Upon the petition of John Pearce Mason, that he may be dismissed of the Court's grant to him for lands at East Greenwich, and that Henry Mathewson may be accepted in his roome, the said petition is granted, and the said Mathewson is accepted in the roome of said John Pearce, he the said Mathewson performinge the Assembly's former injunctions concerninge the said lands.

Voted, Upon the petition of Mr. Thomas Greene, John Tooly, William Foster, Peter Wells, and John Sheldon, to be accommodated with lands as East Greenwich men are, their petitions are granted, and they are to be accommodated in the next division of the ten thousand acres formerly granted, on the same conditions others are.

August 28th.

At the re-meeting of the Assembly the 28th of August, 1778, accordinge to the aforesaid adjournment.

Voted, Whereas, our late Governor, Benedict Arnold, is deceased, this Assembly doe forthwith proceed to the election of a Governor in his roome or place.

Mr. William Coddington, chosen Governor and engaged in the Assembly.

Voted, That some persons be sent from this Assembly unto Mrs. Arnold, widow to the deceased Governor Arnold, and from her demand and receive his Majesty's Charter of this Colony, and all other parchments and writings that were in the said deceased Governor's custody, belonginge to this Collony, and returne what they see receive unto this Assembly, and to give the said Mrs. Arnold, in the name of this Assembly, a full discharge for what they receive.

The persons appointed and empowered are, Capt'n Peleg Sanford, Mr. John Whipple, Capt'n John Albro, Capt'n Samuell Gorton, Assistants; and John Sanford.

Voted. That the returne of the Committee sent to Mrs. Arnold, be entered on record, it being a copy of their receipt given to her, and they haveing returned the particulars therein mentioned.

Voted, There was a printed paper, entitled an advertisement, subscribed by Simon Bradstreet, John Saffin, and Elisha Hutchinson, dated in Boston, the 30th of July, 1678, stileing themselves a Committee, to act in behalfe of certaine gentlemen of New England, in the disposition of the lands of Narragansett and Niantick countrys ;* by them untruly declared to be under the government and jurisdiction of the Collony of Connecticut, notwithstandinge his Majesty's grant of the said lands is not unknowne unto the said persons, to be given and granted unto the free inhabitants of his Collony of Rhode Island and Providence Plantations, which said paper was by said John Saffin sett up in the towne of Newport, whoe forthwith fled off the Island from the hands of justice, &c.

These are therefore to signify, publish and declare, unto all persons whatsoever, and to prevent the trouble and damage-wrongs and injuries that hereafter may happen and befall unto

* AN ADVERTISEMENT.

Whereas, the lands of Narragansett, and Niantick countryes, and parts adjacent, are places very pleasant and fertile, fit and commodious for Plantation, and several townships: the true and legal right whereof belongs to certain gentlemen in New England (the most part of them dwelling within the Colony of the Massachusetts), by purchase from the chief Sachins, that were sole proprietors of the same; and was since allowed and approved by the Honoured Commissioners, of the United Colonies, and recorded in the Book of Records for the Colony of Connecticut, under which government and jurisdiction the land aforesaid lyeth.

These are therefore to certifie and inform all Christian people, that are willing, or may be desirous to settle themselves in a regular way of townships on the said lands, that they may please to apply themselves to the subscribers hereof in Boston, who are by the said gentlemen, the proprietors, chosen and appointed a Committee to act in any of their concerns touching the premises; with whom all such persons may treat and agree on very easie and reasonable terms.—(*J. Carter Brown's Mss., Vol. II. No. 119.*)

SIMON BRADSTREET,
JOHN SAFFIN,
ELISHA HUTCHINSON.

Dated in Boston, the 5th of July, 1678.

them or any of them, that shall be induced by their falacious claimes of title and government to enter thereon, that the government and disposition of the said lands is in truth belonging unto his Majesty's Collony of Rhode Island and Providence Plantations: and that they are in actuall possession of the same. And doe therefore 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 the said lands, without the approbation, leave and authority of the Generall Assembly of this Collony.

Butt that they, or any of them soe doeing, shall be taken and deemed as intruders, mollesters and disquieters of the peace of his Majesty's subjects in this Collony, and shall be dealt withall, and prossicuted accordingly.

Voted. That the Clerke of this Assembly is to subscribe to this act afore-written, in the behalfe and order of the Assembly, and forthwith to send two copys of them unto any one Assistant of each of the townes of Newport, Providence, Portsmouth, and Warwick, and two for Westerly, two for Greenwich and Kings Towne, and one for Pettacomscutt, to be sent to any Assistant belonging to Newport, to be sent to the places above-said; to be publickly sett up at such place or places as the Assistant, and Conservators of the respective townes shall judge most meet and convenient.

Voted. That the Recorder doe forthwith draw out one copy of the aforesaid act, that it may this day, August the 30th, by beat of drum be published in the towne of Newport.

Voted. Whereas, a petition hath been presented to this Assembly, signed by Nathaniell Colson, said to be in behalfe of Miles Forster, bearing date the 4th month, called June, 1678, concerning the action that hath been legally tryed at two Generall Courts of Tryalls, betweene Capt'n Peleg Sanford, plaintiff, and said Miles Forster, defendant. This Assembly conceive that it doth not properly belong to them or anywise within their recognizance to judge or to reverse any sentence or judgment passed by the Generall Court of Tryalls. accord-

ing to law, except capitall or criminall cases, or mulct, or fines.

Voted, Whereas Mr. William Brinley, empowered Commissary, hath petitioned this Assembly to take out of his custody the remaining part of the powder belonging to this Collony in his custody.

This Assembly doe desire and empower the Deputy Governor and Capt'n Peleg Sanford, to receive the said powder, and to the best of their discretion secure the same; and alsoe to auditt the said Commissary's accounts, and returne the account forthwith to the next Generall Assembly. Butt upon urgent occasion, the said Deputy Governor and Capt'n Peleg Sanford have power to make use of the said powder, or any part thereof. And they are empowered to give the said Mr. William Brinley a full discharge.

Voted, That the acts and orders of this Assembly this last adjournment, shall be copied out, and given under the seale of the Collony by the Recorder, by the last day of September next, for the townes of Newport, Providence, Portsmouth and Warwick; and shall have for those copys and the severall copys to be sett up at the severall townes, the sum of fifty shillings in money, or equivalent. The towne of Newport to pay twenty-two shillings; the towne of Portsmouth thirteen shillings; the townes of Providence and Warwick, each seven shillings, six pence.

Voted, This Assembly is dissolved, August 31, 1678.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 30th day of October, 1678.

Major John Cranston, Deputy Governor, chosen Moderator.
John Sanford, Recorder, chosen Clerke of the Assembly.

Voted, This Assembly is adjourned till Monday, the 4th of of November next.

November the 4th.

The Assembly called and satt.

Voted, That the petition of Mr. Caleb Carr and Mr. Francis Brinley, on the behalfe of themselves and the proprietors, for Quononoquitt Island to be made a township, shall be first adjetated and debated.

Voted, That the said petition is granted; and that the said Quononoquitt shall be a township, with the like priviledges and libertyes granted to New Shoreham.

Voted, This Assembly is adjourned untill Friday, the 8th instant, one of the clock, after noone.

November the 8th.

The Assembly called and satt.

Voted, That the matter concerning raising moneys for the payment of the Collony's debts, shall be first adjetated and determined.

Voted, This Assembly haveing taken into their serious consideration the great necessity for the raisinge of moneys for the paying and defrayeing of the Collony's debts, it is therefore by this Court and the authority thereof, ordered, enacted and declared, That a levie, tax or rate, to the vallue of £300 sterling, shall be assessed on the freemen and inhabitants of this Collony, as followeth, that is to say: either in money or in provisions, good and merchantable at the money price: Newport, £136; Providence, tenn pounds; Portsmouth, sixty-eight pounds; Warwick, eight pounds; Westerly, forty shillings; New Shoreham, twenty-nine pounds; Kingstowne, sixteene pounds; East Greenwich, forty shillings; Jamestowne, twenty-nine pounds: that is to say, one half of what each the last eight respective townes are assessed, is to be paid to the Generall Treasurer, at his house, in Newport, in moneys or provisions at money prices, on or before the last day of March; and the other half to be paid in money and species, as afore expressed, before the last day of November following, 1679.

And if any person shall refuse or neglect to pay his or her or their rate, that he, her or they shall be assessed by the freemen of the respective townes aforementioned, within the time or times afore in this act limitted and mentioned, the same shall be taken from him, her or them, to be distrained by virtue of warrant from the Governor or Deputy Governor, or any one Assistant or Warden, or Conservator of the Peace, belonging unto any the respective townes aforementioned, to the Generall Sergeant, or his Deputy, in the respective townes aforesaid, who are to returne the same unto the Generall Treasurer, in Newport, aforesaid; and for his or their service therein, to distraine for their fees.

And it is further enacted by this Court and the authority thereof, That the Governor, Deputy Governor, or any one Assistant, Warden, or Conservator of the Peace, is hereby ordered within their respective townes, to call the freemen of the said townes together, and require them to make or else to choose freemen of the said townes to make an equall rate according to their best understanding amongst the freemen and and inhabitants of each respective towne, accordinge to each respective towne's assessment. The rate to be paid in the severall species following, or in money, &c.: good merchantable pork, at two pence per pound, fresh or in barrills, good and merchantable, well packed, fifty shillings. Good merchantable beefe, at twelve shillings per hundred, fresh or in barrill, good and merchantable, well re-packed, thirty shillings; pease, at two shillings, sixpence per bushell; Indian corne, at two shillings per bushell; barley, at two shillings per bushell; good barley mault, at two shillings, sixpence per bushell; sheeps' wooll well washed, good and merchantable, at sixpence per pound; good butter in the firkin, good and merchantable, at five pence the pound.

Voted. Whereas in October Court, 1676, Mr. Phillip Smith, and Mr. Richard Bailey, Executors to Mr. John Clarke's estate, deceased, petitioned to said Court demanding a hundred pound, currant money of England; that Court considering of the said demand, and the severall transactions of some Assemblies not

agreeing with the said demand, nor according to other payments. did then deliberate to inquire into accounts between the said Mr. John Clarke and this Collony, and appointed Mr. John Easton, Mr. William Wodell, Mr. Caleb Carr, and the Recorder, to examine the accounts of said Executors; and whereas as nothing has been as yett done in the premises, this Assembly doe suspend the payment of the demand by said Executors. and doe order the first three men mentioned, with the present Recorder. John Sanford, with Mr. Francis Brinley, and Mr. John Coggeshall. whoe is added, they or the major part of them to examine the accounts of said executors, compareing them with the former transactions of Assemblys and payments, and bringe in what they finde. to the Assembly in May next.

Voted, This Court having taken into consideration the debate that is and lyeth between the two townes of Newport and Portsmouth. concerning severall Indians that were brought in. and that voluntarily came in themselves unto the respective townes aforesaid, in the time of the late Indian warr. and being chiefly desirous to maintaine, uphold and preserve peace, love and amity, and for the prevention of all future differences and discord that might arise. grow and be betwixt the aforesaid townes relateing to the said Indians;

It is ordered by this Court and the authority thereof. That all the Indians that were either brought over or of themselves came volluntarily into any part or place belonging unto the towneship of Newport, the profitt and produce of them or the Indians themselves, if not disposed of according to the Councill's order, 24th July, 1676, shall only be for, and revert unto the use, benefitt and behoofe of the towne of Newport; and that all Indians that were either brought over, or of themselves came

hultarily into any part or place belonging unto the towneship of Portsmouth, the profitt and produce of them shall only be for and revert unto the use, benefitt and behoofe of the said towne of Portsmouth, for the defraying of their charge of the late Indian warr.

Notwithstanding any former law, act or orders to the contrary, it is further ordered, That the towne of Newport shall

choose four men, and the towne of Portsmouth four men, to meet upon or before the 13th of January next, at the house of Mr. George Lawton, in Portsmouth, to adjudge and auditt all accounts depending between the said two townes relateing and only growing by reason of the late Indian warr, that see the towne falling in debt, may take speedy course and care for the payment of what it shall be found in debt unto the other towne: and that the eight men soe chosen by the said townes or the major part of them, have full power to adjourne from time to time, untill such time as they have fully perfected the matter committed unto them.

Voted. That whereas, our late Honored Governor William Coddington, Esquire, is deceased, this Assembly doe forthwith proceed to the election of another in his roome or stead.

Major John Cranston is chosen Governor, and engaged in open Court.

Mr. James Barker is chosen Deputy Governor and engaged.

Voted. Whereas the Deputy Governor, John Cranston, is chosen and engaged to the place and office of Governor, he is by this Assembly absolved from his former engagement to the office of Deputy Governor.

And alsoe Mr. James Barker being engaged in the place of Deputy Governor, is by this Assembly absolved from his engagement to the office of Assistant.

Voted. Whereas Mr. James Barker, who was the first Assistant, is chosen Deputy Governor, the two next Assistants are to succeed in order, and that upon their former engagement, and a third Assistant be chosen.

Mr. Caleb Carr chosen Assistant, and engaged.

Voted. That a Committee be sent from this Assembly unto Mrs. Ann Coddington, widow to our late deceased Honored Governor, and of her demand and receive the Charter and all other writings that were in the late Governor's custody and belonging to this Colony; and have power to give the said Mrs. Coddington a full discharge in the behalfe of this Assembly for what they receive. The persons chosen, are Capt'n Peleg San-

ford. Capt'n John Albro, Capt'n Arthur Fenner, Mr. John Coggeshall, and the Recorder, whoe are to returne what they so receive unto this Assembly.

That the aforementioned Committee are empowered to demand and receive from the Executors of the late deceased Mr. John Clarke, the duplicate of the Charter, and give a full discharge for the same, and returne it to this Assembly.

Voted, The Committee appointed to goe to Mrs. Coddington, for the Charter, and for all other writings belonging to the Collony, in the late Governor's custody, have according to their trust, returned what they received, and the receipt by them given to be entered on record, and they are committed to the present Governor's keepinge.

Alsoe, they having received the duplicate of the Charter, have delivered it unto this Assembly, and are discharged thereof; and the said duplicate is committed to the keeping of the present Deputy Governor.

[Here follows the receipt.]

By order and appointment of the Generall Assembly, held for his Majesty's Collony of Rhode Island and Providence Plantations, and sittinge the 14th of November, 1678, wee whose names are under written, doe owne wee have received of Mr. Thomas Ward, of Newport, one of the assignes of the late deceased Mr. John Clarke, the duplicate of the Charter, sealed with yellow wax, containing three sheets in parchment, with this promise, that if it shall appeare that the said duplicate by any act of the former Assemblys doth belong unto the Executors of the said John Clarke, deceased, then to be truly returned.*

Witness our hands, the 15th of November, 1678.

PELEG SANFORD,
JOHN COGGESHALL,
JOHN SANFORD,
JOHN ALBRO,
ARTHUR FENNER.

* This receipt is inserted, as giving the history of the duplicate copy of the Charter of 1663, which is in the Secretary's office, and in excellent preservation.

Voted. Whereas the Generall Assembly in May last, did see cause to appoint two persons to be survayers of lands in the Narragansett country, as more fully is exprest in the act of the said Assembly, the persons then appointed, being Capt'n Peleg Sanford, and Mr. Benjamin Speere, and they as yett not having done anything in that respect; and whereas Mr. Benjamin Speere, one of the persons then appointed, is gone out of the country, therefore, that the said worke may not be neglected, and that the matters may be truly stated, according to the true meaning and intent of the Assembly, this Assembly doe appoint and empower John Smith, inhabiting at Newport, in the roome of Benjamin Speere, to join with Capt'n Peleg Sanford, and assist him in the performance of that worke, and make returne of what they doe in the premises unto this Assembly, if they see cause to adjourne, or else unto the next Assembly.

And it is further ordered, That whereas severall gentlemen were by the said Assembly in May last, empowered to agree with the then appointed survayers what they should have for their service, to be paid them by the Collony, and alsoe the time when they should proceed in doing it, and they not having anything by them done in that respect, this Assembly doe now appoint and empower the Governor, the Deputy Governor, Captain John Albro, and Mr. Caleb Carr, Assistants, Mr. John Coggeshall, and Mr. Thomas Ward, or major part of them, to agree as aforesaid, with the now appointed survayers, and what they doe therein, shall be as authentick as if done by this Assembly.

Voted, That the survayers, Capt'n Peleg Sanford and John Smith are desired and empowered by a writinge under their hands, to give notice to all the townes in the Collony of the time of their proceedinge in that worke, that soe those that please may be present at the time of their acting in the premises.

Voted, That the returne made to the Governor by Capt'n Peleg Sanford and Mr. John Coggeshall, appointed and empowered Commissioners to act with the Commissioners of the

Massachusetts, Plymouth, and Connecticut Collonys, in a Court by his Majesty's speciall command held concerning difference about title of lands, between William Harris and others, shall, as the Governor sees cause, be transcribed by the Recorder, and accordingly returne thereof to be made to his Majesty. The charge thereof to be borne by the Collony.

Voted, That Capt'n Arthur Fenner shall have one barrill of powder of that which is in the Collony's store; and it shall goe in part of pay for what the Collony is indebted for the maintaineing the King's garrison at Providence.

Voted, Whereas Mr. William Harris hath petitioned this Assembly for the sum of tenn pound in England (as he saith, about nine or tenn years since), by him paid to Capt'n Richard Deane. The Assembly haveing seariously considered the matter. doe finde that former Assemblys have taken effectuall course for the payment of such demands, by assessments on the severall townes, and doe conceive it may then be paid. Therefore, doe not see cause to proceed any further therein, not being cleerly informed that the said William Harris hath anything justly due on the said demand.

Voted, Whereas there appears to be further due from the Collony to John Sanford, Recorder, the sum of seven pound, five shillings, it is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, Whereas there appears due to Mr. John Coggeshall the sum of four pound, five shillings, country pay, it is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, Whereas there is due to Mr. Robert Carr the sum of one pound, four shillings, currant pay, for service done by his sonn Caleb, and his sloop, by transporting the Magistrates to Narrragansett; the said sum is ordered to be paid to Mr. Robert Carr, by the Generall Treasurer.

Voted, That the Recorder shall within thirty days after the adjournment or the dissolution of this Assembly, give forth coppys to all the townes in this Collony, of the acts of this Assembly, under the seale of the Collony.

Voted, This Assembly is adjourned till the last Tuesday in March next, which will be the 25th of the said month, then to assemble againe at Newport.

March 25th, 1679.

Accordinge to the aforesaid adjournment, the Governor, Deputy Governor, Mr. Joseph Clarke, Mr. Caleb Carr and Capt'n John Albro, Assistants, were present.

[The Records contain no proceedings of the General Assembly at this session.]

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 6th of May, 1679.

Major John Cranston, Governor.

Mr. James Barker, Deputy Governor.

ASSISTANTS.

Capt'n Peleg Sanford,

Mr. John Whipple, Jun'r,

Mr. Joseph Clarke.

Capt'n John Albro,

Mr. Caleb Carr,

Capt'n Samuel Gorton,

Mr. Stephen Arnold,

Mr. Thomas Greene.

Mr. Thomas Olney, Jun'r,

DEPUTIES.

For Newport.

For Warwick.

Mr. Caleb Carr,

Mr. Edmund Calverly,

Mr. Thomas Ward,

Lieut. Benjamin Barton,

Lieut. Edward Richmond,

Mr. Samuel Stafford,

Lieut. John Greene,

Mr. John Warner.

Mr. William Coddington,

For Westerly.

Ensigne John Bliss,

Mr. Joseph Jeneks.

For Providence.

Capt'n Arthur Fenner,

Mr. William Carpenter,

Mr. Richard Arnold.

For Portsmouth.

Mr. George Lawton,

Lieut. William Correy,

Lieut. Francis Brayton,

Lieut. William Codman.

For New Shoreham.

Mr. John Williams.

For Kings Towne.

For East Greenwich.

Mr. John Heath,

Serg't Thomas Nicholls.

For James Towne.

Mr. Ebenezer Slocum,

Capt'n John Foanes.

The Governor chosen Moderator.

John Sanford, Recorder, chosen Clerke.

Voted, Edward Thurston, Jun'r, Bartholomew Hunt, Jun'r, Thomas Brookes and John Coddington, being freemen of the towne of Newport, are admitted freemen of this Collony.

Voted, Abiall Tripp being a freeman of the towne of Portsmouth, is admitted a freeman of this Collony.

Voted, That John Greene, Jun'r, being a freeman of the towne of Warwick, is admitted a freeman of this Collony.

Voted, Henry Mathewson, Charles Mecarta, and Mordica Bouden, being freemen of the towne of East Greenwich, are admitted freemen of this Collony.

Voted, That Ebenezer Slocum, Nicholas Carr, Caleb Carr, the sonn of Robert Carr, and Peter Wells, freemen of James-towne, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 7th of May, 1679, at the house of Robert Lovis.

The Assembly consisted with the afore written Governor, Deputy Governor, Assistants and Deputys.

The Governor chosen Moderator.

John Sanford chosen Clerke.

Voted, Mr. Thomas Ward shall receive the votes from each

person that bring in their votes for the Election, and take care that they be truly brought in, and putt into the hatt. And that Capt'n Samucll Gorton and Mr. Caleb Carr shall open the proxies: and as the election proceeds, putt the votes into the hatt: and that John Williams, and the Recorder shall in writing take the names of all those that vote.

Voted, That the Assembly remove and sitt in the lower roome. for the conveniency of the Election.

By the Election, was chosen the following, who were severally engaged.

GOVERNOR.	Mr. Thomas Greene.
Major John Cranston.	RECORDER.
DEPUTY GOVERNOR.	John Sanford.
Mr. Walter Clarke.	GENERAL SERGEANT.
ASSISTANTS.	Edmund Calverly.
Mr. Caleb Car,	GENERAL TREASURER.
Mr. Thomas Ward.	Capt'n Peleg Sanford.
Mr. Joseph Clarke,	GENERAL ATTORNEY.
Mr. Stephen Arnold,	Lieut. Edward Richmond.
Capt'n Arthur Fenner,	SOLICITOR.
Mr. John Whipple, Jun'r,	Edmund Calverly.
Capt'n John Albro,	MAJOR.
John Sanford,	Capt'n Peleg Sanford.
Capt'n Samuel Gorton,	

John Potter, of the towne of Warwick, haveing petitioned this Assembly for the sum of thirty-six shillings, currant pay, due to him for service, by him done some yeares since, being Constable, in securing and sending an Indian to Newport, the said sum is ordered, to be paid by the Generall Treasurer.

Upon the petition of John Correy, and John Wood Weaver, to be accommodated with lands at East Greenwich, their petition is granted, and they are to be accommodated as others out of the shares which that are yett not taken up.

Voted, Whereas there hath complaint been made that sur-

dry persons being evill minded, have presumed to employ in servile labor, more than necessity requireth. their servants, and alsoe hire other mens' servants and sell them to labor on the first day of the week: for the prevention whereof, bee it enacted by this Assembly and the authority thereof, That if any person or persons shall employ his servants or hire and employ any other man's servant or servants, and set them to labor as aforesaid, the person or persons soe offending, shall upon proof thereof made, pay for every offense by him or them committed, five shillings in money, to the use of the poore of the towne or place in which the offenses are committed; which said five shillings, if the person offending refuse, upon conviction before one Magistrate, to pay: a warrant under the hand of one Magistrate, directed to the Sergeant of the towne, where the offense was committed, shall be his sufficient warrant to take by distraint soe much of the estate of the offending party, together with two shillings for his service therein.

And bee it further enacted by the authority aforesaid, That if any person or persons shall presume to sport, game or play at any manner of game or games, or shooting on the first day of the weeke as aforesaid, or shall sit tippling and drinking in any tavern, ale-house, ordinary or victualling house on the first day of the weeke, more than necessity requireth; and upon examination of the fact, it shall be judged by one Justice of the Peace: the persons offending as aforesaid, upon conviction before one Justice of the Peace, shall by the said Justice of the Peace be sentenced for every of the aforesaid offenses, to sitt in the stocks three houres, or pay five shillings in monee, for the use of the poor of the towne or place where the offense was committed.

Voted, Whereas there have been many complaints by masters of ships and other vessells, to the authority in this jurisdiction, that the seamen by them shipped and retained, have been entertained by persons keeping taverns, ale-houses, ordinarys or victualling-houses, to their great neglect and hinderance in their employment; and at the time of their being ready to saile and putt forth to sea, their men are by the per-

sons aforesaid, attached, imprisoned and kept from their lawfull service to their loss and damage. For preventing whereof, this Assembly doe enact and declare, That if any person or persons, that shall keep tavern, ale-house, ordinary or victualing-house within this jurisdiction, and shall give creditt unto, and trust any seaman or seamen, that shall be shipped and retained by any master of a ship or other vessell, without order from the master of the said ship or vessell, above the sum of five shillings, noe action or suit shall lye or bee for the same.

And bee it further enacted by the authority aforesaid, That if any person or persons keeping all or any of the houses aforesaid, shall presume to arrest, attach or imprison any seaman or seamen, contrary to this act, he or they and every of them, shall be lyable to pay to the master of the ship or other vessell, the damage or damages that he or they shall sustaine thereby; whoe by himselfe or his attorney may have his action against any person or persons soe offending for the same, as in action of debt.

And be it further enacted by the authority aforesaid, That all ships and other vessells that shall come into any harbour on this Island, or other harbour in this Collony, not under the burthen of twenty tons, the master thereof shall immediately repaire to the Governor (if in Newport), if in any other port in the Collony, then to the head officer in that towne or place, and shall give a just account of their designe, and shall not presume to sett saile out of any of the said harbours without givinge the knowledge thereof to the Governor, or head officer, as aforesaid, before their sailing; and if they remain above ten days in any of the said harbours or ports, they shall then sett up their bills in two public places in that towne or place where they shall come in this Collony, at least three days before they sett saile.

Voted, Upon a petition presented to this Assembly by Capt'n John Albro, relating to an action upon an indictment against John Albro, Jun'r, at the Generall Court of Tryalls, held the 12th of this instant, this Generall Assembly doe enact and declare, That judgment concerning the said John Al-

bro. Jun'r. shall at present be suspended, and the determination of the matter left to this Assembly. And upon the further searions debate and consideration of the matter, this Assembly doe see cause to suspend the further proceedings therein unto the next sitting of this Assembly, and Capt'n Albro is desired, and hath promised in the meane time to procure Joseph Wheaton, or information in the premises.

Voted. An act to prevent non-payment of publick impositions, rates, fines and forfeitures, and disorders that may ensue thereby:

Bee it enacted by this Assembly and the authority thereof, That if any towne or townes, village or villages, place or places, within the precincts of this Collony shall refuse and neglect to levie and proportion all and every imposition, rate, fine or forfeiture that may concerne the public weale of this Collony, upon the inhabitants, and others rateable in such townes, villages or places as aforesaid, that shall from time to time bee levied, and make returne thereof to the Generall Treasurer within the time limited and appointed or imposed on them by the Generall Assembly of this Collony; shall for every such offense forfeit to the Collony the sum of ten pounds in money, or other currant pay equivalent thereunto.

And further be it enacted by the authority aforesaid, That if any towne, village, or place, as aforesaid, shall refuse to levie and proportion any imposition, rate, fine or forfeiture, together with the ten pounds forfeitted by the neglect as aforesaid, upon the receipt of warrant to them directed from the Generall Treasurer in convenient time; it shall and may be lawfull for the Governor or Deputy Governor, and three Assistants, by warrant under their hands, to appoint five honest persons according to their directions, to levie and proportion the imposition, rates, fines, and forfeitures, on the inhabitants and others rateable in any of the places aforesaid, together with the aforesaid forfeiture of ten pounds.

And further be it enacted, That if any person or persons refuse or neglect to pay his or their propòrtion or rate, that shall be imposed or levied on him, her or them; that then a warrant

under the hand of one Assistant, directed to the Generall Sergeant or his Deputy, shall bee his or their lawfull authority to take the same by distraint; together with two shillings, six pence in the pound for his or their service; whoe is hereby required to observe the rules and method of appraizement as is usuall in cases of distraint, and to make returne of all he shall soe distraine to the Generall Treasurer.

And further bee it enacted by the authority aforesaid, That if any officer or officers shall neglect his duty in the performance of the aforesaid act and order, he or they whoe shall be soe neglecting, shall be censured by the Assembly from time to time, suiteable to the demeritt of their offense.

Voted, Whereas the Generall Treasurer hath made a returne to this Assembly, that severall townes in this jurisdiction, have not made their returnes of the severall rates imposed and levied on them according to the act of the Generall Assembly, held in Newport, October 30th, 1678: for the regulating the said disorders, bee it enacted by this Assembly and the authority thereof, That all and every towne, place, or village that doe neglect to conforme, and doe remaine disobedient to the orders and injunctions of the Assembly, aforesaid, for the space of twenty days after their knowledge of these presents, shall bee lyable to suffer the penalties and forfeitures, and be proceeded against for every such default, by them made, as is provided in and by an act made in this present sitting of this Assembly, entitled an act to prevent non-payment of publick impositions, rates, fines and forfeitures and disorders that may ensue thereby.

Voted, That for the encouragement of Assistants and Deputys to attend Generall Assemblys; and alsoe the Assistants and other officers to attend Courts of Tryalls, their necessary charges for dyett and lodging durence the time of their attendance at Courts, shall be paid and borne by the fines and forfeitures due to the Collony.

Voted, In addition to an act made in the yeare one thou-

sand six hundred and fifty-eight, entitled, "To prevent innovation in the government and liberties of this his Majesty's Collony."

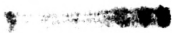
Bee it enacted by this Assembly and the authority thereof. That if any person or persons in this Collony shall presume or endeavour, to putt or subject all or any part of his or their land or lands that are lying and being within the precincts of this jurisdiction, under the authority of any other government or jurisdiction, he or they see doeing, or any ayding, assisting or abetting to such, shall forfeitt his or their estate both reall and personall, according to the afore-recited act; or otherwise be fined at the discretion of the Court, before whome he or they shall upon legall tryall, be found guilty of any of the offenses aforesaid.

Voted. Upon the petition of Shuball Painter to this Court, for favour: he being in the Court of Tryalls fined thirty shillings, and bound to the good behaviour and appearance at the next Court of Tryalls: it being for his contempt of authority, and he declaring himselfe heartily sorry for offense therein: thereupon this Assembly doe see cause to remitt him tenn shillings of his said fine.

Voted. That whereas John Borden was fined at the Generall Court in October last for not attending the jury: and he having petitioned this Court that his fine may be remitted, alleging that he attended part of the Court's sitting, and being challenged off in a pertickular action; cominge home found one of his children very sick, whereby he was detained from attendance. Therefore the Court doe remitt his said fine.

Voted. That Henry Lilly's bill for six pounds, eight shillings, due to him from the Collony, for services done to this 24th of May, 1679, is owned and accepted, and ordered to be paid by the Generall Assembly.

Voted, Whereas the last Assembly in October, dissolved without allowing any sum to the Recorder for copys to the nine townes, under the seale for his attendance eleven days at that Assembly, the Assembly doe agree and order, That the Recorder shall have for the said service, the sum of five pounds,



ten shillings in or as money ; the same to be paid proportionally by each towne.

Voted, That all the copies of this Court's acts shall be given forth by the Recorder, under the seale of the Collony for the respective townes in this Collony, and the same to be ready for each towne within thirty days of the adjournment of this Assembly ; and to be delivered to the Generall Treasurer within the said time to be conveyed to the severall townes.

Voted, That the Recorder doe draw forth the copys of the prohibition against such as intrude into the Narragansett or Niantick countrys, and signe the same on behalfe of this Assembly, and deliver the same unto Sergeant Thomas Nicolls, and to be paid by the Generall Treasurer.

Voted, That the late Generall Sergeant, Thomas Fry's bill for five pounds, six shillings, is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, This Assembly is adjourned untill the first Wednesday in September next, at Newport, again to meet only if there doe appeare grounds and reasons to the Governor. or in his absence, the Deputy Governor, for their meeting at any time before that time ; then by warrant from the Governor or Deputy Governor, the Assembly are to be convened sooner.

July 9th, 1679.

At the re-meeting of the Generall Assembly, being by the Governor's warrant convened the 9th of July, 1679 ; it being sooner than the time expressed in the adjournment of this Assembly.

Voted, That his Majesty's letter to this government brought by Capt'n Randall Howldon and Capt'n John Greene, be read in this Assembly.

Voted. That his Majesty's letter having been read in this Assembly, be alsoe againe read openly in the Assembly.

Voted, That a letter from Mr. Robert Mason, to this Collony, be openly read.

Voted, In answer to his Majesty's letter to us, That a Committee be appointed to draw up their result.

1. In way of answer humble returnes of thankfullness to his Majesty for his grace and favours to us.

2. That a true account may be rendered his Majesty concerning Mount-hope Neck.*

* [It appears that Randall Holden and John Greene, were in England at the time the subject of Mount Hope was occupying public attention, and that they were called upon to give information relative thereto, to which they made the following reply] (see Brown's Mss., Vol. II. 127):

To the Right Honorable the Lords Committees of Trade and Plantations:

In obedience to your Lordship's commands of the 29th of January, signified to us by Mr. Blathwait, that wee should give answer unto some questions proposed by your Lordships concerning Mount Hope, in New England.

Wee doe according to the best of our knowledge humbly informe your Lordships.

1. The extent of land is not much, it being a neck of land abutting upon the sea, and lying between the Colonies of Rhode Island and Plymouth, containing about four thousand acres.

2. The value, wee conceive to be about four thousand pounds. It is at present uninhabited.

3. Wee conceive the propriety of those lands to be in his Majesty, and that no Corporation in New England hath any right thereunto. It did lately belong to the Sachem Phillip, and was inhabited by him and his subjects, who are now wholly destroyed by the late Indian warr; and although some of the neighbouring Colonies would pretend a right by conquest, yet wee conceive none can have a reall title thereto but from his Majesty, who is the Sovereigne Lord of all that country.

All which is humbly certified to your Lordships.

(Signed.)

3d February, 1678-9.

RANDALL HOWLDEN,
JOHNN GREENE.

[About the same period, a petition was presented to the King, from John Crown, in behalf of his father Wm. Crown, late proprietor of a part of Nova Scotia and Acadia, setting forth that in consequence of the delivery of that country to the French, "the petitioner and his family have sustained almost utter ruin," and for which they have never presumed to ask any compensation. "But now there happening to be in your Majesty's disposall a small tract of land in New England, called Mount Hope, lately in the possession of certain Indians destroyed in warr by your Majesty's subjects, which at present remains desolate and uninhabited, the petitioner humbly prays that you Majesty will bestow said small tract of land upon him for the support of his parents and family."

This petition was by his Majesty's Conncill, on the 24th January, 1678-9, referred to the "Committee on Trade and Plantations;" who, on the 6th February following, reported,

"That the neck of land called Mount Hope, in New England, not being in the Colony of Massachusetts, and neyther of us having been upon the place, cannot certainly informe the quantity thereof, but suppose it may contain not above five or

3. That an account soe farr as we are able, may be given to his Majesty concerning the late warr with the Indians, and

six thousand acres, at the most; much less can we acquaint your Lordships with the value of said tract, there being no common rule in New England, whereby to sett a price upon lands, especially such as are not inhabited or improved by the English. Butt in generall we know, that whereas the soyle of the Colony is mostly very poor and barren, this necke of land is accounted one of the best parts thereof, and was never by any doubted to be within the bounds of his Majesty's Colony. And very probable it is that it will be disposed of to particular persons before any notice of Mr. Crown's petition to his Majesty will arrive there.]

"We further make bold to pray your Lordships as on the behalf of the New Plymouth Colony, so also of the other Colonies, that his Majesty may be informed, that there are no lands lying among them, that are not clearly contained and fully conveyed, in and by the Charters already granted to those his Majesty's Colonies respectively; and that besides the lands now vacant, by the removal of the Indians, our enemies, they have nothing else come into their hands towards the defraying of the vast charge of the late warr, whereby not only many families, but whole towns were ruined, and the country in generall extremely impoverished and brought into debt, etc. etc.

WILLIAM STOUGHTON,
PET. BULKELEY.

[On the 29th of January following, a note was addressed by the Council to the Agents of Massachusetts and Rhode Island, then in London, submitting to them the following questions, and requesting an answer thereto.]

1. "What is the extent of the lands of Mount Hope Bay, in length and breadth?"

2. What is the value of those lands at present?"

3. Whether there be any claime of propriety to said lands made by any of the neighboring corporations, or the inhabitants thereof?"

[To these the Agents, or as they are elsewhere called, the "Committee for Trade and Plantations," made the following report.]

Report and Order in Council concerning Mount Hope.

At the Court at Whitehall, the 6th of February, 1678. Present.

The King's most Excellent Majesty in Councill. A Report from the Right Honorable the Lords of the Committee for Trade and Plantations, being this day read at the Board in the words following:

May it please your Majesty:—

Upon receipt of your Majesty's reference in Council of the 24th of January last, directing us to consider the petition of Mr. John Crown in behalfe of his father, William Crown, praying your Majesty to grant unto him the lands of Mount-hope, in New England, in compensation of the great losses hee had sustained by your Majesty's surrender of Nova Scotia unto the French, as being late proprietor in part of the country. Wee have taken much informations concerning the said tract of land, called Mount-hope, as the Deputies of New England which are now attend-

what else they see good, and make returne to this Assembly for their approbation.

The persons appointed are Mr. Thomas Ward, Capt'n Arthur Fenner, Mr. John Whipple, Capt'n John Albro, Capt'n Samuell Gorton, Mr. Joseph Jencks, Mr. John Williams, and Capt'n John Foanes; and alsoe that they draw up some lines to Sir Robert Southwell, Mr. William Blathwaite, and Mr. Robert Mason.

Voted, That a prohibition be drawne up and sent from this Assembly unto the townes of Westerly and Kings Towne, to prohibitt all persons belonging to Connecticut, or inhabiting in the Narragansett and Niantick countrys, or King's Province, from exercising any jurisdiction or authority in the King's Province, by virtue of any authority from any other Collony; and to require all persons there inhabiting, to yield and give obedience to his Majesty's authority, in this Collony.

ing your Majesty, were able to give us; and wee find that the said land was belonging unto the Sachem Philip and his adherents, destroyed by your Majesty's subjects in New England, in the late warr against the Indians.

But whereas the said Deputies do not give any positive or concurrent answer as to the extent, value and propriety of the said land, and it being not agreeable with your Majesties justice to make any grant or disposall thereof, untill your Majestie bee informel of the right and title which the neighboring Colonies may pretend unto the said country, which appears to have been conquered by them not without great charge and bloodshed. Wee are most humbly of opinion that your Majesties letters be sent unto the four Colonies of the Massachusetts, Plymouth, Rhode Island and Connecticut, in New England, requiring them to certifie unto your Majestie with all speed, the true extent, value and propriety of the said lands call Mount-hope, with the gronnds and evidences of their respective claimes (where any shall be made), that your Majestie may thereupon give such order as shall sute with your Royall justice and bounty; your Majestie having not as yet received the least intimation from any of the said Colonies concerning the conquest, claime or disposall of the said country. All which, &c.

ANGLESEY,
ESSEX,
CRAVEN,
AILESBUY,
H. LONDON.

Councill Chamber, 6 Febr., 1678-9.

His Majestie in Councill was graciously pleased to approve the said Report, and to order as it is hereby ordered, that the matter contained in the said report bee added to a letter which is now preparing for his Majesty's Royall signature, to bee sent to the four Colonies of New England, concerning the Narragansett country.

The Prohibition.

Whereas, wee have received a gracious letter from his Majesty, to his Majesty's Collony, dated at his Court at Whitehall, the 12th of February, 1678-9, wherein his Majesty is pleased to give his Royall determination that he is pleased to confirme the jurisdiction and government of the Narragansett and Niantick countrys unto this his Collony, according to the true settlement thereof by his Honored Commissioners, expressed in their acts in March, 1664-5, and Aprill, 1665, and therein commanding all others to be obedient thereunto.*

* *Letter from Charles II., concerning Mount Hope and the Narragansett Country.*

Trusty and well-beloved, wee greet you well:

Whereas, in pursuance of an order of our Privy Councill of the 4th of December last, directing our well-beloved subjects William Stoughton and Peter Bulkeley, Agents from 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 country had by a printed paper called an Advertisement, dated at Boston, the 30th of July last, laid claim to the lands of the Narragansett and Niantick countrys, called the King's Province, they the said Agents did declare that the government of the Massachusetts Colony is not at all concerned in this claime, but only some inhabitants who had purchased those lands from the Indian Sachem. And whereas our well-beloved subjects Randall Holden and John Greene, Deputies in the Colony of Rhode Island, have certified our said Privy Councill (of their certain knowledge as having inhabited that country for above forty years) that never 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 Commissioners of the 20th of March, 1664, and 8th of Aprill, 1665, whereby it appears, that they had then received from some of the principal Sachims of the Narragansett Indians, a surrender of themselves, their subjects and their lands to our government and dispose, not only by their personall acknowledgements and sending us presents, but by putting into the hands of our said Commissioners the deed aforementioned of the 19th of Aprill, 1644; and that as for the pretended purchase made by Major Atherton and others, of the Massachusetts Colony, our said Commissioners did then declare the said purchases to bee void, ordering the said 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 country, by them called the King's Province, and do whatever they should think fitt for the peace and safety thereof, untill our further pleasure should bee knowne. Wee having taken the premises into our Royall consideration, have thought fitt hereby strictly to will and require you to take care that all things re-

Therefore, in obedience and in pursuance of his Majesty's gracious favour to us, and for the information of the inhabitants in said Narragansett and Niantick, and for the preventing their running themselves into hazards and difficulties, that hereafter may prove greatly to their damage.

lating to the said Narragansett country or the King's Province, bee left in the same condition as now they are, or have 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 country appearing by the surrender of the Sachims to bee vested in us; our further pleasure is, that you do forthwith signify to all persons within your government, who pretend any right or title to the soile or government of the said lands, that they do with all speed and by the first convenience, send over hither persons, sufficiently empowered and instructed to make their right and title appeare to us; and that upon default thereof, wee will proceed to give such order for the government and settlement of the said Province, as wee shall judge to bee most consistent with justice and the good of such of our subjects, who already do inhabite or shall desire to make any further improvement within the said Province.

And whereas, wee have been humbly informed by our well-beloved subject, John Crown, gentleman, that his father, William Crown, had sustained a great losse by our surrendering Nova Scotia unto the French, of part of which country hee was proprietor; and therefore praying us to grant unto him the lands of Mount-hope, in New England, in compensation thereof, and wee having referred the consideration of that his humble suite to the Lords of the Committee of our Privy Councill for foreigne Plantations, and having received their opinion upon that matter, that it appears to them that the said land did belong to Sachim Philip and his adherents, and was conquered by our subjects in New England, in the late warr against the Indians, not without great charge and blood-shed. Wee have thought fit hereby to signifie the same to you, together with our pleasure, that you forthwith certify unto us, 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 claimes, if any shall be made, that wee may thereupon bee enabled to give such further direction and order as may suit with our Royall justice and bounty. And wee cannot upon this occasion but take notice to you that wee have not hitherto received from you or any other of the said Colonies, the least intimation, much else account of the conquest, claime or disposall of the said country, not doubting but for the future you will be more careful to advertise us or our Privy Councill of matters of this kind, and which do any way relate to our prerogative, or authority. And so wee, &c., given, &c., Whitehall, Febr. 12th, 1678-9, in the 31st year of our reigne.

By his Majesty's command.

SUNDERLAND.

To our trusty and well-beloved the Governor and Magistrates of the Colony of Rhode Island and Providence Plantations, in New England, now and for the time being.

The like letter above was sent to the other three Colonys, viz.: New Plymouth, Massachusetts and Connecticut.

Wee, the Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, in true and loyall obedience to his Majesty's long and yett continued favours, and late commands : hereby give notice, fore-warne and prohibitt, all persons of what degree soever, being and belonging unto the towne of Westerly, adjoining to Pawcatuck, alas Narrogansett river, and any other place in the Niantick and Narragansett countrys, in the King's Province, from yielding, rendering or owninge any obedience unto the Collony of Connecticut, or any government, except the government of his Royall Majesty established in this his Collony of Rhode Island and Providence Plantations, and King's Province.

And this is further in his Majesty's name to require and command all the inhabitants of Westerly (alias Miscoquoitt) aforesaid, to be observant and truly obedient as they ought to be, unto his Majesty's authority, according to his Royall pleasure, to and in this Collony derived, and placed ; else they must expect to answer the contrary on such penaltys as the law in such cases hath provided.

By order of the Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, and King's Province.

JOHN SANFORD, Recorder.

Postscript. And further, this is to signify and declare, that by the authority aforesaid, all persons of what degree soe-ever, inhabiting or belonging to the jurisdiction of the Collony of Connecticut, are hereby in his Majesty's name fore-warned, forbidden and commanded, not to assert or exercise any authority or government, in any part of this Collony, on the east side of the afore-said Pawcatuck river, or they must expect to be presieuted against according to law and justice.

Signed by order of the Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, and King's Province, sitting at Newport, the 9th of July, 1679 ; and by their order the seale affixed.

Per JOHN SANFORD, Recorder.

Voted, That the above-written Prohibition shall be signed by the Recorder, on behalfe of this Assembly, with the seale of the Collony affixed.

Voted, That the duplicate of the Charter is committed to the keeping of the present Deputy Governor, untill called for by the Assembly.

Voted, That the Committee yesterday appointed to draw up our thankfull returnes to his Majesty, &c. ; and they not having finished that worke to them committed, are still continued, and the Honored Governor, the Deputy Governor, and John Sanford are added to them for the performance of that worke, and make returne to this Assembly for their approbation.

Letter to King Charles the Second.

Dread Sovereigne :

In true loyalty, we most humbly render your Royall Majesty an account of our receiving your gracious letter to us (by the hands of your faithfull subjects Capt'n Randall Howldon and Capt'n John Greene), bearing date at your Court at Whitehall, the 12th of February, 1678-9; and alsoe your Majesty's letters, to your Colonys Massachusetts, Plymouth and Connecticut: which wee have taken special care to deliver to the severall governments, according to your Royall directions. And as to your Royall commands to us, wee doe with all cheerfulness and alacrity yield obedience, and to the utmost of our ability and power shall (soe farr as God shall enable us) readily and faithfully bee obedient to your Royall commands formerly and now; and alsoe to such as your Majesty in your wisdom and justice shall please for the future to lay upon us: for the maintaining and upholding your Majesty's honour and interest, and the good and weale of your Majesty's loyall subjects, in these remote parts of your dominions, in this your Majesty's Collony of Rhode Island and Providence Plantations, in New England, in America.

And concerning the late war with the Indians, wee render your Majesty this account. It began in June, 1675, and first

broke forth between Sachim Phillip and the Collony of New Plymouth, and was prosecuted by the three United Collonys (as they tearm themselves), and afterwards severall other Nations of the Indians were concerned in the said war, whereby many or most of your Majesty's subjects in these parts were greatly distressed and ruined. Butt this your Majesty's Collony not being concerned in the said war, only as necessity required, for the defense of their lives, and what they could of their estates, and as countrymen and fellow subjects, did with our boats and provisions, assist and relieve our neighbours; wee being no otherwise concerned, cannot at present render your Majesty a full and ample account of those affaires; only this wee are bold to informe your Majesty, that Sachim Phillip, the beginner of the warr, was slaine (in Mount Hope neck, where the warr began) by an Indian belonging to this your Majesty's Collony. He was one of a small company under the command of a Captaine of Rhode Island, in this your Majesty's Collony, who was then in that engagement, with a Captaine of Plymouth forces as volunteers.

And most gracious Sovereigne, wee humbly beg your pardon for our remissness in not giveinge your Majesty an account sooner (soe far as wee were able) of those wars and troubles, in hopes for the future wee shall bee more carefull and observant.

And concerning that tract of land called Mount-hope, that belonged to Sachim Phillip and his adhereants, and were conquered by your Majesty's subjects of New England, in the late Indian war; the contents thereof is about seven thousand acres, a plat thereof we have caused to be taken, and herewith present to your Royall Majesty; the soil for the more part, is fertill, the vallue is esteemed to be three thousand pounds sterling, as now it is being uncultivated; the scittuation whereof being on the east side of the Narragansett Bay. And wee humbly conceive by your Majesty's gracious Charter to us granted (the easterly bounds whereof extends itselfe to the eastward of the said Bay three English miles), within which limmitts the said lands called Mount-hope Neck or the greater

part thereof, is scittuated. But it was by your Majesty's honorable Commissioners, when in these parts of your Majesty's territorys, settled to be under the government of New Plymouth, untill your Majesty's pleasure were further knowne.

And most dread Sovereign, wee in all humble manner implore and beg your Excellent Majesty in your gracious clemency and wisdom, to take the present condition of your poore subjects of this your Majesty's Collony of Rhode Island and Providence Plantations and King's Province, that those lands being within the limmitts of your gracious Charter to us, alsoe settled upon us by your Majesty's Honourable Commissioners, and now confirmed by your Royall Letters, as is above expressed; notwithstanding the United or Confederate Collonys (as they tearme themselves) have endeavored to insult over your loyall people, and have forbidden us the exercise of your Royall pleasure, as to the government thereof. And alsoe have as we are informed, consulted to dispose of the said Province lands, as their conquest. Though wee know such lands are only to be disposed at your Royall pleasure, which was the natives, unpurchased by the inhabitants of this your Majesty's Collony. That your Majesty will please in your benigne favour and bounty, to give and grant to us, the priviledges and libertys of the free and cleere enjoyment of the possession of all those lands, by your Majesty's subjects of this Collony, formerly leagally purchased by them of the native Indians. That thereby your Majesty's subjects, may be the better enabled to yield all due allegience and obedience unto your Majesty's authority in this your Collony; not doubting your Majesty in your Princely clemency will be pleased to encourage the settlement and increase of this your Majesty's Collony, and bee graciously pleased to understand that many of the youth and others of this your Majesty's Collony have been constrained for want of lands, to remove themselves and estates into other Collonys, to the great weakening and impoverishing of this your Majesty's Collony: the youth of this Collony being indisposed to live under any other government, being naturally inclined to true loyallty, as was and

is their predecessors, who ever had a loathing to any usurped power, repugnant to your Royall pleasure and authority. And therefore humbly beseech your Majesty that such of this your Collony, that want settlements, may be supplied out of those vacant lands, unsettled in your said Province, before any others.

And that it may be enjoyed upon the same termes as is expressed in your gracious Charter to us.

And dread Sovereigne, wee in all humble and bounden duty, prostrate our reall, true, hearty and thankfull acknowledgements unto your sacred Majesty, for all your former and present Royall favours and bountys to us your poore subjects of this your Collony, soe often and soe graciously extended, which wee hope will still bee continued; and alsoe our humble thankfull returnes unto your Majesty for those your gracious favours on our behalfe, afforded to our honoured neighbours and friends, Capt'n Randall Howldon and Capt'n John Greene.

And wee returne our hearty praises to God Almighty, for your Majesty's wonderfull preservation and deliverance from that late hellish conspiracy against the life of your sacred Majesty, and the subversion of the Christian religion in your kingdoms; with our hearty prayers to God to grant your Majesty a long, happy and prosperous reigne.

Wee humbly prostrate our selves and lives to your Majesty's feet, and in bounden duty remaine your Majesty's most loyal faithfull subjects, and humble servants.

Signed in the name and by order of the Generall Assembly of your Royall Majesty's Collony of Rhode Island and Providence Plantations.

JOHN CRANSTON, Governor.

Rhode Island, the 1st of August, 1679.

To our dread Sovereigne, Charles the 2d, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

Voted, That the Governor, the Deputy Governor and the Assistants on the Island, are desired and empowered to draw up letters unto those honored gentlemen in England, viz.: Sir Robert Southwell, William Blathwaite, Esq., Secretarys to his Majesty, and to Mr. Robert Mason, by way of thankfull returns to them for their noble respects to this Collony; and our honored friends Capt'n Randall Houldon, and Capt'n John Greene. And the Governor to signe the same in the name and on behalfe of this Assembly. And the Governor is desired to order and appoint the time for that worke, when if all appeare not, soe many as appear, are empowered to finish the same.

Voted, That a petition presented to this Assembly by Capt'n Randall Houldon and Capt'n John Greene, for the sum of forty-five pounds by them disbursed in England on the Collony's account; and fifteene pounds, their passages out of England. This Assembly doe owne their demand, and order the said money, being sixty pounds sterling, shall be truly paid and borne by the Collony.

Voted, And that for the payment of the aforesaid sum of sixty pounds, it shall be paid as followeth: the towne of Newport to pay the sum of eighteen pounds; the towne of Portsmouth eleven pounds; the towne of Providence four pounds; the towne of Warwick four pounds; the towne of Westerly four pounds; New Shoreham four pounds; Kings Towne six pounds; Greenwich three pounds; Jamestowne six pounds.

And it is ordered, That the said sums in each the respective townes to be assessed on the freemen and inhabitants of each towne, and be paid in by the severall townes unto the Generall Treasurer in money, or pay equivalent to money; and each towne is to bee at the charge according to proportion for that by law allowed to the Generall Treasurer for his sallery, over and above this assessment aforesaid. And the said sums are to be levied in each towne on or before the last day of August next, and brought in and delivered to the Generall Treasurer on or before the last day of September next, which shall forthwith upon receipt thereof, or any part thereof, be paid by the Generall Treasurer, as is after expressed. And upon neglect

or refusall of not levieing the assessment or non-payment, the same method and course to be taken and used, as is ordered concerning the £300 rate, last assessed by the Collony.

And further ordered, That whereas Capt'n Randall Howlton and Capt'n John Greene, inhabitants of the towne of Warwick, should have the sum of sixty pounds in New England money, as aforesaid, paid them by the Collony, in a rate to be levied upon the severall townes in this Collony, viz.: the towne of Newport, on Rhode Island, to pay the sum of eighteene pounds in money; the towne of Portsmouth, on said Island, to pay the sum of eleven pounds in money; the towne of Providence the sum of four pounds in money; the towne of Warwick the sum of four pounds in money; the towne of Kings Towne the sum of six pounds in money; the towne of Westerly the sum of four pounds in money; the towne of Shoreham the sum of four pounds in money; the towne of East Greenwich the sum of three pounds in money; the towne of Jamestowne the sum of six pounds in money, with the charges of transportation to Newport, and the Generall Treasurer's fees. And there being a necessity for the present money to answer the engagements of Capt'n Randall Howlton and Capt'n John Greene, Mr. Stephen Arnold haveing paid downe the said sum of sixty pounds upon the engagements of the severall persons here under written, to see him paid again, viz.: Major John Cranston, Governour, Mr. Walter Clarke, Deputy Governour, Mr. Caleb Carr and Mr. Joseph Clarke, haveing given their bills to Mr. Arnold for eighteen pounds, eight shillings, in money, Mr. Thomas Ward gave his bill for three pounds, twelve shillings in money; Capt'n John Albro, John Sanford, Mr. George Lawton and Mr. William Codman gave their bills for eleven pounds in money; Mr. John Warner gave his bill for fiftene pounds in money; Mr. Joseph Jencks gave his bill for four pounds in money; Mr. George Lawton gave his bill for four pounds in money, and Mr. John Williams gave his bill for four pounds in money. The said bills being given to Mr. Stephen Arnold for the payment of the sum of sixty pounds in money. Therefore these are to order the Generall Treasurer, Major Peleg Sanford, to

see that according to law the sum of sixty pounds money, with his fees for receiving and the charges, be gathered and insessed upon the inhabitants of each towne in the Collony, and brought by the last of October next, and be paid as it comes into his hands, to the severall persons according to their proportions, which have given their bills to Mr. Stephen Arnold for the same. And that the said sum of sixty pounds is not to be made use of, or any other wayes disposed than the true and absolute discharge of this the Collony's debt.

Voted, That whereas in the assessment made by the Assembly in October last, for the payment of the Collony's debts, money was ordered to be the principal rule for payments, and other species to be paid, a certaine price was sett, in which order wooll at six pence per pound, and great part of the said rate being brought in to the Generall Treasurer in wooll, which the Treasurer cannot refuse to receive, nor pay under the price assessed; neither at that rate can produce moneys: this Assembly doe order, That for what wooll the Treasurer hath received, and hath paid to Mr. Miles Forster, or to any person by him ordered to receive it, on the Collony's account for moneys due, shall be paid and accounted at five pence per pound, and the Treasurer shall be secured in paying wooll at that rate to the said Mr. Forster, or his order.

Voted, Whereas it hath evidently been made to appear to this Assembly that Mr. Richard Smith, inhabitting in Narragansett, in the King's Province, hath exhibited and layd a petition before his Majesty and the Honorable Lords of his Privy Councill, in the Kingdom of England, the said petition being composed with many false, untrue and unjust charges on the government of this his Majesty's Collony, and alsoe therein endeavouring the absolute overturn and subversion of this government under his Majesty, and bringing the same under the government of Connecticut, contrary to his Majesty's gracious grant in his Charter to us, which proceedings of his are against the law of this Collony, and true allegiance to his Majesty and his authority placed and established in this Collony: this Assembly, in due obedience to his Majesty's honour and authority

doe see cause to order, That the said Richard Smith, with all convenient speed bee apprehended, secured and duly examined, and prosicuted for those his unlawfull actings. And to that end, and for the full and reall performance of the premises, this Assembly doe desire that with all convenient speed the Governor be pleased by a warrant under his hand, to cause the said Mr. Richard Smith to be apprehended and brought before the Governor, or Deputy Governor, and such of the Councill as may be present, to be dealt withall as the Governor and Councill shall see cause to be just and legall, according to the meritt of his offense.*

* *Petition of Richard Smith and others.*

To the King's Most Excellent Majesty. The humble petition of Richard Smith, in behalfe of himselfe, John Winthrop, Esq'r, Josiah Winsloe, William Harris, John Viall and others, proprietors and inhabitants on a tract of land called the Narragansett Country, part of your Majesty's dominions in New England Sheweth:

That your petitioners are inhabitants in that part of New England called the Narragansett Country, where their ancestors did about forty years since sit down and expend great sums of money in planting and improving the same.

That in the 13th year of your Majesty's reigne, upon the humble petition of John Winthrop, Esq'r, John Mason, Samuell Willis and others, inhabitants in the south-ermost parts of New England, your Majesty was graciously pleased to incorporate the said inhabitants by the name of the Governour and Company of Connecticut Colony, giving and granting unto them and their successors, all the part of land in New England, in America, bounded on the east by the Narragansett Bay, with the Island adjoining thereunto.

That in the 15th yeare of your Majesty's reigne, John Clark, on behalfe of Benjamin Arnold, Wm. Brenton and others, procured a grant of Incorporation likewise from your Majesty, by the name of the Governour and Company of Rhode Island, and the rest of the Colony of Providence Plantation in the Narragansett Bay in New England, thereby including (as they pretend) all the lands planted by your petitioners, and formerly granted to the Governor and Company of your Majesty's Colony of Connecticut, as aforesaid.

That your petitioners finding many inconveniences arising daily by reason of a government usurped by the inhabitants of Rhode Island, on the pretence aforesaid, the exercising and imposing other lawes and formes of government, than what your petitioners had been accustomed unto, did about seven years agoe by the hand of Richard Smith, the present petitioner, who came then alsoe into England, [to] present their humble petition to your Majesty, signed by the principall proprietors and inhabitants in the said Narragansett Country, setting forth the many irregularities in the proceedings of the government of Rhode Island, and humbly prayed your Majesty's reliefe therein; but the warrs with Holland and other weighty affaires of

Voted, Whereas upon a petition of Capt'n John Albro to this Assembly in May last, in behalfe of his sonn John Albro,

State intervening, your petitioners were referred to a more convenient time; by which means your petitioners are without any settled government.

That in the time of the late Indian warr, the petitioners sent to the government of Rhode Island for their protection and defence, which was absolutely denyed them, the then Governor of Rhode Island being a Quaker, and thought it perhaps not lawfull either to give commission or take up armes; so that their townes, goods, corne, and cattle were by the savage natives burnt and totally destroyed: whereby the petitioners are become great sufferers in their estates and fortunes.

Your petitioners therefore humbly pray your Majesty to take the matter into your gracious consideration, and to grant your Royall letters, directed to the government of Rhode Island, requiring them to forbear to exercise any authority over the inhabitants of the Narragansett country; but that your petitioners and other inhabitants of the said country, together with the Islands Quonanicquett, Hope, Patience and Dutch Island, thereunto belonging, may be settled and restored unto the government and jurisdiction of your Majesty's Governour and Company of Connecticut Colony, according to your Majesty's precedent grant, and so remaine until your Majesty's pleasure be further knowne.

And your petitioners shall ever pray, &c.

RICHARD SMITH,

In behalfe of himselfe, and others above mentioned.

Order in Councill, on the petition of Richard Smith and others.

At the Court at Whitehall, the 3d of July, 1678.

By the King's Most Excellent Majesty and the Lords of his Majesty's most Honorable Privy Councill.

Upon reading this day, at the Board, the humble petition of Richard Smith, in behalfe of himselfe, John Winthrop, Esq'r, Josiah Winsloe, William Harris, John Vvall, and others, proprietors and inhabitants on a tract of land called the Narragansett Country, part of his Majesty's dominions in New England, setting forth the many great inconveniences arising dayly by reason of a government usurped over them by the inhabitants of Rhode Island, on pretence of a Charter of Incorporation granted to them in the 15th year of his Majesty's reigne, and praying his Majesty's letters to the government of Rhode Island to forbear to exercise any authority over the inhabitants of the Narragansett Country, but that they together with the lands Quonanicquett, Hope, Patience and Dutch Island thereunto belonging, may, according to his Majesty's precedent grant in the 13th year of his reigne, be settled and restored unto the government and jurisdiction of the Connecticut Colony. It was ordered by his Majesty in Councill, that it be, and is hereby referred to the Right Honorable the Lords of the Committee of this Board for Trade and Plantations, to examine and consider of the matter of this Petition, and to report to his Majesty in Councill how they find the same, with their opinion, what they judge most fit to be done for redressing the inconveniencies complained of.

JOHN NICHOLAS.

Jun'r, concerning a verdict of the jury in the Generall Court of Tryalls (held the 12th of said May), against his said sonn John Albro, upon which petition, the Assembly did see cause to order the Court of Tryalls to suspend judgment, referring the further consideration of that matter to their next sitting, as is more fully expressed in that act; and this Assembly haveing perused the said petition, and seariously considered the matter, doe referr the further consideration of that matter unto the Generall Assembly in October next, to judge of and determine.

Voted, That the Generall Sergeant shall from time to time take care for the providing victualls for the members of the Generall Assemblys and Courts of Tryalls, as is ordered in the act of the Assembly sitting in May last, and shall be truly paid by the Generall Treasurer.

Voted, That an order be given from this Assembly by the Recorder to the Generall Treasurer for the payment of twenty-

Warrant for apprehending Richard Smith.

To Mr. John Easton, one of his Majesty's Constables for the townce of Newport, or any other of his Majesty's Constables of said Towne, or Towne of Portsmouth, greeting:

These are in his Majesty's name, King of England, Scotland, France and Ireland, &c., to require you or either of you forthwith upon sight hereof, to apprehend the body of Richard Smith, merchant, inhabitant in the Narragansett, in the King's Province, in his Majesty's Colony of Rhode Island and Providence Plantations, and him the said Smith finding or apprehending, to secure and bring before us in the townce of Newport, the next Wednesday, the twenty-third (23) day of this instant moneth, July, 1679, and then and there to answer to such charges as shall bee exhibited against him; and also to the examinations that the authority shall see cause to premise, in his Majesty's behalfe. Hereof fail not at your peril.

Given under hands, the 19th day of July, 1679.—(*J. Carter Brown's Mss. Vol. II. Nos. 132-4.*)

JOHN CRANSTON, Governor.
WALTER CLARK, Deputy Governor.
CALEB CARR, Assistant.
THOMAS WARD, "

A true copy of the warrant, by
JOHN EASTON, Jun'r, Constable.

[For additional papers relative to the controversy connected with the Narragansett country, see the end of this session.]

two shillings in money, to be paid to the Generall Sergeant for the payment of Robert Lovis for a dinner by the said Lovis, made for this Assembly.

Voted, Whereas there is an act made by the Generall Assembly in the yeare 1678, wherein is expressed that noe rate, tax or mulct shall be laid or imposed upon the inhabitants of this Collony, before each respective towne have legall notice from the Governor or Deputy Governor, by warrant, this Assembly upon the searious consideration thereof, and finding that clause in the said act to be prejudiciall to the carrying on and managment of the publick affaires and weale of this Collony, doe therefore see cause, and repeale and make null the said clause in that act; and order, That it shall be lawfull for the Generall Assembly at any time being to assess and impose such rates, taxes and mulcts on the inhabitants of this Collony as to them now, or at any time for the future, shall appear necessary for the maintaing his Majesty's authority, and the good and weale of this his Majesty's Collony; any law or act to the contrary thereof in any wise notwithstanding.

Voted, That in pursuance of and obedience to his Majesty's gracious favours, and for the settlement of his Majesty's authority and government in the King's Province, it is ordered, That the Governor or Deputy Governor, with six of the Assistants at least, when the Governor shall see cause to order, shall goe to the said King's Province, and endeavour the performance of his Majesty's favours and commands to us granted, according to his Commissioners' determination.

Voted, That the Recorder doe draw a copy of his Majesty's letter to this Collony, brought by Capt'n Randall Howldon and Capt'n John Greene, and the said copy shall be sent in the first place to the towne of Providence, and from thence with all expedition to the towne of Warwick, and soe with all expedition from towne to towne, unto all the townes on the maine land in the King's Province; and in each towne to be published to the inhabitants, that thereby his Majesty's pleasure may be duly made knowne; and that towne or townes that desire and are willing to keep a copy of the letter, have liberty to take one:

soe that it be speedily done, not to hinder the expedition of the publication thereof. And then the said originall copy to be returned to the Recorder's office; and alsoe, that the King's letter, or copy thereof, shall be published in the townes of Newport, Portsmouth, New Shoreham, and Jamestowne.

And alsoe ordered, That the Governor, Deputy Governor and the Assistants in Newport; the Assistants, or Conservators of the Peace in each the other townes, shall take care and order the publication thereof.

Voted, That whereas there is a dayly expectation that his Honor, Sir Edmund Andros, Governor of New Yorke, will give us a visitt, and if he please soe to doe, that he may be suteably honored and accommodated as a person of his high degree and worthiness (according to our ability), this Assembly doe fully recommend the performance thereof unto the care and ordering of our Honored Governor, and the Generall Treasurer, Major Peleg Sanford; the charge thereof to be borne and paid by the Collony.

Voted, Upon a petition presented by William Clarke, this Assembly doe forgive him the paying five shillings.

Voted, William Clarke haveing petitioned this Assembly concerning severall Indians by him and his Company taken in the time of the warr, he then being Commander of one of the sloops in the yeare 1676, which as he affirmeth, were taken from him and disposed of by the authority on the Island, without giving him satisfaction, and therein desireing reliefe from this Assembly.

The Assembly, upon the searious consideration of the matter, doe see good cause to recommend his case to the Councils of the townes of Newport and Portsmouth, to take effectuall care, and soe far as appeare just, to answer the petitioner for his reliefe.

Voted, Whereas Edward Lay, of Portsmouth, hath petitioned this Assembly to be granted the liberty of keeping an Inn, or house of entertainment in the towne of Portsmouth, under the injunctions by law ordered and appointed, pleadinge age and debillity of body to hard labor: this Assembly, upon the

searious consideration thereof, doe recommend to the towne of Portsmouth their desires that they considering the petitioner's reasons in his petition and other searious considerations, they doe condescend to the petitioner's desire, and if he transgress therein, to be proceeded against according to law.

Voted, The Recorder shall draw forth the copy of the act of the Generall Assembly in October, 1674, concerninge the confirming of the act of the Generall Councill, in establishing a towneshipp in Narragansett, and calling it Kings Towne, which shall be sent to the inhabitants there, under the seale of the Collony.

Voted, Wee have received a letter from the Honored Governor Winslow, of Plymouth, that we desire to survay Mount Hope Neck, Mr. James Browne, and Capt'n John Browne will assist in doeing it.

The Assembly doe conceive it necessary to have the said Mount Hope Neck surveyed, in order to render an exact account thereof unto his Majesty. This Assembly doe therefore desire and employ John Smith, to survay the said Neck, and draw two draughts thereof. And John Borden is desired to behelpfull to and assist John Smith in that worke, and the charge thereof shall be borne and paid by the Collony.

Voted, Whereas the proprietors of Potowomet and the proprietors of East Greenwich, and the proprietors with Capt'n John Foanes, having amongst themselves made a loveinge agreement, by which said agreement Capt'n John Foanes with twenty-three others his partners, are allowed to be part of the inhabitants of East Greenwich, and are to have their lands without the former engagement laid upon it in the first granting the said lands, each division is to be according to the platt here presented in Court. And whereas there were three purchasers of a place called Maskachusett, those three persons are hereby esteemed to be three proprietors of the said East Greenwich, without the injunction of building. And whereas, there hath been a grant of Court to severall persons that are not yett settled in East Greenwich, this Assembly doe order, that if there bee not roome in East Greenwich for their accom-

modation, that then they shall be first accommodated in the next townshipp, except it bee such as have forfeited their grant.

Voted, That the Recorder shall give forth copys under the seale, of the acts of this Assembly, to all the townes in this Collony, soe as the said copys may be ready to be sent to each towne within three weeks time of the adjournment of this Assembly; and the Recorder is to take care for the sending the copys to each towne, to pay the Recorder the sum of nine shillings in or as money, for each copy.

Voted, That the Recorder, John Sanford's bill for six pounds, ten shillings currant pay, is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, The Recorder is ordered to write in the behalfe of this Assembly to Mr. James Browne, to signifie to him that wee have employed John Smith and John Borden to survay Mount Hope Neck, and desire their concurrence.

Voted, This Assembly is adjourned untill the first Wednesday in September next, then to assemble againe at Newport; but if there doe present occasion to the Governor, or in his absence, to the Deputy Governor, they are to bee convened before that time.

DOCUMENTS RELATING TO THE NARRAGANSETT COUNTRY.

Certificate of John Greene concerning the Narragansett Country.

TO ALL WHOM THIS MAY CONCERN.

I, John Greene, inhabiting in the Narragansett Country, called King's Province, I being sworn a Conservator of the Peace, do on my oath affirme, that forty years and more, Mr. Richard Smith, that I then lived with, did first begin and make a settlement in the Narragansett, and that by the consent and with the approbation of the Indian Princes and people, and did improve land mow meadows severall yeares before Warwick was settled by any English man; and I do declare, that I being present, did see and heare all the Narragansett Princes, being assembled together give by livery, and seizing some hundreds of acres of land about a mile in length, and so downe to the sea; this being about thirty yeares agoe, many hundred Indians

being then present, consenting thereunto. I doe alsoe declare, and by these presents affirme, that in all the times of our late troubles, we the inhabitants of the King's Province, have had no reliefe or assistance from Rhode Island government, although we have often complayned to them of the injuries done us by the heathen, which made us apply our selves to the Massachusetts government for reliefe and safety, the Indians being very insolent and bold then towards the English. Nor had we or could we have any reliefe in the time of the late war to keep any one place or house in the whole King's Province. This I certify to be true, as I am in publique office, on oath, and under my hand.

King's Province, in Narragansett, this 21 of July, 1679.

JOHN GREENE.

Testimony of Roger Williams concerning the Narragansett Country.

Providence, 2d July, 1679 (ut vulgo).

I Roger Williams, of Providenc, in the Nanhigonsett Bay, in New England, being (by God's mercy) the first beginner of the Mother Towne of Providence, and of the Colony of Rhode Island and Providence Plantations, being now neere to fower score yeare of age, yet (by God's mercy) of sound understanding and memorie, doe humbly and faithfully declare, that Mr. Richard Smith, Sen'r, deceased, who for his conscience toward God, left a fair possession in Gloucestershire, and adventured with his relations and estate to New England, and was a most acceptable and prime leading man in Taunton, in Plymouth Collony, for his conscience sake (many differences arising) he left Taunton and came to the Nahigonsik countrey, where (by the mercy of God and) the favour of the Nahigonsik Sachims, he broke the ice (at his great charges and hazards), and put up in the thickest of the barbarians, the first English house amongst them.

2. I humbly testifie that about forty-two years from this date, he kept possession (coming and going), himselfe, children and servants, and he had quiet possession of his howsing, land and meadows, and there in his own house, with much serenity of soule and comfort, he yielded up his spirit to God (the Father of spirits) in peace.

3. I doe humbly and faithfully testifie (as aforesaid), that since his departure, his honored son, Captain Richard Smith, hath kept possession (with much acceptation with English and Pagans) of his father's howsing, lands and meadows, with great improvement; also by his great cost and industrie. And in the late bloudie Pagan war, I knowingly testifie, that it pleased the Most High to make use of himselfe in person, his howsing, goods, corne, provision and cattell for a garrison and supply to the whole army of New England, under the command of the ever to be honored Gen'l Winslow, for the service of his Majesty's honour and countrey in New England.

4. I doe alsoe humbly declare, that the aforesaid Capt'n Richard Smith, Jun'r ought by all the rules of justice, equitie and gratitude (to his Honored Father and himselfe), be fairly treated with, considered, recruited, honoured, and by his Majesty's authority confirmed and established in a peacefull possession of his Father's and his own possessions in this Pagan wilderness and Nahigonsik countrey.

The premises I humbly testifie, as leaving this countrey and this world.

(Signed.)

ROGER WILLIAMS.

Taken upon oath, this twenty-one day of July, 1679, before me, John Whipple, Assistant of this his Majesty's Colony of Road-Island and Providence Plantations, in New England, in America.

Petition from the inhabitants of the Narragansett Country to the King.

To the King's Most Excellent Majesty. The humble Petition and Remonstrance of your subjects, the inhabitants of the Narragansett Country, in the southerne parts of New England, called by your Majesty's Commissioners the King's Province.

May it please your Majesty: About forty-two yeares since, the father of one of your petitioners, namely, Richard Smith, deceased, who sold his possessions in Gloucestershire, and came into New England, began the first settlement of the Narragansett Country (then living at Taunton, in the Colony of New Plymouth), and erected a trading house on the same tract of land where now his son Richard Smith inhabits, not only at his cost and charge, but great hazard, not without the consent and approbation of the natives, who then were very numerous, and gave him land to sett his house on, being well satisfied in his coming thither, that they might be supplied with such necessaries as affore times they wanted, and that at their owne homes, without much travell for the same. The said Richard Smith likewise being as well pleased in his new settlement in a double respect; first, that hee might bee instrumentall under God in the propagating the gospell among the natives, who knew not God as they aught to know him, and took great paines therein to his dying day; secondly, that that place might afford him a refuge and shelter in time to come, for the future subsistence of him and his; wherein he was not only deceived in his expectation for loosing almost all hee had in the Indian war among the Dutch, where hee likewise made a settlement, chose at last this place of Narragansett for his only abode; no English liveing neerer to him than Pawtuxet, at his first settling, being neare twenty miles from him. That place now called Warwick, was not then thought on. Much about that time, some gentlemen of the Massachusetts Collony removed from their habitations and came to the Narragansett Bay and purchased of the natives an Island in said Bay, and called it Rhode Island; Mr. Wm. Coddington being the chiefest of them, and who only purchased the same, and was the first and chiefest Governor they had for many yeares; settling up among themselves a government by consent for the well ordering of their owne affaires, and for the peace and security thereof. In process of time, that place called Warwick, was settled by Mr. Gorton and Holden and others; whereby Richard Smith, aforesaid, had some neighbours nearer to him; and afterwards Mr. Roger Williams, of Providence, likewise came to Narragansett and built a house for trade, near unto the former house of Richard Smiths, who in some short time quitted his settlement, and sold it to the said Richard Smith, who lived there alone for many yeares, his house being the resting place and rendezvous for all travellers passing that way, which was of great benefit and use to the country; and was at no small cost and charge therein for many yeares together, to the great reliefe of all travellers. But time, that produces changes, caused him, being wearie of living alone in a desolate wilderness; yet having plenty of Indians and wild creatures, to desire neighborhood and invited his neighbours in New England to purchase of the Indians and settle the cuntry with him, which accordingly some well-affected persons of Rhode Island, and some of the Massachusetts Collony, Connecticut and New Plymouth joyned with the said Richard Smith and his son Richard Smith, your present petitioner, who lived there with his father, and made two small purchases of two tracts of land by the sea-side. And much about the same time some of Rhode Island pur-

chased an Island in the Bay called by the natives Quononaquat, and another company of Rhode Island and Boston joynd together, but most of Rhode Island purchased another tract of land in the Narragansett country, to the southward of that above-mentioned, first for the digging of black lead, afterwards for their further settlement; whereby the country came to be inhabited with English to the great cost and charge of the first settlers. The country being all this while under no settled government; yet claimed by severall Colonies by virtue of grants from some Lords in England in the times of the troubles there. But no settled government till your Majesty was pleased to grant your gracious Letters Pattents to Connecticut and Rhode Island, both which including the Narragansett Country, caused great troubles to the inhabitants by making them offenders for not complying with either as they were commanded, when in truth they knew not whom to submit to; and was the only hinderance of the settlement of that country. Some of the purchasers and the proprietors thereof choosing to submit unto the government of Connecticut, as per articles of agreement made between the Agents of each Colony in England, by the Lord Brewerton, Capt'n Deane, Major Thompson, Doctor Worsley and Capt'n Brookhaven, may appear. Yet notwithstanding this proved ineffectuall to the ends of peace and unity so much desired, to the great grievance and discouragement of the inhabitants that were there minded to improve their settlements; though some of the same purchasers haveing sold their rights to others, now endeavor to obstruct the rest of their co-purchasers in the enjoyment of theirs; but differences still increasing about the government, your Majesty's Commissioners in the yeare 1694, viz.: Sir Robert Carr, Collonell Cartwright, and Samuell Maverick, gave the name of King's Province to the Narragansett Country, and forbid any persons of any jurisdiction whatsoever to exercise any authority in the said King's Province; but who should be authorized by them under their hands and seals untill your Majesty's pleasure was further knowne. Since which the said Commissioners granted forth orders for settling part thereof; as to Mr. Brown, Capt'n Willit and others. Notwithstanding which the government of Rhode Island hath of late forced a settlement upon some of our said lands contrary to the said Commissioners' orders and your Majesty's letter as lately, at a place they called East Greenwich. In the times of these troubles and contests, the Indians proved insolent and very injurious to your petitioners, the inhabitants, not without private abettors, as was suspected, killed our cattle, destroyed our creatures and plundered some of our houses, soe that wee were hardly able to live among them; some of us loosing in some few yeares neare 150 head of cattle. And when complaint was made to our superiours at Rhode Island, wee could have no reliefe, which made some of us apply ourselves to the Massachusetts Collony for redress of these outrages and enormities committed against us, according to an order of your Majesty's, granted unto them about the yeare 1663, but still were without remedy; which many of us foresaw would end in a warr with the Indians if not timely and wisely prevented. Which afterwards came on apace, to the ruin and destruction of your petitioners' visible estates in that Province. So that it became a desolate wilderness againe; and instead of Christian people, replenished with howling wolves and other wild creatures. But it pleased the Lord in his due time to put a period to these warrs, and your petitioners the former inhabitants, went over from Rhode Island, whither wee retreated with that little wee had left, where it cost us one halfe of our cattle to keep the rest and carry us over. So cold was their charity to their poore neighbours in distress; and then and since imposed taxes on us, when

your petitioners had hardly any thing left for the subsistence of themselves and little ones; and settled in the King's Province againe, when very dangerous liveing in [cellars and holes] under ground, till wee got a little beforehand to rebuild, which with our owne industry and hard labour, wee hope in time to effect, if not discouraged and hindered by many that threaten to turn us off. May it please your Majesty, this being in short, the true state of affaires of the Narragansett Country and the people there inhabiting, from the first settlement to this present time. Your petitioners, the inhabitants thereof, do humbly supplicate your Majesty, as you have been pleased to send your gracious letters to the foure Collonys of New England strictly to will and require them to take care of the inhabitants there at present, so that you would in your princely wisdom and Royall bounty and justice, for the future vouchsafe an eye of favour upon the poore inhabitants your petitioners, the first settlers thereof, in a more peculiar manner, who have been at great cost and charge, and have laid out (most of us) all wee have in this world upon the same, and are not able to subsist, if removed from thence; it being now become in a manner our native country to some of us, and is as to many of our children who were there borne; and we hope and promise for ourselves and children that shall succeed us, that your Majesty in no part of New England shall have more loyall and faithful subjects than your present petitioners; humbly requesting and desiring, that your Majesty would put an end to these differences about the government thereof, which hath been so fatal to the prosperitie of the place; animosities still ariseing in peoples' minds, as they stand affected to this or that government, and may be wronged and injured by either government of these that take place, the transactions of former things being fresh in memory, an impartial and equall judicature being the great and earnest the desires of your petitioners to live under, being wearied out with the former contests and the troubles wee have mett with from both Collonies commanding us, do all of us unanimously and with one consent supplicate your Majesty not to leave us to the government and dispose of those that seek advantages against us. The country being large and able to containe many families, may make an entire Province, if your Majestye see cause. And your petitioners shall ever pray, &c. And subscribe your Majesty's humble, loyall and obedient subjects.

King's Province, in Narragansett, July 29, 1679.

(Signed in one hand). William Bently, Henry Gardner, John Greene, Richard Smith, Nicholas Gardner, Benj. Gardner, John Coale, Jer. Bull, Geo. Gardner, Sam. Eldred, Tho. Gold, Daniel Greene, Arthur Aylworth, Geo. Whitman, Sam. Wilson, Hen. Reynolds, Robert Vinin, James Greene, James Reynolds, John Eldred, James Reynolds, Thomas Sovell, Daniel Eldred, Rob't Spink, Daniel Swete, Rob't Spink, Jun'r, Joseph Dalauer, Sam. Alsbery, John Sheldin, Alexander Fenix, William Gardner, William Coston, Henry Tipets, John Sheldon, Jun'r, Aron Jackwaies, William Knolls, Frell Newton, Thos. Brooks, Rouse Helme, Geo. Palmer, Joseph Reynolds, Lodwick Updike.

(Indorsed.) Petition of the inhabitants of the Narragansett Country.

Received from Mr. Lewyn the 3d March, 1679-80.

Answer of Randall Holden and John Greene of Warwick, to the Petition of Richard Smith and others, of the Narragansett Country.

To the Right Honorable the Lords Committees of Trade and Plantations:

In obedience to your Lordships' order of the 30th of July last, requiring us, soo

far as we are able, to give information to your Lordships and make answer to a petition lately presented to his Majesty by Mr. Richard Smith, in behalfe of himselfe and others, declaring themselves to belong to his Majesty's Collony of Connecticut, in New England, and complaining of matters done by the government of his Majesty's Collony of Rhode Island.

Wee, Randall Holden and John Greene, inhabitants af the towne of Warwick, within the said Collony of Rhode Island, doe humbly informe your Lordships, that whereas the said Richard Smith, and others named in the petition, call themselves proprietors and inhabitants on a tract of land called the Narragansett Country, wee doe much wonder at their confidence to challenge the lands, forasmuch as they cannot bee ignorant that his Majesty is sole proprietor thereof, and soe declared by his Majesty's most Honorable Commissioners in 1665, and by them called and since known by the name of the King's Province; who having then duly heard the matter of their claim, upon their complaint against his Majesty's Collony of Rhode Island and Providence Plantations, for notwithstanding them in their intrusions; as alsoe his Majesty's subjects the Indian Sachems' allegations with respect to their deed made in 1659, for those lands his Majesty's said Commissioners did declare their pretended Indian purchase void, and required them speedily to quit the said lands. Copies of writings that are pertinent to these matters wee have to show. And did moreover prohibit the Collony of Connecticut as well as other Colonies, from exercising any jurisdiction there, John Winthrop, Governour of Connecticut Collony being then present. And did then immediately order the temporary jurisdiction of those lands to the Governour and Assistants of his Majesty's Collony of Rhode Island and Providence Plantations, untill his Majesty's further pleasure should bee known, as by their order, ready to bee produced may appear.

That about four years after, his Majesty's Collony of Connecticut raised new disturbances, claiming jurisdiction of the King's Province. Whereupon there was a treaty held at New London with them; but they remaining obstinate and perverse, the Collony of Rhode Island made appeal to his Majesty; but they refused any such appeale, and, by violence and force, compelled one town, viz.: Westerly, to submit to them, and have ever since endeavored to break in farther into the said Province, not regarding the decision of his Majesty's Commissioners, nor his Majesty's own Royall determination thereof, by his declaration of the 10th of April, 1666, wherein his Majesty signified his pleasure in these words following: "And for the better prevention of all differences and disputes upon the bounds and limits of the severall Colonies, his Majesty's pleasure is, that all determinations made by his Majesty's Commissioners, with reference as to the said bounds and limits, may still continue, and bee observed till, upon a full representation of all pretences, his Majesty shall make his own final determination. And his Majesty expects that full obedience, bee given to this signification of his pleasure in all particulars." Nevertheless they strive to take those lands by force from his Majesty, under pretext of conquest from those Indians, forbidding us to build upon our own lands, or repair our late ruined habitations. Yet in the meane time, under pretence of high loyalty, petition his Majesty for the same.

As to the complaint, that the petitioners sent to the government of Rhode Island for help in the late Indian warr, and which, hee saith was absolutely denyed them, wee know and doe say, that the petitioners not only disclaimed the jurisdiction of said Collony, but alsoe used all means hee could to bring in the jurisdiction of Connecticut upon us. Nevertheless the other Collonyes forces wee judge dealt not well

by him; for after they had made use of his house for their head quarters, and put a garrison in it, yet suddenly after deserted it, soe that it was soon after burned by the Indians. And for what hee alleges that the then Governor of Rhode Island being a Quaker, thought it not lawfull to grant Commissioners; wee answer, there were Commissions given forth in the beginning of the warr with the Sachem Philip, and the other Collonies having desired assistance of this our Collony of Rhode Island accordingly good assistance was given them by our sloopes well manned, transporting their soldiers, and oftentimes venturing hard on shore to fetch off their men, when they were in danger to bee surprized, taking care of their wounded men, and providing quarters for them, which matters being alsoe treated on in our reply to the paper given by the Massachusetts Agents to your Lordships, wee shall not here further enlarge.

But forasmuch as we are members of his Majesty's Collony of Rhode Island, in whose stead wee answer; wee most humbly petition his Majesty that hee will bee graciously pleased to continue our jurisdiction entire, and order the Collony of Connecticut to restore the place taken from us, and to prohibit them the exercise of any jurisdiction within the same; and we hope wee shall continue (as in duty and allegiance bound), as wee have always been since his Majesty's most happy restoration to his Royall Throne, ready to assent and yeeld all obedience to his supreme authority, not making our Pattents a cloak for contempt, or warrant to disobey and oppose his Royall commands.

(Signed.)

RANDALL HOWLDEN,
JOHN GREENE.

Order of Councill relative to the Narragansett Country.

At the Court at Whitehall, 4 December, 1678. Present.

The King's most Excellent Majesty in Councill.

Whereas, Randall Howlden and John Greene, Deputies from the town of Warwick, in the Colony of Rhode Island, did this day represent unto his Majesty in Councill that some persons within the Corporation of the Massachusetts Bay, had by a printed paper affixed in public places in New England, laid claime to a tract of land, called the King's Province, which of right belongs to his Majesty, and to the jurisdiction of Rhode Island; and the said printed paper having been also read at the Board, his Majesty was pleased to order that a copy of the said paper be sent unto William Stoughton and Peter Bulkeley, Agents for the Massachusetts Colony, who are hereby directed to attend his Majesty in Councill on Fryday, the 6th instant, and there to show by what authority or title the said claimants pretend unto the lands mentioned in the paper. The said Agents are likewise ordered at the same time to informe the Board, what obedience has been rendered within the Massachusetts Collony to his Majesty's letter of the 27th of Aprill, 1678, enjoining the Magistrates and other inhabitants thereof, to take the oath of allegiance unto his Majesty, according to the forme there enclosed.

Order of Councill relative to the Narragansett Country.

At the Court at Whitehall, 13 December, 1678. Present.

The King's most Excellent Majesty in Councill.

Whereas, William Stoughton and Peter Bulkeley, Agents for the Corporation of

the Massachusetts Bay, in New England, did this day attend his Majesty, pursuant to an order of the 4th instant, directing them to show what authority or title Simon Bradstreet, Deputy Governor, and other inhabitants of that Colony, have by a printed paper called an Advertisement, dated at Boston, the 30th of July last, laid claime to the lands of Narrhagansitt and Niantick Countries, called the King's Province; and did thereupon 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 Sachems.

And whereas Randall Holden and John Greene, Deputies of the towne of Warwick, in the Colony of Rhode Island, did certifie the Board of their certain knowledge, as having inhabited that country for about forty years, that never any legall purchase had been made thereof, from the Indians by the Massachusetts or any others, and there being likewise read an act of the voluntary submission of the the Chife Sachem, and the rest of the Princes, with the whole people of the Narragansetts, unto the government of his late Majesty, together with two Declarations made by his Majesty's Commissioners, on the 20th of March, 1664, and 8th of Aprill, 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 the Government and dispose of his Majesty, not only by their personall acknowledgements and sending his Majesty some presents, but by presenting the Commissioners with the Deed aforementioned of the 19th of Aprill, 1664. And that as for the pretended purchases made by Major Atherton and others of the Massachusetts Colony, his Majesty's said Commissioners did then declare the said purchases to be void, and ordered the said purchasers to leave the possession and use of those lands. And that the Magistrates of Rhode Island should exercise the authority of Justices of the Peace in the Narragansett Country, by them called the King's Province; and to do whatever they should think for the peace and safety thereof, untill his Majesty's pleasure should be further known.

His Majesty having taken this matter into his Royall consideration, is graciously pleased to order, as it is hereby ordered, that the Right Honorable Mr. Secretary Coventry do prepare letters for his Royall signature, requiring the respective Colonys and their inhabitants, in New England, to leave all things relating to the said Country of Narragansett, or King's Province, in the same condition as it now is, or has lately been in as to the possession and government thereof, and withall giving them to understand that as his Majesty is informed that not only the absolute and immediate sovereignty, but the particular propriety of all that country is vested in his Majesty by the surrender of the Sachims, so it is his Royall pleasure that all such persons who pretend any right or title either to the soile and government to the said lands, do with all speed and by the first convenience send over persons sufficiently empowered and entrusted, to make the same appeare unto his Majesty, and that upon such default, his Majesty will give such order for the government and settlement of the said Province, as shall best sute with his justice, and the good of his subjects, who are already inhabiting, or shall desire to make any further improvement within the said Province.

Letter from New Plymouth to the King, relative to the Narragansett Country and Mount Hope.

New Plymouth, July 1st, 1679.

Dread Sovereigne: Wee have very lately received your Majesty's commands by letter given given from your Court, at White-hall, bearing date Febr. the 12th, 1678-9, one-and-thirtieth year of your gracefull reigne, signifying your Royall pleasure respecting the claimes and claimors of lands in the Narragansett and Niantick Country, or King's Province, and have made it fully known to such of this your Colony as pretend to any interest there, by virtue of purchase made by Major Atherton, &c., who declare their humble submission to your Majesty's commands and orders respecting that matter, still hoping they shall obtaine your just favour in enjoyment and settlement in their right to lands in those parts.

By the same letter your Majesty is graciously pleased to tell us how that Mr. John Crowne hath petitioned your Majesty to grant him the lands of Mount-hope, in New England, in compensation of losse his father sustained by rendition of Nova Scotia to the French, and that your princely wisdom and justice guided your Majesty not only to commend it to consideration of the Lords of the Committtee of your Privy Councill for Foreign Plantations, but also to lay your commands on us and give us opportunity to informe your Majesty what right or title wee suppose wee have to that country, with the true extent, value and propriety of the said lands of Mount-hope, with the grounds and evidences of our claime; that your Majesty may thereupon bee enabled to give such further direction and order, as may suit with your Royall justice and bounty. May it therefore please your sacred Majesty, after our humble acknowledgement of that favour, to give us leave to make this free and plaine declaration of the matter according to truth.

The lands of Mount-hope (as their Lordships rightly informed), did belong to Sachim Philip, the grand rebell to your Majesty, and first and principall disturber of the peace of these your Colonies, and is clearly and unquestionably within the Patent Grant made by your Royall predecessors to this your most ancient Colony of New Plymouth (within which, none might purchase or any way obtaine lands of the natives, but ourselves, or such as the authority of this Collony allowed), and these lands with some others, were (as their Honours also reported) conquered by the joint forces of your subjects of the Massachusetts, Connecticut and New Plymouth, by the expense of more than one hundred thousand punds, besides an inestimable damage sustained by particular plantations and persons, and which was yett of greater value by the losse of the lives of many hundreds of our brethren, children and choice friends. The profits of the warr (excepting a few prisoners taken in the latter end thereof) was only land, and this Colony having borne their full proportion both in forces and charge, and being the seat of the warr, suffered more in proportion than any had; Mount-hope, with a small ragged neck of land, more adjoining to it for our part of profit by agreement of the Confederate Colonys, wee allowing them one thousand pounds, because our lands were judged more valuable than theirs, and Mount-hope with its appurtenances by farr the better part of all our conquest lands, wee have putt to sale for three thousand pounds, but have not yett found our Chapmen. The quantity of Mount-hope, wee estimate to bee seven thousand acres at the most; part of it good soyle, and much of it rocky, mountainous and barren. But that which commends it, and causeth us highly to esteem it, and earnestly to begg that by your Majesty's justice and favour, wee may

enjoy and not bee deprived of it, is not only because wee have fought for it and paid for it, and many of us bled for it, but because this Colony for want of good harbours could never yet make any considerable improvement of the sea; but these places are well accommodated for the settlement of a sea port town or two; whereby wee hope wee may in a few yeares bee more serviceable to your Majesty and live more happily.

Having given your Majesty this short, but wee hope satisfactory account concerning those lands, wee would in the next place humbly offer this word of answer to that which your Majesty is pleased to blame us for, and which were indeed an inexcusable fact, if so, that in all this time wee had not given your Majesty an account of the warr and successe of it. Wee now plainly perceive, that wee have been greatly abused by miscarriage of letters directed to your Majesty, both from the Colony, and particularly from your servant our Governour, bearing date the 12th of June, 1677, coppys whereof wee are bold to transmit with these, and hope wee shall find out the originalls themselves, and small present of our Governor's therein mentioned, too small, hee acknowledgeth, to bee directed to so great a Prince, yet the best hee could obtaine, and was a reall testimony of his loyalty and cordial respect. Wee know they came safe to London, and hope to have them presented (though very untimely) to your Majesty's view; and wee earnestly begg your Royall and favourable consideration, whither of the letters themselves or coppys that come to your princely hand, that this poor Colony, that made the first settlement in this wilderness with great hazard and through many difficulties to spread the gospell and enlarge the dominion of our King, and who have at all times given such testimonys of our loyalty and good affection to your Majesty's person and interest, as wee had opportunity for, and a poor people were capable of; may not by misinformation of any evill minded persons our neighbours or others, bee deprived of that little wee have to live upon; our whole Pattent is but a very narrow strip of land, and generally very mean; and your people here by God's goodnesse greatly increased, and should wee bee eaten out by our neighbours of Rhode Island, unto whom wee have in a sense given being (as is hinted in our former letter), it would argue high ingratitude in them, and wee should account it the worst of deaths, not to tire your Majesty with prolixitie, wee would only add, that having written to your Majesty about two years since, which untill now wee doubted not were received, wee did believe your Majesty had been thereby fully satisfied, and did thereupon presume to dispose of some of those conquered lands, in order to a settlement; which should your Majesty, by donation or grant to any others reverse, it would reduce us to great straits and plunges, wee having the thousand pounds above-mentioned to pay, and many lame souldiers, widdows and orphans to provide for. Wee shall cheerfully wayte and hope from your princely justice and clemency, to obtaine a favorable answer, and humbly crave to receive it as speedily as may stand with your Majesty's conveniency and good pleasure; for that it is of great importance to us, and will we hope in short time appeere to bee your Majesty's interest also, that wee make speedy settlement of trading plantations there.

According to your Majesty's command, our Governour was carefull the last year, to give your Majesty an account of the tryall of the controversy between Mr. Harris, of Patuxet, and his neighbours, but meet an unhappy disappointment therein also. For not knowing but that Sec'r. Williamson had proved still faithfull to your Majesty's service and held his place, hee writt to him and enclosed the whole transaction of that affaire by him to bee communicated to your Majesty; but before his

letters arrived at London, hee was dismissed from that trust, and so the letters and papers were sent back, and by this first appportunity are herewith presented.

Craving your Majesty's pardon for a gracious acceptation of these unpolished lines, heartily blessing God for his protection of your sacred Majesty from the plotts and attempts of those worst of men, and praying dayly on our bended knees, that Almighty God will still bless your Majesty and make you a long lived blessing to the Nation, wee crave leave to subscribe—

Great Sir, your unworthy supplyants and humble and most
loyall subjects of your Colony of New Plymouth.

NATH: MORTON, Secr.,
By order of the Generall Court.

Letter from the King to the Collony of New Plymouth.

At the Court at Whitehall, the 2d July, 1679. Present.

The King's most Excellent Majesty in Council.

There being this day presented to the Board a Report from the Honorable the Lords of the Committee for Trade and Plantations in the words following, viz.:

May it please your Majesty: Wee have received your Majesty's reference in Council of the 23d of May last, concerning the pretensions of William Harris, of Patuxet, in New England, and in obedience thereunto, wee humbly report that the petitioner did, by his petition presented to your Majesty in Council, on the 11th of June, 1675, sett forth the great wrong done him and his partners, by severall persons who detained the lands which they had purchased from the Indians; whereupon your Majesty was pleased to command by your Royall letters, the Governors of the severall Colonies, in New England, to appoint some able, honest and indifferent persons to bee joined together with full and sufficient authority to cause the differences and troubles arising to the petitioner and his partners, concerning the lands of Patuxet to bee brought to a fair tryall, and that by an indifferent and upright jury, all might be finally determined according to justice. In pursuance whereof, the said Commissioners having mett, and the jury appointed by them having given five verdicts in favour of the petitioner and his partners, a statement of those proceedings, signed by severall of the Commissioners, was returned to your Majesty by the Governors of your Colonies of the Massachusetts and Rhode Island, for your Majesty's determination upon that whole affair. But at the same time, a petition was offered unto your Majesty by Randall Holden and John Greene, in behalfe of themselves and other your subjects, the inhabitants of the town of Warwick, and of other adjacent places belonging to your Colony of Rhode Island and Providence Plantations, complaining of the injustice of the second verdict given against them and other inhabitants of the town of Warwick, and in consideration of the complainants' humble appeal unto your Majesty, together with the reasons and evidences alleged by them in justification of their right in the lands possessed by them as not appearing to bee any part of the lands of Patuxet, which only by your Majesty's commission were to bee brought to a tryall, your Majesty was pleased to order on the 2d of January last, that the inhabitants of the town of Warwick should not bee disturbed in the quiet possession of the said lands, and that all things relating thereunto should remain in the state they were in before the meeting of the said Commissioners, untill William Harris and partners should before your Majesty in Council, make out a sufficient title thereunto. And whereas the

said Holden and Greene were no sooner departed, but the petitioner William Harris, hath made his appearance, beseeching your Majesty to take such course as might finally determine the matters complained of by him.

Wee are humbly of opinion that by reason of the distance of places, and absence of parties, it will bee a matter of too great difficulty for your Majesty to give such judgment therein as may equally decide their respective pretensions.

And whereas, the said Holden and Greene did offer their exceptions against the Colonys of the Massachusetts and Connecticut, upon divers past differences between them, and that on the other side the petitioner, William Harris, thinks hee has just cause to except against the Colony of Rhode Island as being particularly interested in the present controversy.

Wee therefore humbly offer, that your Majesty's Royall commands be again sent to the Governor and Magistrates of your Colony of New Plymouth, authorizing and requiring them to call before them the said Randolph Holden and John Greene, and other persons in whose behalfe they have lately appealed unto your Majesty, and having in due manner examined the pretensions of the said Harris unto lands possessed by them, do returne unto your Majesty a particular statement thereof, and their opinions thereupon, with all convenient speed.

And whereas, your Majesty hath already thought fitt to order that the said Wm. Harris and partners, bee peaceably and quietly possessed of the lands of Patuxet, and adjudged unto them by the first and three last verdicts, given in pursuance of your Majesty's late Commission. We further offer, that the Governor and Magistrates of the Colony of Rhode Island, to whose jurisdiction the said lands appertaine, bee strictly charged to putt the said William Harris and partners into the quiet possession thereof, and to take care that execution bee given for their damage and costs allowed by the said verdicts within the space of three months at furthest after the receipt of your Majesty's commands: and that in default thereof, sufficient powers may be sent unto the neighbouring Colony of New Plymouth to cause the same to be duly executed without delay.

All which, &c. Councill Chamber, 19 June, 1679.

SHAFTSBURY PR. BRIDGWATER,
FAUCONBERG,
THO: DOLMAN.

Which Report having been this day read at the Board and approved of, their Lordships were pleased to order, That one of his Majesty's Principall Secretarys of State doe prepare letters for his Majesty's Royall signature, as well to the Governor and Magistrates of his Majesty's Colony of New Plymouth to examine the pretension of the said William Harris unto the lands possessed by Randall Holden, John Greene, and others, and to returne a particular statement thereof, with their opinions, to his Majesty, with all convenient speed, as to the Governor and Magistrates of the Colony of Rhode Island, to putt him, the said Harris and partners in the peaceable and quiet possession of the lands of Patuxet, adjudged to them by the first and three last verdicts, given in pursuance of his Majesty's late Commission, together with the costs and damages, according to the tenour of the above-mentioned Report.

JOHN NICHOLAS.

[The foregoing documents are from the Manuscript Collection of State Papers in the Library of J. Carter Brown, Esq.]

At a Court held in his Majesty's name, and under his authority, at the towne of Westerly, in the King's Province, the 17th of September, 1679.

There being present,
Major John Cranston, Governor.

ASSISTANTS.
Mr. Caleb Carr,
Mr. Joseph Clarke,
Capt'n Arthur Fenner,
John Sanford,
Capt'n Samuel Gorton,

Mr. Thomas Greene.
SECRETARY.
John Sanford.
GENERAL SERGEANT.
Edmund Calverly.

Proclamation openly made of the Court's being and sittinge.

The Suncksquaw, Ninecraft's daughter, appearing in this Court, and complaining about some injury done her by Harman Garrett's claiminge part of her lands, she produced some writeings in Court, to evince her complaint, this Court doe order, that the Secretary take copys thereof.

The inhabitants of Westerly being by warrant required to appeare at this Court to give the oath of allegiance to his Majesty, and of fidellity to his Majesty's authority, for this Collony, these persons here under named appeared, and gave oath, viz. :

Mr. Tobias Saunders,	Gersham Cotterill,
Robert Burdick,	Henry Hall, Sen'r,
Edward Larkin,	William Champion,
John Fairfield,	James Crandall,
John Randall,	Peter Crandall,
John Macoone,	John Lewis,
Daniell Crome,	Christopher Champion,
James Badcock,	Henry Hall, Jun'r,
Joseph Clarke,	Jonathan Lewis,
Capt'n James Pemblton,	Thomas Burdick,

Mr. Thomas Wells, Sen'r,	John Balmiter,
John Badcocke,	John Wells,
George Lamphcare,	Thomas Wells, Jun'r,
Jeffery Champion,	Richard Parssmore,
Nicholas Cotterill,	Joseph Pemblton,
Job Badcocke,	John Parner.
Richard Swaight,	

The oath given by the above written persons was in these followinge words :

I doe truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our Soverreign Lord, King Charles, is lawfull and rightfull King of the Realm of England, and of all other his dominions and countries ; and that the Pope, neither of himselfe, nor by any authority of the Church, or See of Rome, or by any other meanes with any other, hath any power or authority to depose the King, or to dispose of his Majesty's kingdoms or dominions, or to authorize any forreigne prince to invade, or annoy him, or his country, or to discharge any of his subjects from their allegiance and obedience to his Majesty ; or to give licence or leave to any of them to beare armes, raise tumults, or offer any violence or hurt to his Majesty's Royall person, State or Government, or to any of his Majesty's subjects within his Majesty's dominions. Alsoe I doe sweare from my heart, that notwithstanding any declaration or sentence of excommunication, or deprivation, made or granted, or to be made or granted by the Pope or his successors, or by any authority derived or pretended to be derived from him or his See against the said King, his heires or successors, or any absolution of the said subjects from their obedience, I will beare faith and true allegiance to his Majesty, his heires and successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever which shall be made against his or their persons, their Crowne and dignity, by reason or clause of any such sentence or declaration or otherwise, and will doe my best endeavour to disclose, and make knowne unto his Majesty, his heires and successors, all treasons and traiter-

ous conspiracies, which I shall know or hear of, to be against him or any of them. And I doe further sweare, that I doe from my heart, abhor, detest and abjure as impious and herritical, this damnable doctrine and position, that princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever. And I doe believe and in my conscience am resolved, that neither the Pope nor any person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to bee ministered unto me; and doe renounce all pardons and dispensations to the contrary. And all these things I doe plainly and sincerely acknowledge and sweare according to these express words by me spoken, according to the plaine and common sense and understandinge of the same words, without any equivocation or mentall evasion or secrett reservation whatsoever. And further, I doe here solemnly engage all true and loyall obedience unto his Majesty's authority placed and established in this his Collony of Rhode Island and Providence Plantations, and King's Province. And I doe make this recognition heartily, willingly, and truly, upon the true faith of a Christian. So help me God.

Ordered, That the commission and power formerly granted to Mr. Tobias Saunders and Mr. John Crandall, by the Governour and Councill, bearinge date the 21st of May, 1669, is continued, and placed on [record]. Mr. Tobias Saunders and the Governour are empowered to signe the same; the said Mr. Saunders haveing in this Court given his engagement.

Whereas, this Court have received a paper from a Court at New London, signed William Leete, Governour, called a Protest,* it is ordered, That an answer from this Court bee made.

* *Letter from Connecticut to Rhode Island.*

New London, Sept. 16, 1679.

Gent. :—Not having intelligence vntill now, at New London, of your rash and presumptius motions to come and keep an affronting Court within the limits of Stonington, while we are keeping Court here for that county, and some of those inhab-

A true Copy of the Answer.

Westerly, one of the frontier townes in the
 King's Majesty's Province, the 17th of
 September, 1679, at a Court then and
 there held in his Majesty's name. }

Gentlemen: Wee received some lines, bearing date September 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 yourselves, the truth whereof wee very much questioned.

1. Because the superscription is directed not mentioninge the Governour's name nor the Collony he belongs to.

2. Because the lines doe import untrue charges, together with threats of violence, which if wee were certaine the lines were written from your selfe to us, yett neither flattery nor threats can withdraw us from our loyalty; nor deterr us from executinge the King's business in his Province, according to his Royall commands; into which upon all occasions your

itants are under summons hitherto to be responsible; but doe not appeare, as is supposed, by your interruption, &c., or occasion taken from this intrusion of yours. These things look vpon vs more like incendiary actings than a peaceable carriage of loueing neighbours, liveing in a juncture of great troubles in England, which may retarde an issue of our applications thither; where the matter betwixt yourselves and vs depending, in obedience to his Majesty's orders vnto all the Colonys respectively; being the same (for substance) as we are informed, whereupon we have been willing to sit silent for the interim: and loth to vse violence to repell ineroachments, although you doe continue thus to be vrgeing vs therevnto. But we cannot now in duty omit hereby to send, and make pretestations against this and all other your illegall and irregular vsurpations of authority and ineroachments, within our just and knowne Pattent limits; and therefore your pretenses haue had an indifferent bearing and determination in England.

Gent., we would request you not to be too hasty to drive on commotions, so immediately after our late troubles with barbarians; to begin intestine vexations amongst Christian neighbours. Yet haueing thus friendly giuen notice and made protest, we take leaue and subscribe ourselves,

Your loueing ffrinds and neigbours,
 WILLIAM LEETE, Gov'r,

With consent of the County Court assembled.

To the Honoured Governour and other authority of Rhode Island, if present, at Squamacuck.

selves have striven to intrude, notwithstandinge [the] decision of the matter in our Pattent, as alsoe his Majesty's Honorable Commissioners' orders; as if you violate their actions in contempt of his Majesty, which said orders are mentioned to you in his Majesty's late letter, which cannot be deemed but as a justification of our proceedings and the contrary to you. And whereas you say the matter is depending in England, you know wee have severall times according to our Pattent, signified our appeale to his Majesty, unto you, by our letters, whereunto you have refused to answer, as by your letters may be made to appeare.

Furthermore, bee it knowe to you, wee come hither only to continue the jurisdiction of his Majesty's Province, as wee have formerly done, and not to sett up a new one; although you, by your violent intrusion, have compelled the inhabitants to the contrary, which wee hope for the future you will forbear. Therein you will give occasion for us remaine your friends and neighbours.

JOHN CRANSTON,

Governor of his Majesty's Collony of Rhode
Island and Providence Plantations, and
King's Province.

To the Honoured William Leete, Governor at New London,
if there, or elsewhere. These,

Per THOMAS MINOR.

*Proceedings of the Generall Assembly held for the Collony of
Rhode Island and Providence Plantations at Newport, the 30th
day of October, 1679.*

The Governor chosen Moderator.

The Recorder chosen Clerke.

Voted, Arthur Cooke is admitted a freeman of this
Collony.

Voted, This Assembly is adjourned untill Monday, the 10th of November next.

November 10th.

The Assembly called and satt.

Voted, That Henry Straite, petitioning this Assembly there-in haveing represented that he beinge by one of the inhabitants of East Greenwich, viz.: Henry Brightman, desired and employed to build on his land at said Greenwich, and soe doinge, the said Brightman haveing surrendered his right to the said lands, the petitioner, Henry Straite, is accepted into the priviledges of Henry Brightman, in and to the said lands at Greenwich.

Voted, Upon a petition presented by the towne of Westerly, for the running the Westerly line of this Collony, and the enlargement of the towne of Westerly.

Voted, That there bee men appointed to run the Westerly line of this his Majesty's Collony of Rhode Island and Providence Plantations, and King's Province, according to the Charter, and King's Commissioners' order; and the same to be done by or before the 25th of March next.

The persons chosen and appointed to run the said line, are Capt'n John Albro and Mr. John Smith; the charge thereof to be duly and truly borne and paid by the Collony. They are to begin that work on the first Tuesday in March next, or the next fair season.

And ordered, That the Generall Recorder doe with all convenient speed draw up a signification hereof, to be signed by the Governor, unto the government of Connecticut, and therein not only to acquaint, but alsoe desire their loveing and neighbourly compliance in running the said Westerly line.

Voted, Upon the petition of Job Haukins, he is granted liberty to settle on and improve forty acres of land in the Narragansett Country, in the King's Province, untill his Majesty's pleasure be further knowne; provided, the same be in such vacant lands, that it doth not intrench upon the just right or title of any others.

Voted, Upon the petition of John Macandrew, alias Andrews, to this Generall Assembly, that they would be pleased to remitt the sentence of the Generall Court of Tryalls against him. The reasons contained in the said petition being the great infirmity of his body, and the smallness of his estate; which said reasons being to us made apparent, and alsoe there being no evidence against him but the woman's accusation, and his incapacity to maintaine his family. Upon the consideration whereof, this Assembly doe remitt and take off the corporall punishment due to him, the said John Macandrew, by the law of this Collony; and alsoe five pounds of the pecuniary mulct or fine, due by the law aforesaid. And alsoe this Assembly doe hereby further order, That the Recorder shall not grant forth execution for the remainder of the fine due by law, untill the Generall Assembly give order for it, hoping that this our clemency and good will, will not in any wise encourage him nor any others to offend against law in the like manner.

Voted, This Assembly doth recommend to the Council of the towne of Portsmouth, that they are desired to desire Mary Poocke, the Executrix of the late deceased John Almy, to give an account of what is become of the estate of the said late deceased John Almy, left by the Council of the said Portsmouth, in her custody. It being reported that the said Executrix hath paid and disbursed for payment of said Almy's debts farr more than the estate left in the possession of the Executrix. And the Council are desired to make returne thereof to the next sittinge of this Assembly.

Voted, This Assembly is adjourned untill Tuesday, the 2d day of December next.

December the 2d.

According to the afforesaid adjournment the Assembly called and satt.

Voted, The reasons presented by the Committee appointed by this Assembly to returne to them their understandings concerning the case of John Albro, Jun'r, and Margarett Hall,

for the barring of judgment goeing forth against them, are accepted, and the Assembly doe therefore order, That judgment shall not goe forth against them, nor either of them.

Voted, Whereas, there was an action of unjust mollestation commenced by Christopher Almy, plaintiff, against John Pocke, defendant, at the Generall Court of Tryalls held for this his Majesty's Collony in October last past, and the said action being prossicuted, the jury brought in for the plaintiff; and the said Court haveing suspended judgment for the present, and the matter or consequence thereof being referred to this Assembly, and wee haveing seariously considered and debated on the premises, doe see cause to transfer and returne the matter to the wisdom and consideration of the Generall Court of Tryalls, together with our opinions, which are that all cases of that nature are not actionall, and suppose judgment in this present case ought to be barred forever.

Voted, Whereas William Harris, of the towne of Providence, haveing petitioned this Assembly for the sum of ten pounds by him paid in England, on the Collony's account, by him paid to Capt'n Richard Deane, about nine yeares since, this Assembly, upon the searious consideration of the said demand, doe see cause, and hereby doe order, That the said sum be truly paid by the Generall Treasurer of this Collony, unto the said Harris, with all convenient speed.

Voted, Upon the presentation of Capt'n John Albro, Assistant, for the sum of three pounds, twelve shillings, four pence, in or as money, by him disbursed, being arrested as an Assistant of this Collony, at the complaint of Mr. John Saffin, of Boston, to the Court at Boston, 28th of October, 1679, this Assembly doe owne the said demand, and doe order, That the said sum of three pounds, twelve shillings, four pence, shall be paid unto the said Capt'n John Albro, by the Generall Treasurer of this Collony.

Voted, This Assembly, upon the searious consideration of the great necessity for the more full and cleer statinge of the laws of this Collony, concerninge probato of wills and intestates, order, That a Committee be appointed and empowered

by this Assembly to draw up some more cleer method in matters of that nature, and make returne of what they agree on, and shall draw up, unto the next sitting of this Assembly, or else unto the Generall Assembly in May for their approbation. And alsoe they, or the major part of them, are empowered to draw up and present, as aforesaid, such other matters as to them shall seem necessary and needfull for the publick good of this Collony.

The persons chosen and empowered, are the Governor, the Deputy Governor, Mr. Thomas Ward, Capt'n John Albro, Mr. Wm. Wodell.

Voted, This Assembly is adjourned untill Monday, the 5th of January next.

January 5th, 1679-80.

Accordinge to the aforesaid adjournment, the Assembly satt.

Voted, That a Committee be chosen and appointed by this Assembly to draw up a letter to his Majesty on the behalfe of this Collony, and to represent what they draw up, unto this Assembly for confirmation.

The persons chosen, are Mr. Thomas Ward and Capt'n Samuel Gorton, Assistants, Mr. James Barker, Capt'n John Foanes, and John Sanford, Recorder.

Voted, The returne of the Committe for drawing up a letter to his Majesty, haveing been openly read, is approved; only in the transcript, it is referred to the Governor, the Deputy Governor, and John Sanford, to amplify the same, as to the method.*

* *Letter from Governor Cranston to the King.*

Most Gracious and dread Sovereigne :

Your Majesty's humble and leige subjects of your Collony of Rhode Island and Providence Plantations, &c., haveing sensibly tasted and experienced soe largely of your Royall favours, bounty and benignity, with that Princely care to preserve and uphold us in peace and quietness in the enjoyment of those priviledges your Majesty hath been pleased to bestow upon us your unworthy subjects in these remote parts, by your Royall letters Pattents, for which we are for ever oblidged to render

Voted, Upon a petition of Mrs. Elizabeth Cunnigrave, unto this Assembly, therein declaring that she by reason of age

all submissive and humble acknowledgements. And therefore, in all humility we doe still beseech and humbly pray, that your Majesty will please to extend and continue your Royall grace and favour unto us, in our preservation from any that may endeavor to deprive or eclipse the same, and that your Majesty will be graciously pleased in your Royall favour to us, not to receive or entertaine any information against us. So as that absolute determination should be to our inconveniency, till we may have opportunity to answer in our owne defence, and for your Majesty's further information as to your Majesty's Province. And although by reason of many disturbancys and interruptions from the Collony of Connecticut, &c., prosecuted with great vigor, to the great detriment and damage, of many your Majesty's subjects in this Collony, which might have occasioned us to represent the same to your Majesty at large by our humble addresses, for default whercof, we humbly crave pardon; being very much incapacitated to affect the same, by reason of the great ruins, made and received by the late war with the natives, and whereby we have been constrained to sit under the burthen of many annoyances for want of ability to present our grievances unto your Majesty; whereby we only from your Majesty pray reliefe.

And whereas, there hath been a long continued difference betweene your Majesty's Collony of Connecticut and our selves concerning right of jurisdiction, to whom formerly we have offered severall times to represent the matter to your Majesty's Royall determination, but they would not condescend thereunto. But now in this juncture of time, we haveing 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 giving us no account of the time when they would send. Wee doe humbly beseech your Majesty's favourable construction on our behalfe, soe far as that we may have time and opportunity granted to make our reply; and that your poore yett loyall and hearty subjects, may always remaine in your especiall protection (we being encompassed with many oppositions), that thereby we may be preserved from the violence of others, and be only responsible to our Sovereigne Lord the King, to make our true defence against complaints (that in envy to us) may be represented to your Majesty.

And most dread Sovereigne, in all loyall obedience and bounden duty to your sacred Majesty, we prostrate our selves and cause at your Majesty's feet, begging your Majesty's gracious pardon for what weakness herein may appeare in us, with our hearty prayers to Almighty God to grant your Majesty a long, peaceable and happy reigne. In all humillity we subscribe our selves your Majesty's most faithfull subjects, and oblidged servants, the Generall Assembly of your Majesty's Collony of Rhode Island and Providence Plantations, &c., sitting at Newport, the 6th of January, 1679-80.

(Signed.)

JOHN CRANSTON, Governor.

Postscript. And most gracious Sovereigne, according unto your Majesty's Royall commands from your Court of Windsor, by your Royall letters bearing date the 9th of July, 1679, concerning verdicts of jury and judgments of an especiall Court

and weakness, is unable to gett a livelihood, and is in wants, this Assembly, upon searious consideration of her condition, doe referr and remitt that matter unto the towne of Newport, as being proper to them to take effectuall care and course amongst themselves, for the supply of the said Elizabeth Cunigrave.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 10th of March, 1680.

The Governor chosen Moderator.

John Sanford chosen Clerke.

Voted, That a Committee be chosen and appointed, to bee assistant to the Governor, to consider of, and draw up an answer to the twenty-seven queries sent from the Lords of his Majesty's most Honorable Privy Councill, to this Collony, and returne what they draw up to this Assembly for their consideration and approbation.

of Commissioners in favour of William Harris and partners, the said Court being held at Providence (and began the 3d day of October, 1677), against John Towers, of Hingham; Mr. Gregory Dexter, Capt'n Arthur Fenner and the towne of Providence; John Harrod, Roger Burlingham, and Thomas Relph and Edmund Calverly, &c., we doe in all humble manner herewith present at your Majesty's feet, our proceedings in those affaires, which we would have sent in the ship that William Harris went lately for England in; but William Harris was soe secret and private in his voyage, that he never come to us to know what we had done, by way of returne to your Majesty, neither did he let us know of his goeing. And great Sir, doe subscribe, and in all humillity acknowledge our selves your Majesty's most faithfull subjects; the Governor and Magistrates of your Majesty's Collony of Rhode Island and Providence Plantations, &c.

(Signed.) JOHN CRANSTON, Governor.

Dated at Newport, the 6th day of January, 1679-80.

(Addressed) To our dread Sovereigne Lord, Charles the Second, King of Great Britain, France and Ireland, Defender of the Faith, &c.

(Indorsed.) Rhode Island, 6th January, 1679-80. From the Collony of Rhode Island, to the King. Received from the Earl of Sunderland, the 30th of June, 1680.—*J. Carter Brown's Ms. Vol. II. No. 126.*

The persons appointed and chosen, are the Deputy Governor, Mr. Thomas Ward, Mr. James Barker, Mr. John Coggeshall, Capt'n Arthur Fenner, Mr. John Whipple, Mr. Joseph Jencks, Lieut. William Codman, Mr. William Wodell, Mr. Peleg Tripp, Capt'n Samuell Gorton, Mr. Thomas Greene, Capt'n John Greene, Mr. John Maxon, Mr. John Williams, Capt'n Edward Richmond, and Capt'n John Foanes.

Voted, This Assembly is adjourned till to-morrow, one of the clock, after noone.

March the 11th.

The Assembly called and satt.

Voted, Whereas the Governor, who was chosen Moderator of this Assembly, is by God's Providence soe visitted with sickness, that he is detained from the Assembly; and there being severall matters of great concerne to this Collony, for which the Assembly was called, that are of necessity to be resolved by the Assembly, this Assembly doe judge and conclude, That by the Charter and former precedent in the like case, that dureing the time of the Governor's absence from this present Assembly, the Deputy Governor supply the place of Moderator of this Assembly.

Voted, This Assembly is adjourned till Monday, the 15th instant.

March 15th.

The Assembly called and satt.

Voted, In order to the funerall of our honored deceased Governor, John Cranston, this Assembly is adjourned till to-morrow morning, eight of the clock.

March 16th, 1680.

The Assembly called and satt.

Voted, Whereas it hath pleased God, that our honored Governor, John Cranston, deceased since the time of this Assembly's sitting (on the 12th of this instant month), this Assembly doe conceive it of necessity, and doe order and agree to proceed to the election of another in his roome or stead.

Major Peleg Sanford chosen Governor, and engaged in open Assembly.

The Governor chosen Moderator.

Voted, The Deputy Governor, Capt'n Arthur Fenner, Mr. John Coggeshall Capt'n Randall Howldon, Mr. Peleg Tripp, and John Sanford, are chosen a Committee to goe to Mrs. Mary Cranston, widow to our late deceased honored Governor Cranston, Esq'r, for the Charter, and all other writeings belonging to the Collony, that were in the late Governor Cranston's custody, and have power to give the said Mrs. Cranston a full discharge in behalfe of this Assembly for what they receive; who are to returne the same to this Assembly forthwith.

Voted, The Committee to goe to Mrs. Cranston for the Charter, &c., they haveing returned to this Assembly, the Charter and other particulars mentioned in their receipt, this Assembly have received them; and they are in this present Assembly delivered to the present Governor's custody.

Voted, Whether an Agent be forthwith sent for England, or that for the present the sending of an Agent be suspended. The major vote was for the negative, that the sending of an Agent be at present suspended.

Voted, It is ordered, that moneys be raised, and that the respective townes and places in this Collony shall pay each respective towne and place their just and equall proportion of all such charges and assessments as the Generall Assembly shall see cause for the sending an Agent for England. And this to be recommended to each severall and respective towne and place in this Collony, and that each of the said severall and respective townes and places, shall give a true returne according to the best of their understanding, what each severall towne will and can conveniently pay towards the disbursement for sending an Agent for England, if the Generall Assembly see cause; and all such returnes to be made from each respective towne and place to the Generall Assembly that shall be in May next.

Voted, Whereas there was an act of the Generall Assembly, in October last, for running of the Westerly line of this Collo-

ny, which by reason of the wetness of the weather, and the height of the rivers and ponds, it could not conveniently be done according to the time appointed by the said Assembly; this Assembly, upon searious and mature deliberation, conceive and judge it of necessity, that the said Westerly line be speedily run and sett: doe therefore order and enact, That the said Westerly line, or soe much of it as conveniently may now be done, shall be sett and marked, according to the surveyers' discretion, soe farr as they shall see convenient, from the sea.

The persons chosen and appointed to run the said line, are Capt'n John Albro, whoe was afore-appointed, and (whereas John Smith, whoe was afore-appointed, beinge removed out of this Collony) Mr. Peleg Tripp is in his stead added to Capt'n John Albro, for the performance of that worke.

And it is ordered, That the said Capt'n John Albro and Mr. Peleg Tripp shall bee kept indemnified for their acting. in running the said line. And the charges, both to themselves and such as they shall employ in that worke, shall be truly borne and paid by the Generall Treasury of this Collony. And they are to begin and proceed in the premises, with what speed may bee, and make a true returne of what they doe therein, unto the next Generall Assembly.

Voted, Upon a petition of Richard Pray, unto this Assembly, for the remitting a sentence of the Generall Court of Tryalls, in October, 1678, against him for the sum of tenn pounds by him forfeited, beinge bound, and not accordingly attending said Court of Tryalls; and in his pleadinge God's hand upon him by sickness, to be the absolute occasion of his non-appearance at said Court, which assertion of his was made to appeare to this Assembly, and alsoe considering the poverty of the petitioner, this Assembly doe see good cause, and doe remitt the forfeiture of the said Richard Pray's bond, and the sentence of the said Court thereon, he paying the Recorder's fees.

Voted, Upon a petition of Benjamin Hernden, of Providence, unto this Assembly, for the remitting a sentence of the Generall Court of Tryalls, against his wife Elizabeth, in October, 1678, he pleading his great poverty, and the debility of both

himselfe and wife, with some other reasons to the satisfaction of the Assembly, this Assembly see cause, and doe absolutely remitt the said fine and sentence of the said Court against the said Elizabeth Hernden, fees being paid to the officers.

Voted, Upon a petition of Samuell Comstock unto this Assembly, for the remitting of a fine and sentence of the Generall Court of Tryall, held in October, 1678, against him, for the sum of forty shilling, and in his said petition rendering such reasons as are to the Assembly's satisfaction, this Assembly see good cause, and doe remitt his said fine, he the said Comstock paying officers' fees.

Voted, Upon a petition of Joseph Card, of Newport, unto this Assembly, for the remitting a fine, by the Generall Court of Tryall, held in October, 1678, of twenty shillings, for not attending said Court on the jury, and he pleading illness and sickness at that time, this Assembly doe remitt the said Joseph Card's fine.

Voted, Upon the presentation of Lieut. John Dexter, of Providence, for the remitting a fine of tenn shillings, layd upon him for not attending the jury of the Generall Court of Tryalls, held in October last, this Assembly doe see cause to remitt the fine.

Voted, Upon the information of Mr. John Whipple and Mr. Joseph Jenks, that Samuell Tiefert, though chosen a jury-man by the towne of Providence, to attend the jury at the Generall Court of Tryalls, held in May last, yett had noe warninge by the Sergeant, and he the said Tiefert, beinge by said Court of Tryalls, fined twenty shillings, this Assembly doe see cause to remitt the said Tiefert's fine.

Voted, Upon a presentation from John Tillinghast, of Providence, whoe was fined the sum of twenty shillings, for not attendinge the jury at the Generall Court of Tryalls, held in October last, and reasons being rendered to the Assembly's satisfaction, this Assembly doe see good cause to remitt the said Tillinghast his fine.

Voted, That the Recorder doe forthwith transcribe the acts of this Assembly for runninge the Westerly line of this Collo-

ny, and affix the seale of the Collony thereto, and deliver the same unto Capt'n John Albro, and Mr. Peleg Tripp, or either of them.

Voted, That the Recorder doe send forth copys of the acts of the Generall Assembly in October last, under the seale of the Collony. And alsoe the acts of this Assembly under the seale, unto every towne of this Collony; and shall be paid from each towne the sum of eleven shillings, in or as money for the said copys.

March 17th.

This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 4th of May, 1680.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. Caleb Carr,

Mr. John Whipple, Jun'r,

Mr. Thomas Ward,

Capt'n John Albro,

Mr. Joseph Clarke,

John Sanford.

Mr. Stephen Arnold,

Capt'n Samuel Gorton,

Capt'n Arthur Fenner,

Mr. Thomas Greene.

DEPUTIES.

For Newport.

Capt'n John Greene,

Mr. William Coddington,

Mr. Benjamin Smith,

Mr. Peter Easton,

Mr. John Potter.

Mr. Benedict Arnold,

For Westerly.

Mr. Henry Bull,

Mr. Tobias Saunders,

DEPUTIES.

Mr. Henry Tew,
 Mr. Edward Thurston.
For Providence.
 Mr. John Thornton,
 Mr. Pardon Tillinghast,
 Mr. James Mathewson,
 Mr. Edward Smith.
For Portsmouth.
 Mr. George Lawton,
 Mr. William Wodell,
 Capt'n William Correy,
 Mr. John Borden.
For Warwick.
 Mr. Randall Howldon,

Mr. Robert Burdick.
For New Shoreham.
 Mr. John Sands.
For Kings Towne.

For East Greenwich.
 Mr. John Spencer,
 Mr. John Heath.
For James Towne.
 Capt'n John Foanes,
 Ensign Nicholas Carr.

The Governor chosen Moderator.

John Sanford chosen Clerke of this Assembly.

Voted, John Correy and George Manchester, being freemen of Portsmouth, are admitted freemen of this Collony.

Voted, Oliver Arnold and George Havens being freemen of Jamestowne, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 5th of May, 1680, at the house of Robert Lovis.

The Assembly consisted of the above written Governor, Deputy Governor, Assistants and Deputys.

The Governor, Major Peleg Sanford, chosen Moderator.

John Sanford chosen Clerke of this Assembly.

Voted, The Clerke of this Assembly is appointed to write the names of those that bring in their votes, and the names of all that are brought in by proxies.

Voted, Mr. Thomas Ward and Capt'n John Albro, are chosen to open the proxies.

Voted, That Mr. William Wodell and Capt'n John Foanes are

chosen to receive the votes that are brought in, and take care that each person bring in but one vote, and putt the votes into the hatt.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.	Capt'n John Greene.
Major Peleg Sanford,	RECORDER.
DEPUTY GOVERNOR.	John Sanford.
Mr. Walter Clarke.	GENERAL TREASURER.
ASSISTANTS.	Mr. Edmund Calverly.
Mr. Thomas Ward,	GENERAL TREASURER.
Mr. Caleb Carr,	Major Peleg Sanford.
Mr. William Coddington,	GENERAL ATTORNEY.
Mr. Stephen Arnold,	Mr. Weston Clarke.
Capt'n Arthur Fenner,	SOLICITOR.
Mr. Joseph Jenckes.	Mr. Robert Williams.
Capt'n John Albro,	MAJOR.
Mr. George Lawton,	Capt'n John Albro,
Capt'n Samuel Gorton,	

Voted, Major John Albro, Mr. Henry Tew, Mr. Joseph Jenckes, Capt'n John Greene, Mr. Tobias Saunders, Capt'n John Foanes, and Capt'n John Sands, with the Generall Sergeant, are chosen and appointed a Committee to hand the Charter to this Assembly

Voted, Mr. Joseph Jenckes, Mr. George Lawton, and Capt'n John Greene, are chosen and empowered to purchase and procure a bell, to be sett and placed in some convenient place, for the publick use of this Collony, and for giving notice, or signifying the severall times or sittings of the Assemblys and Courts of Tryalls, and Generall Councils, and what they agree and engage for payment, shall be borne and paid by the publick Treasurer of this Collony.

Voted, This Assembly haveing appointed a Committee to purchase a bell for publick use, the said Committee haveing agreed with Mr. Freeloove Arnold, &c., for a bell, and have

brought the same to this Assembly, having engaged the sum of three pounds, tenn shillings, in or as money, for the same, it is ordered, that the said sum of three pounds, tenn shillings shall be truly paid by the Generall Treasurer of this Collony.

Voted, Capt'n Samuell Gorton, and Mr. Peter Easton, are chosen a Committee to goe to Mrs. Mary Cranston, widow of our honored deceased Governor, John Cranston, Esq., and on behalfe of this Assembly desire and receive an account of what the said late Governor hath in his pertickular memorandums left as to the death of persons within this Collony, and otherwise compute soe farr as they can informe themselves for the time of seven yeares past.

Voted, The Deputy Governor, Capt'n Arthur Fenner, and Capt'n John Greene, are chosen a Committee to draw up some lines to accompany the answer to the severall queries from the Honorable Lords of his Majesty's Privy Councill, the Committee for Forraigne Plantations.

Voted, Mr. Thomas Ward, Capt'n Arthur Fenner, Capt'n John Greene, Mr. Francis Brinley, Mr. John Easton, Mr. Wm. Wodell, and John Sanford, Recorder, they or the major part of them, are chosen, appointed and empowered a Committee to take view of the laws and acts of this Collony, and to putt them into such a method that they may be putt in print; and they are to take the advice of the Governor and Deputy Governor, in the extracting and composing the laws now on record, and what they agree on and compose, shall be by them presented to the Assembly in October next, for their approbation and confirmation. And they are to have and hold their first meeting on or before Tuesday, the 24th of June next, at the house of Henry Palmer, in Newport; and soe to meet from time to time as they shall see cause. And the Generall Sergeant is empowered to give notice to the severall persons of this Committee for their meeting.

Voted, Upon a petition of Mr. John Pococke, presented to the Generall Assembly sitting the 10th of March, 1679-80, and by said Assembly referred to this Assembly, the contents thereof relating to a difference by action between Mr. Christo-

pher Almy and Mr. Job Almy, plaintiffs, against said John Pocke and Mary, his wife, Executrix to the deceased John Almy, defendant, and was in tryall at the Generall Court of Tryalls, held in October last; this Assembly haveing debated and seariously considered the matter, doe finde that the said action is, and stands in a due course of law, by rehearinge. Therefore doe order and declare, that according to the progress in law, the said action proceed.

Voted, Bee it enacted by this Assembly and the authority thereof, that in all actionall cases brought to the Generall Courts of Tryalls, if either plaintiff or defendant be aggrieved after judgment entered in Court, they may and have liberty to make their appeale to the next Generall Assembly for reliefe, provided such appeale be made in the Recorder's office tenn days' time after judgment entered as aforesaid; as alsoe such person or persons soe appealing, shall first pay cost of Court, and give in bond as in case of review, and thereupon execution shall be stopped till the determination of the Assembly be knowne.

Voted, The above-said act shall be forthwith published, by being sett up at the towne of Newport, under the seale of the Collony, and by the Recorder subscribed.

Voted, That the Magistrates and Deputies, during the sittinge of the Courts, be allowed and paid out of the Generall Treasury, towards their necessary expenses, after the rate of seven shillings a weeke for each of them, in money, proportionable to the time of their attendance.

Voted, That the towne of Warwick be eased from sending four jurymen to the Courts of Tryall, and have liberty to send but two jurymen, viz.: one grand jurymen, and one for the jury of tryalls.

And that the townes of Newport, Providence, and Portsmouth, have each of them an abatement of one grand jurymen, any act or order in this Collony to the contrary hereof, notwithstanding.

Voted, The Generall Sergeant Edmund Calverly's bill for publike service, haveing been presented and perused, this As-

sembly doe allow and order the sum of eighteen pounds, nineteen shillings, four pence, in or as money, to be paid him out of the Generall Treasury.

Voted, Forasmuch as this Assembly, beinge very sensible of the great disappointment that happens to the members of this Collony by reason of the Courts of Tryalls interfering with the Generall Assemblys, which proves a great hinderance to the proceedings of either, and that justice bee not retarded: therefore, bee it enacted by this Assembly and the authority thereof, that the Courts of Tryall for the future, be holden at Newport, the last Tuesday in March, and first Tuesday in September, annually; and soe to begin the first Tuesday in September next, in this yeare, 1680. And in case any bonds be already taken to the next Court in October, that they shall by virtue hereof, stand good to the said Court in September, as if soe taken; any law to the contrary hereof in any wise, notwithstanding.

Ordered, That the seale be affixed, and publication hereof, the 14th instant, by beate of the drum in Newport.

Voted, That the letter drawne and presented to this Assembly, in answer to a petition from Mrs. Kathrin Gorham, shall be signed by the Clerke of this Assembly.

Voted, That an act of the Generall Assembly in October last past, concerning the payment of the sum of tenn pounds unto Mr. William Harris, by the Generall Treasurer, this Assembly on some presentations and searious debate and consideration, doe see cause to order, and forewarne the Generall Treasurer of this Collony that the said sum, or any part thereof, be not paid unto the said Harris, untill further order from the Generall Assembly of this Collony.

Voted, This Assembly, on searious consideration of the raising money for the payment of the Collony's debts, and a stake of money to be in the Generall Treasurer's hands for publicke uses, doe order, that a rate be forthwith assessed in each respective towne and place of this Collony; and that the respective townes and places shall pay the assessments of one hundred pounds, in or as money.

Voted, Bee it enacted by this Assembly and the authority thereof, that if the free inhabitants of any towne or village in this Collony doe or shall neglect to assemble together in such forme or order as by law or custom they are bound or used to doe, and choose such and soe many officers as by law or custom they are to choose: that then it shall be lawfull for the Governor or Deputy Governor, with six Assistants, to order, appoint and constitute under their hands, such officer or officers in the said towne, village or place as shall to them seem meet for the carrying on the affairs depending and being between the Collony and the said towne or village, from time to time; and alsoe for the carrying on the affaires in the said towne or village, any law or laws in this Collony, to the contrary hereof, in any wise notwithstanding.

Voted, Bee it enacted by this Assembly and the authority thereof, for the regulating of disorderly selling of all sorts of strong liquors, wine and strong drinke, and setting up tippling houses without lycence in any the respective townes, villages and places of this Collony; this Assembly seariously weighing the premises, doe order, that the Towne Councils of each respective towne, village, or place or major part of them, on legall warning meeting are hereby authorized to grant lycences and to suppress any persons that shall sell by retale as aforesaid, without or contrary to their order; and that the offenders shall be lyable to be dealt withall, according to the laws of England; and pay for the first offence, a fine of forty shillings for their transgression, in or as money; but in case the respective Towne Councils neglect, then two Magistrates upon just complaint, are authorized to give lycences as well as to suppress those that disorderly sell as aforesaid; any law to the contrary hereof in any wise, notwithstanding.

Voted, Upon petition of Edmund Calverly, Generall Sergeant, to this Assembly, to have the full result of this Assembly what the foresaid Sergeant shall doe with such freemen of this Collony, which the Generall law says their owne bond shall be taken, though in noe reall capacity as the law of England, requires soe to doe.

This Assembly doe enact and agree, that any person or persons in this said Collony, though admitted free of this Collony, by any precedent Assembly or Assemblys, shall have his or their owne bond taken by the Generall Sergeant, except his or their estate bee really worth in this Collony one hundred pounds sterling of lawfull money of New England, any law in this Collony to the contrary hereof, notwithstanding.

Ordered, by this Assembly, that Mr. Thomas Ward, Mr. Peter Easton, and William Wodell, or major part of them, are appointed a Committee to auditt the accounts of our Honored Governor, Major Peleg Sanford, Treasurer, and to make retorne thereof to the next Generall Assembly of this Collony.

And it is hereby further ordered, that the Generall Treasurer of this Collony doe annually at the Court of Election present his accounts to the Generall Assembly, to be auditted.

John Sanford's accounts for his service, being Recorder, and Secretary of the Councill this last year, haveing been debated, the Assembly, doe see just cause to allow him, and doe order, that the sum of ten pounds in or as money, bee truly paid him by the Generall Treasurer.

Voted, The Recorder shall send forth coppys of the acts of this Assembly, unto all the townes of this Collony, under the seale of the Collony, with convenient speed; and for each copy shall have from each towne the sum of eight shillings, in or as money.

By vote, This Assembly is dissolved.

Wee whoe have hereunto subscribed, being appointed by this Honored Assembly to make search how many persons have deceased in this Collony for the time of seven yeares last past, according to the best computation wee can make by the records, wee have the whole number of persons deceased, is four hundred and fifty-five.

THOMAS WARD,
SAMUELL GORTON,
· PETER EASTON.

May 17th, 1780.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 27th day of October, 1680.

The Governor chosen Moderator.

The Recorder, John Sanford, Clerke.

Voted, Whereas there was an action of debt, bearing date the 18th of March, 1679, commenced by John Pococke, of Newport, plaintiff, against Christopher Almy, of Portsmouth, defendant; which said action, according to the custom of this Corporation, came to tryall in the Generall Court of Tryalls, held in Newport, aforesaid, in May, 1680, and upon and after the full plea of the matter, the jury found for the plaintiff the debt sued for, with six pence damage and cost of Court; whereupon the defendant being aggrieved, entered according to law and custom, a review of the case; which accordingly was fully pleaded in the Generall Court of Tryalls, held in Newport, aforesaid, the 7th day of September, last past; upon which plea, the jury see cause to find for the defendant cost of Court. Whereupon, the said plaintiff being aggrieved, he according to law, appealed to this Generall Assembly for reliefe in the said case; and the said case having been fully debated in this Court, and the evidences on both sides thoroughly considered, wee finde that neither plaintiffe nor defendant have in all things performed the covenants whereby they were bound to each other; whereupon the full and finall determination of the said case, and all and singular the breaches of the said covenants contained in the said covenant or obligation on which or by reason thereof the said action was grounded or commenced: this Court doe determine, and that according to the equity of the said case, the said defendant shall pay unto the said plaintiff the sum of tenn pounds in money, in full performance of his said part of the said covenant or obligation,

which he was bound to pay ; and that the said plaintiff shall allow the five pounds and the barrill of beife, which the said defendant was to have paid, more than the sum of tenn pounds, as appeares by the said covenant or obligation, in consideration of the damages sustained by the said defendant for and by reason of every the covenants in said covenant or obligation, which ought to have been performed on the part of Mary, his late wife, and relict of the late deceased John Almy, of Portsmouth, aforesaid ; and each to beare his owne due.

And further it is ordered, that if the said defendant shall neglect to pay or cause to be paid to the said plaintiff the said sum of tenn pounds on or before the first Tuesday in January next ensuing, that the Recorder shall grant forth execution in manner as after judgment entered in the Generall Court of Tryalls. Execution granted forth.

Voted, Whereas Mr. Joseph Clarke, of the towne of Westerly, hath petitioned this Assembly for reliefe, for and by reason of an unjust sentence passed against him by the Court of Assistants, held October the 7th, at Hartford, in his Majesty's Collony of Connecticut, on pretence that the said Joseph Clarke had been an offender against law in being obedient to Job Badocke, Constable of the said towne ; whoe haveinge a warrant under the hands of the Governor and Deputy Governor, bearing date in May last, to apprehend Joseph Richardson of the same place, for useing and exerciseing the office of a Constable, or a Deputy Constable, in this jurisdiction, it being on the eastward side of the line by his Majesty's Commissioners appointed, after long debate, to be the dividing line between this Collony and the Collony of Connecticut, and that it was soe to remaine untill Majesty's pleasure were further knowne, in arresting and takeing the body of Thomas Wells, and him keeping prisoner, and compelling the said Thomas Wells to make answer to the said arrest, at a Court held in the jurisdiction of Connecticut, aforesaid, notwithstanding the aforesaid determination. As alsoe, it being in this Collony by the express words of his Majesty's gracious grant unto us ; for which supposed offence of the said Joseph Clarke, he was apprehended

at his owne house, being scittuate in the towne of Westerly, aforesaid, above two miles to the eastward of the river, commonly called Pawcatuck, alias Narragansett River; and from thence forced and carryed to Hartford, aforesaid, and compelled to make answer to the aforesaid complaint; and alsoe at the pleasure of the judges fined the sum of tenn pounds, besides all other his loss and damages.

And this Assembly haveing taken his complaint into consideration, doe judge themselves obliged to save and keep harmless the said Joseph Clarke, in his lawfull obedience to the government of his Majesty established in this jurisdiction; and doe thereupon order, that the sum of thirteen pounds and tenn shillings in money, or other pay equivalent, be paid by the General Treasurer of this Collony, unto the said Joseph Clarke, over and above what the said Treasurer hath already paid, in recompence of his aforesaid damage sustained.

Voted, Whereas the Captains of the severall Traine Bands in this Collony are by law strictly required to grant forth their warrants of distraint to levie and distraine all such fines and forfeitures as by law are due, or hereafter shall be due, from all such listed souldjer or souldjers as shall not appeare compleat in their armes on the severall traininge days appointed; and there attend the millitary exercise of each day.

It is therefore further enacted by this Assembly and the authority thereof, that whatsoever Traine souldjer in any of the respective Traine Bands, shall refuse or deny to execute any such warrant or warrants as shall be given forth and signed by the Captain of that company to which the said souldjer or souldjers belongeth, or in the Captaine's absence, then by the Lieftenant or next superior officer, every such souldjer or souldjers that shall neglect, refuse or deny to execute all or any such warrant or warrants, according to the contents and true meaning thereof, shall for every of his or their default, pay a fine of tenn shillings, to be taken by distraint in manner as the said fines for defect of not traininge are to be taken; and said fine or fines of what nature soever relating to the millitary exercise, shall be returned to the Clerke of every respective

Traine Band, and to be disposed of by the commissioned officers of the said respective Traine Bands, for the use of the said respective Company; any law, usage or custom to the contrary hereof in any wise, notwithstanding.

Voted, There being intelligence presented to this Assembly from Mr. Deane, in England, that he still demands a considerable sum of money of the Executors of Mr. John Clarke.

Therefore it is ordered, that each of the townes concerned in the six hundred pound rate, doe choose two men to auditt the accounts of Mr. John Clarke, that some certaine answer may be returned in behalfe of the Collony at or before the 20th day of February; and they or the major part of them to meet at the house of Sergant Henry Palmer, in Newport, at the time aforesaid.

Voted, Whereas the Generall Assembly, held the 29th of October, 1679, did upon the petition and request of William Harris, of Pawtuxet, in the towneship of Providence, give order to the Generall Treasurer of this Collony, to pay unto the said William Harris the sum of twenty pounds in currant pay, for and in consideration of the sum of tenn pounds paid by him for the use of this Collony in England, to Capt'n Richard Deane; and the said sum ordered to be paid by the Treasurer, aforesaid, to the said Harris, remaining unpaid untill the sitting of the next Generall Assembly, which was held the 5th of May, 1680; and then some members of the said last mentioned Assembly asserting that the said money was already paid unto the said William Harris; whereupon, the said Assembly ordered a suspension of the payment of the sum aforesaid; and since the said persons haveing produced no certaine profe of their aforesaid allegations, this Assembly see cause to order, that the said sum of twenty pounds, currant pay, bee with all convenient speed paid by the Generall Treasurer of this Collony unto the said William Harris, or his assignes; he or they giving a sufficient discharge for the same.

Voted, It is ordered by this Assembly, that from henceforth all and every commissioned officer or officers of any of the respective Traine Bands in this jurisdiction, shall at the time

of election of military officers be chosen in the same place in the Band that he stood in before, that the Governor renewing his former commission that was under the seale of the Collony, shall be deemed and taken to be a sufficient commission for the said officer to execute his respective office in the said Band, to all intents and purposes, as if a new commission had been given by the Governor, under the seale of this Collony, and attested by the Generall Recorder.

Voted, It is ordered by the Assembly, there appearing a Deed, wherein is contained a purchase of the lands of Potowomett, by Capt'n Randall Howldon, and assigned by Capt'n Howldon to the Collony's use ; the towne of Warwick laying claime to the same lands, by vertue of a precedent Deed, as is said ; and Capt'n Howldon desiring his aforesaid Deed to be delivered back into his owne custody ; therefore it is ordered, that Capt'n Howldon shall have a copy of the Deed's endorsement, under the Recorder's hand, delivered ; but the originall to remaine in the Governor's hand, untill the next Assembly, and then the two Deeds to be compared. Provided a copy of Warwick Deed be attested, under two Magistrates hands of the towne of Providence.

Voted, It is ordered, for an addition to the law of appeales, that the person appealing, shall enter his reasons of appeale tenn days before the Court appealed unto ; and the defendant hath liberty to take out the reasons of appeale, and give in his answer at the Court ; and that the plaintiff take copys of the case from the Recorder, and present the whole case to the Court appealed unto, paying the usuall fees to the Recorder that he hath for copys at the Generall Court of Tryalls, and pay other fees according to the custom of our Courts of Tryalls, to the Sergeant, for calling the case ; and noe other fees to the Recorder nor Sergeant, except new evidence be presented that was not in the former Courts.

Voted, That the Committee chosen for the regulating of the laws of this Collony be still continued, untill the next Assembly.

Voted, Westerly's petition read and considered, it is or-

der, that copys of the letters that came from William Blathwaite, Esq., in London, be sent under the Recorder's hand to the towne of Westerly; and alsoe that the rate of three hundred pounds, and the hundred pounds rate that their part of the said two rates be suspended.

Voted, That Elizabeth Holderbee be abated twenty-five shillings of her fine, at the Court of Tryalls in September last; only she is to pay officers' fees.

Voted, That Mr. Joseph Clarke have two copys of this Generall Assembly's acts, about the answer of his petition. And he to leave one of them with the Generall Treasurer, and to have them without paying the Recorder any thing for writinge of them.

Voted by this Assembly, that the widow Sarah Knight, of Newport, haveing petitioned for a confirmation of a share of lands settled by her deceased husband, without Court order in East Greenwich, the matter haveing been considered and debated concerniug her condition of widowhood, and the damage that will befall her in case the petition be not granted, therefore, it is agreed by this Assembly, that the widow Knight shall enjoy the foresaid share of land, and possess it upon the same teanure with the rest of the inhabitants of East Greenwich. Provided, the said widow doe pay the sum of forty shillings in money into the hand of the Generall Treasurer of this Collony, within six month's time.

Voted, Upon the request and petition of Benjamin Gorton, to this Court for the remission of his fine at the Court of Tryalls, in May last, this Assembly upon the searious debate and consideration of the said petitioner's request, doe see cause to remitt his fine, and returne him his five shillings in money layd down, for his petition.

Voted, That the petition of Job Haukins is referred to the Committee chōsen to regulate the laws of this Collony.

Voted, This Assembly doth desire and empower Capt. Samuel Gorton, and Capt'n John Greene, Assistants, to goe with all convenient speed to Kings Towne, and there require and receive the head Warden and Deputy Warden, and other officers in

the said towne their engagements, according to the law of this Collony.

Voted, It is ordered, that the acts of this Assembly shall be sent forth by the Recorder, under the scale of the Collony, attested by the Recorder, to the severall townes of this Collony, within twenty days; and the Recorder to have five shillings in money, or pay equivalent to money, of each towne, for the said copy.

Voted, This Assembly dissolved November 3, 1680.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 3d of May, 1681.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. Thomas Ward,

Mr. Joseph Jencks,

Mr. Caleb Carr,

Major John Albro,

Mr. William Coddington,

Mr. George Lawton,

Mr. Stephen Arnold,

Capt'n Samuel Gorton,

Capt'n Arthur Fenner,

Capt'n John Greene.

DEPUTIES.

For Newport.

Mr. James Barker, Sen'r,

Mr. John Whipple, Jun'r,

Mr. Edward Thurston.

Mr. Richard Arnold,

Mr. Peter Easton,

Mr. Nathaniell Waterman,

Mr. Henry Bull,

Mr. Thomas Harris, Jun'r.

Mr. Richard Dunn,

For Portsmouth.

Mr. Phillip Smith.

Mr. Latham Clarke,

DEPUTIES.

Mr. William Wodell,	<i>For New Shoreham.</i>
Mr. Peleg Tripp,	Mr. John Rathbone.
Mr. Arthur Cooke.	<i>For Kings Towne.</i>
<i>For Warwick.</i>	—————
Mr. Thomas Greene,	<i>For East Greenwich.</i>
Mr. Benjamin Barton,	John Sanford,
Mr. Moses Lippitt,	Mr. Thomas Dungen.
Mr. ——— Knowles.	<i>For James Towne.</i>
<i>For Westerly.</i>	Capt'n John Foanes,
Mr. Tobias Saunders,	Mr. Ebenezer Slocum.
Mr. Jeffery Champlin.	

The Governor chosen Moderator.

Voted, Elias Carpenter, Benjamin Carpenter, Thomas Fenner, John Sailes, Samuell Comstock, John Wilkinson, Eleazer Arnold, Tho. Ustance, Henry Ustance, Joseph Smith, John Arnold, Jonatha. Sprague, Ephraim Pearce, Edwd. Manton, James Angell, Rich'd Clemence, Tho. Patey, John Belloo, and Joseph Jencks, Jun'r, all of the towne of Providence, are admitted freemen of this Collony.

Voted, Israell Arnold, John Roades, Job Greene, and Joseph Carder, of the towne of Warwick, are admitted freemen of this Collony.

Voted, Jeffery Champlin, Wm. Champlin, John Lewis, Peter Crandall, James Crandall, and Gershom Crandall, of the towne of Westerly, are admitted freemen of this Collony.

At the Generall Assembly and Election held at Newport, the 4th of May, 1681.

The Assembly consisted of the above-written Governor, Deputy Governor, Assistants and Deputies.

The Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, That Lieut. Latham Clarke, and Mr. Richard Arnold, are chosen to receive the votes from each person that personally bring in their votes, and soe putt them into the hatt as the Election proceeds.

Voted, Mr. William Wodell, Mr. Phillip Smith, and Capt'n John Foanes, are appointed to open the proxies, and as the Election proceeds, putt the votes into the hatt.

Voted, That this Assembly adjourne, to sitt in the lower roome, for the conveniency of the Election.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Major Peleg Sanford.

DEPUTY GOVERNOR.
Mr. Walter Clarke.

ASSISTANTS.
Mr. John Easton,
Mr. Caleb Carr,
Mr. William Coddington,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,
Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Capt'n John Greene,

Capt'n Samuel Gorton.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Thomas Fry.

GENERAL TREASURER.

Mr. Weston Clarke.

GENERAL ATTORNEY.

Mr. Edmund Calverly.

SOLICITOR.

Edmund Calverly.

MAJOR.

John Albro, Sen'r.

Voted, Whereas Mr. John Sanford, Clerke of the Assembly, being by some occasion absent, the Assembly did see cause to appoint Mr. John Foanes to supply his place during his absence.

Voted, Emanuall Woolly having petitioned this Assembly, that whereas he was bound in a bond of recognizance for his good behaviour, and appearance at the last Generall Court of Tryalls, and he not appearing at the time aforesaid, according to order, his said bonds being forfeitted, did humbly desire this

Assembly to remitt the same ; and they takeing it into consideration, doe remitt the forfeiture.

Voted, Whereas there was a petition presented by Capt'n Arthur Fenner, subscribed by seven persons of Providence and Warwick (to this Assembly), this Assembly did see cause to suspend the answering thereof, untill their next sitting in June.

Voted, This Assembly takeing into consideration the matter to them presented by two Assistants of the Towne Councill of Providence, concerning the late rash, turbulent and violent behaviour of Benjamin Hernden, Jun'r, of said Providence, towards an Indian man, as he upon his examination the 25th of Aprill did acknowledge, that he being lately in the woods belonging to the said towne, and there seeinge an Indian man, did shoot with his gun at the said Indian with an intent to kill him ; and for noe other cause (as he himselfe confesseth) but for that the said Indian would not obey his word, and stand at his command ; who indeed had noe authority nor just cause soe to command, which said Indian, notwithstanding the said violence to him offered, did not then seek to revenge himselfe by the like returne, although he alsoe had a gun, and might have shot at Hernden again, if he had been minded soe to have done, but went peaceably away ; only useing some words by way of reproofe unto the said Hernden ; blaming him for that his violence and cruelty, and wondering that English men should offer soe to shoot at him and such as he was, without cause.

This Assembly haveing seariously considered and weighed the matter, doe see cause, for the prevention of such insolent and outrageous actions for future time, to enact, and hereby it is by this Assembly and the authority thereof enacted, that all his Majesty's subjects in this Collony are hereby required to behave themselves peaceably towards the Indians in like manner as before the warr ; and noe person or persons shall presume to doe any such unlawfull acts of violence, upon their perrills.

Voted, Ordered by this Assembly, that a copy of this act be forthwith drawne by the Generall Recorder, and the seale of the Collony affixed, and sent unto the towne of Providence, and there to be published with all expedition.

Voted, The Deputy Governor, Mr. John Whipple, Mr. Wm. Wodell, and Mr. John Foanes, are appointed a Committee to examine and auditt the Generall Treasurer's accounts, and to settle them. The time of their first meeting shall be the 20th day of June, which will be on the second day of the weeke; and any two or more of the persons nominated appearing, have hereby power to inspect and settle the foresaid accounts with the Treasurer; and are first to meet at his house, and to make their returne to the next sitting of this Assembly.

This Assembly is adjourned untill the last Wednesday save one, in June next, being being the 22d day of said month; except any emergency should require the callinge thereof, which is left to the discretion of the Governor, or in his absence the Deputy Governor, to convene the said Assembly, if occasion in the interim of time require it.

June 23d.

According to the aforesaid adjournment, the Assembly called and satt.

Voted, Upon the petition of John Clarke, of Newport, for moneys due to him for service done at Westerly, in the time of his brother, Joseph Clarke's imprisonment at Connecticut, this Assembly agree and order the said John Clarke the sum of thirty-five shillings, in or as money, to be paid by the Generall Treasurer.

Voted, In answer to the petition of Walter Clarke, Deputy Governor, Caleb Carr, Assistant, Mr. Joseph Clarke, and Mrs. Mary Cranston, for reliefe concerning moneys disbursed by them in behalfe of the Collony, be it enacted by this Assembly and the authority thereof, that the sixty pounds due to Mr. Stephen Arnold, upon the account of Capt'n Houldon and Capt'n Greene, which was engaged to said Mr. Arnold by the above-said petitioners and severall others, as appears by an act of the

Generall Assembly, held May, 1679, is declared to be the Collony's due debt, and therefore doe order the speedy payment thereof, that soe the respective persons may be saved indemnified.

Bee it furthere enacted, that all such townes or places, whoe have neglected to make and gather up the severall levies for the raiseinge of the said sixty pounds, according to the act made by the Court held in May, 1679, are hereby required forthwith to make and gather up, and send in their severell levies to the Generall Treasurer; and that the said debt shall be paid with expedition out of the Generall Treasury.

It is alsoe further ordered, That the Honored Governer, Major Peleg Sanford, the late Treasurer, is hereby ordered to pay unto Mr. Stephen Arnold such moneys as he hath received, of the said sixty pounds levie, and take a receipt therefor, in behalfe of the Collony, and the persons that engage. The Governor enters his dissent to this act, forasmuch as the proceedings of the Generall Assembly in May, 1679, concerninge the assessment of a rate of sixty pounds on the Collony, was contrary to law.

Voted, That the persons formerly chosen to auditt the late Treasurer's, Major Peleg Sanford's accounts, are to meet this 23d of June, and expedite the matter, ordering their adjournments and places of meeting from time to time, untill it be perfected; and are empowered, they or the major part of them, to give a full discharge in the Collony's behalfe.

Voted, For the suppressing of disorders, it is ordered, that any townes of this Collony are hereby empowered, as necessity shall require, to choose a Constable or more than formerly they were wont to doe, and if need require, to make their election of said officer or officers as well at any other of their towne meetings as on their election day, the townsemen haveing legall notice thereof. And the Constable or Constables soe elected, shall be lyable to pay the same fine upon refusall, as though they had been chosen on the election day, and being engaged; and to execute the place of Constable untill at the next election others be chosen and engaged in their roome.



Voted, That the Generall Assembly to sit in October next, shall be convened and held at the towne of Providence.

Voted, Ordered, That the acts of this Assembly, held the 3d of May, shall forthwith be sent forth to the severall townes in this Collony, by the Recorder, under the seale.

Voted, Bee it enacted by this Assembly, that this Court is adjourned untill the 17th of August next ensueing, and then to meet in Newport, or sooner, if the Governor or Deputy Governor upon emergent occasion doe warne them ; but otherwise then to dissolve.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Providence, the 26th day of October, 1681.

The Governor chosen Moderator.

The Recorder, John Sanford chosen Clerke.

The Charter openly read.

Voted, Mr. Joseph Jencks and Capt'n John Greene, Assistants, are desired and authorized by this Assembly with all expedition, to goe to Kings Towne and require and receive the engagements of the Wardens and officers lately chosen in said towne, to their severall offices. And to that end, are hereby empowered, if they see cause, to give forth warrant to whome they shall appoint a Constable, to require the severall elected officers to appeare before them.

Voted, That if any person be chosen to the office of Towne Treasurer, in any towne of this Collony, and doe refuse or neglect to serve in that office, he shall forfeitt to that towne's use, the sum of forty shillings, in or as money ; which if he refuse or neglect forthwith to pay, then the said sum to be taken out of his estate by a warrant of distraint under the hand of one Assistant or more.

And further ordered, That if any Towne Treasurer at the suit of any person shall be cast for debt due from that towne, noe execution shall seize the said Treasurer's estate unless he have effects of that towne in his hands; and the said Treasurer shall be kept indemnified by the towne.

Voted, That a deed under the hand of Namawish, bearing date the 26th of June, 1660, concerneing a purchase of land at Potowomet, made to Capt'n Houldon, &c., and was surrendered up by said Capt'n Houldon unto Mr. Benedict Arnold, Assistant, for the use of the Collony, as on said deed is attested by Capt'n John Greene, Assistant; and the said deed being now demanded by Capt'n Houldon, or the money disbursed therein, this Assembly doe see cause to order, that the said deed doe remaine in the Governor's hands untill the matter shall bee further cleered.

Voted, Upon the petition of Edward Lay, of the towne of Portsmouth, for the remitting of a fine of forty shillings laid on him by the Court of Tryalls, held in September, 1680, and he pleading age and debility, this Assembly on the searious consideration of the matter, doe remitt his said fine.

Voted, Whereas it appeares to this Assembly, that there hath been a misunderstanding in the choice of Towne Councillmen this present year, in the towne of Providence, which obstructs the meeting and acting of the said Councill, this Assembly on the searious consideration thereof, doe order and give power to one or more of the Assistants in said towne to call a towne meeting with all convenient expedition; and doe alsoe empower and require the said towne, at their said meeting, to proceed and make choyce of six persons well quallified, to be added to the Assistants of the said towne, to be the Towne Councill, whoe being soe elected, shall give their engagement to the true performance of that office, before one or more of the Assistants, in said towne; and that then they or the major part of the said Councill (beinge by warrant under the hand of one or more of the Assistants, to the Towne Sergeant warned and mett), may act as Towne Councill of said towne untill the next day of election of towne officers. And that for the future, the

said towne of Providence, on their annuall day of electing towne officers, shall choose six men well quallified, to be added to the Assistants in said towne, whoe shall make up a full Council for the said towne.

Voted, In answer to the petition of Joanna Reape, the wife of Samuell Reape, of Pawtuxet.

This Assembly takeing into searious consideration the deplorable estate of said Joanna Reape being left desolate by her said husband, Samuell Reape, and being very sensible of the truth of what is declared against him, in her petition, doe order, that all and every part of the estate of Samuell Reape, as well lands as goods, or chattells in this Collony, be sequestered for the use and behoofe of the said Joanna Reape, dureing her naturall life. And for that end and purpose, doe depute and authorize her son-in-law, Mr. Daniell Williams, and her son John Roades feofees in trust, to take possession thereof in her behalfe, and receive the rents for her use and behoofe: and the tenant makeing payment to the said feofees, shall be saved indemnified from Samuell Reape or his assignes.

Voted, Whereas it is complained that damage hath been done in the towne of Providence, by persons rideing a gallup; it is ordered, that if any person or persons for the future shall presume to ride a gallup on horse, gelding or mare, in the street lying against the great river in the towne of Providence, in any part thereof, between the land of Pardon Tillinghast, and the northerly corner of John Whipple, Sen'r, where his dwelling house stands, shall forfeitt for every such offence the sum of five shillings, in or as money, to be forthwith paid by the party or partys soe rideing (the one one halfe to be for the said townes's use, the other halfe to the informer), and in case of non-payment, the said sum shall be taken by distraint (by a warrant under the hand of one Assistant or more, directed to the Towne Sergeant) out of the estate of the party soe offending; except the party soe offending shall render a sufficient reason unto one Assistant or more, that his occasion was soe urgent that occasioned his or their soe galluping.

Voted, That the Generall Assembly appointed by our Char-

ter to be held in October, 1682, shall be held at the towne of Warwick.

Voted, The towne of Providence is for the future to have and hold their traininge days on the same days as by the law are appointed and ordered to the towne of Newport.

Voted, Ordered, that the Recorder doe within twelve days of the dissolution of this Assembly send forth copys of this Assembly's acts for the severall townes of this Collony, under the seale of the Collony; and shall from each towne have the sum of twelve shillings in or as money for the copys of this Assemblys acts, and the acts of the Assembly in May last.

Voted, This Assembly dissolved October 27th.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 2d of May, 1682.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr,

Mr. William Coddington,

Capt'n Arthur Fenner,

Mr. Joseph Jenckes,

Major John Albro,

Mr. George Lawton,

Capt'n John Greene,

Capt'n Samuel Gorton.

DEPUTIES.

For Newport.

Lieut. John Bliss,

Mr. Edward Greenman,

Mr. John Woodman,

Capt'n Roger Goulding,

Mr. Edward Thurston, Sen'r,

Mr. John Holme.

For Providence.

Mr. Thomas Harris, Jun'r,

Mr. Edward Smith.

DEPUTIES.

Mr. Thomas Arnold,	Mr. John Badcocke.
Mr. John Whipple, Jun'r.	<i>For New Shoreham.</i>
<i>For Portsmouth.</i>	Mr. James Rathbone.
Mr. William Codman,	<i>For Kings Towne.</i>
Mr. Latham Clarke,	—————
Mr. Henry Brightman,	<i>For East Greenwich.</i>
Mr. William Wodell.	Mr. John Heath,
<i>For Warwick.</i>	John Sanford.
Mr. Benjamin Smith,	<i>For James Towne.</i>
Mr. Abiah Carpenter, —	Mr. Ebenezer Slocum,
Mr. Samuell Stafford,	Mr. Oliver Arnold.
Mr. John Low.	
<i>For Westerly.</i>	
Mr. Jeffrey Champlin,	

The Governor chosen Moderator.

The Recorder chosen Clerke.

Voted, Mr. John Pocke, and Jireh Bull, being freemen of the towne of Newport, are admitted freemen of this Collony.

Voted, John Thornton, Jun'r, John Pray, and Joseph Woodward, freemen of the towne of Providence, are admitted freemen of this Collony.

Voted, Abiell Tripp, being a freeman of the towne of Portsmouth, is admitted a freeman of this Collony.

Voted, Thomas Nicolls, Jun'r, and John Knight, being freemen of East Greenwich, are admitted freemen of this Collony.

This Assembly is dissolved.

At the Generall Assembly and Election held for the Collony at Newport, the 3d of May, 1682.

The Assembly consisted of the above written Governor, Deputy Governor, Assistants and Deputys.

The Governor chosen Moderator.

The Recorder chosen Clerke.

The Charter openly read.

Voted, The Recorder is appointed to write the names of all those that bring in their votes.

Voted, Mr. Edward Thurston and Mr. William Wodell are appointed to open the proxies, and as the Election proceeds, putt the votes into the hatt.

Voted, Mr. John Woodman, and Mr. William Cadman are appointed to receive the votes from the hand of each person that bring in their votes, that noe deceit may be, and as the Election proceeds, putt the votes into the hatt.

Voted, That for the conveniency of the Election, the Assembly sitt in the lower roome.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.	Capt'n Samuel Gorton.
Major Peleg Sanford,	RECORDER.
DEPUTY GOVERNOR.	John Sanford.
Mr. Walter Clarke.	GENERAL SERGEANT.
ASSISTANTS.	Mr. Edmund Calverly.
Mr. John Easton,	GENERAL TREASURER.
Mr. Caleb Carr,	Mr. Weston Clarke.
Mr. William Coddington,	GENERAL ATTORNEY.
Capt'n Arthur Fenner,	Mr. John Poccocke.
Mr. Joseph Jencks,	SOLICITOR.
Mr. Richard Arnold,	Richard Barnes.
Mr. William Cadman,	MAJOR.
Mr. George Lawton,	John Albro, Sen'r.
Capt'n John Greene,	

Voted, The recipocall engagment to the Governor to be as follows:

I doe, in the name and behalfe of the Collony, re-engage to stand by you and support you by all due assistance and encouragement, in your performance and execution of your afore-said office, according to your engagement, and alsoe to stand by you and assist you in your performance of the act of trade

and navigation, according to the oath imposed by his Majesty in the said act.

Voted, The Recorder to keep the King's Patten, concerning trade and navigation, till called for by this Assembly.

Voted, Whereas, there hath of late been divers differences betweene severall men, inhabitants of the towne of Warwick, and severall men, inhabitants of Kings Towne, about or concerneing a tract or neck of land, called Potowomett, in the Narragansett country, in this Collony, the which difference if not timely and speedily prevented, is likely to occasion and bring great disquiett and trouble upon this Collony, besides the perrills and hazzards of mischiefs that many of the inhabitants of this Collony may and will bee dayly in, &c.

This Court haveing taken the matter into their searious consideration (although they doe declare that they will not meddle with the title or propriety of the lands in difference), yett finding themselves bound to keep, preserve, and maintain the peace and quiett of this Collony, and in obedience of his Majesty's commands, in his letter of the 12th February, 1678 -9, doe hereby declare, and it is by this Court and the authority thereof hereby declared and enacted, that not one or any of the men inhabitants of the towne of Warwick or one or any of the men, inhabitants of Kings Towne, nor any other men or persons whatsoever, shall enter upon or impropriate unto themselves or for any other person or persons whatsoever, by building or fenceing, in planting, or any otherwise to make improvement of any of the lands of said Potowomett, now in difference, untill his Majesty's pleasure be further knowne, or untill further order from the authority.

And further it is enacted, that the persons that have already intruded thereon, viz.: James Hasleton, Henry Reynolds, or any other person or persons, are forthwith to depart and remove off, the said land of Potowomett, or otherwise appeare before the Governor, and Assistants on Rhode Island, to answer for their intrusion, or continuance thereon.

And further it is hereby declared, that it is the true intent and meaning of this act, in noe wayes to hinder or mollest the

men inhabitants of the towne of Warwick from the mowing and improvement of the meadows belonging unto the neck of land called Potowomett, which sometimes they have used formerly to doe.

And further, that due obedience may be given and yielded unto his Majesty's commands in his letters of the aforesaid 12th of February, 1678-9, it is hereby ordered, that the act (entitled a Prohibition against intruders on lands in the Narragansett) made in the Generall Assembly the 30th of Aprill, 1678, be againe published at the severall townes in the Narragansett.

Voted, At a meeting held by the Governor, Deputy Governor and Assistants, the Generall Councill of his Majesty's Collony of Rhode Island and Providence Plantations, at Newport, the 28th of March, 1681.

In obedience to his Majesty's commands in his letters to us, dated at his Court, at Whitehall, the 12th day of November, in the one-and-thirtieth yeare of his now Majesty's reigne.

Be it ordained and declared, and it is hereby ordained and declared by the Governor and Councill of this his Majesty's Collony of Rhode Island and Providence Plantations, in New England, &c., that there shall in the towne of Newport (and elsewhere the Governor of this Collony shall judge meet) a public office be kept, and knowne by the name of a navall office, into which said office, all masters or commanders of ships and other deck vessells, are required upon their arrivall into any harbour or port within this jurisdiction, to make their appearance and make entry of their respective ships and vessells, and their loading, and give in bond according as they are required by the acts of Parliament, entitled, "The act for encouraging and increaseing of shipping and navigation, made in the fifteenth yeare of his now Majesty's reigne, and the act for better regulating the plantation trade, made in the twenty-second and twenty-third yeare of his now Majesty's reigne.

Bee it ordained and declared by the authority aforesaid, that every shipp, or other vessell, being of the burthen of forty tons or upwards, the master or commander thereof, shall pay

for their entry and discharge of their said vessell the sum of five shillings, and twelve pence for each bond. And that all other vessells of lesser burthen than forty tons, the master thereof shall pay for their entry and discharge of their said vessell, the sum of two shillings, six pence.

Ordered, That these presents be forthwith published by beate of drum, in the towne of Newport, on the first of Aprill, 1681. God save the King.

By JOHN SANFORD,
Secretary to the Council.

Voted, That the act of the Governor and Councill aforementioned, is by this Assembly approved of, and is now made an act of this Assembly.

Voted, Upon the petition and acknowledgment of Nathaniel Osband, unto this Assembly, for the remitting of a sentence of the Court of Tryalls, held at Newport in March last, this Assembly doe see cause to remitt that fine of three pounds, six shillings, eight pence; the other part of the said Court of Tryalls' sentence to continue in force.

Voted, Ordered, that it is every Towne Clerke's duty that at every towne meeting, or Towne Council meeting, all the Assembly's acts bee at the meetings for any freeman of the towne to view or take notice of them; and that any magistrate in the towne, when he seeth cause, may have all or any of the coppys of the Generall Assembly's acts for him to view, when and where hee seeth cause, givinge the Towne Clerke, a writing that hee hath soe received of him, and to returne them to him before the next towne meeting.

Voted, That the Charter from his Majesty concerning trade and navigation, that was presented in this Assembly, by Mr. Francis Brinley, and committed to the Recorder's keeping, shall by the Recorder be delivered unto the Governor, to be kept with the Charter of this Collony.

Voted, That the Clerke of this Assembly shall send forth coppys of the acts of this Assembly for the severall respective

townes of this Collony, under the seale of the Collony, on or before the last day of this instant month, May.

Voted, This Assembly is adjourned untill Wednesday, the 28th day of June, now next ensueing; and then to assemble at Portsmouth, at the house of William Maize: only if there doe appeare to the Governor, or in his absence, the Deputy Governor, necessary occasion, then by warrant from either, the Assembly to convene sooner.

June 28th, 1682.

At the re-meeting of the Generall Assembly, according to the aforesaid adjournment, the 28th of June, 1682.

Voted, John Sanford, who was chosen Clerke of the Assembly, beinge by lameness disenabled of giving his attendance, was in his place elected Deputy Clerke, Mr. John Whipple, Jun'r, untill the Clerke give his attendance, or further order taken therein.

John Whipple refuseing, Sergeant John Woodman chosen Deputy Clerke.

Voted, This Court haveing taken into their serious consideration, the assessment laid upon the inhabitants of Kings Towne, in the yeare 1678, with their then present condition, doe hereby enact and declare, that the one moiety or halfe of the said rate, is freely remitted; the whole rate beinge sixteene pounds.

Voted, Whereas, this Court haveing been informed that the Collony of New Plymouth, or some one of their Assistants, doth claime jurisdiction of Hog Island, by declareing in a warrant under the hand of James Browne, Assistant, the same to bee in New Plymouth Collony, this Assembly doth thereupon desire the Governor to write unto the authority of New Plymouth about the same, and to acquaint them of our just Patent right thereunto; as alsoe the settlement of his Majesty's Commissioners of the same; and that the Governor lett the Commissioners' acts be copyed out, attested and sent unto them; and alsoe to lye in the records of Portsmouth, under the seale of the Collony.

Voted, Whereas by the act of the Generall Assembly, held 7th May, 1679, power was given unto the Governor, Deputy Governor, or any three Assistants, upon the neglect or refuseall of any towne or townes within this Collony to make a rate upon the inhabitants of the said towne, returne the same to the Generall Treasurer within the time in said act limited, to order and appoint any five men of said towne to make an equall rate on the said inhabitants, this Generall Assembly doe hereby ratifie and confirme the said act of the 7th May, 1679, and every clause therein mentioned; hereby declareing and enacting, and it is hereby declared and enacted by this Court and the authority thereof, that if the five men or major part of them, appointed and required by the Governor, Deputy Governor, or any three Assistants, doe neglect or refuse to make a rate on the inhabitants of their respective towne, according to the Generall Assembly's assessments and penalty for neglect, and the same returne under their hands, or the hands of the major part of them, unto the Generall Treasurer of the Collony, for the time being, within twenty days next after the delivery of any such warrant from the Governor, Deputy Governor, or any three Assistants, by the Generall Sergeant or his Deputy, unto any one of the five men therein mentioned, and notice given by the Generall Sergeant or his Deputy, unto the other four or major part of them, or warning left at their dwelling houses, that such a warrant in which they are required to make the rate, is left with and delivered into the custody of the other person in said warrant mentioned; that then the Governor, two Assistants, or Deputy Governor and two Assistants, are hereby empowered to grant forth warrant of distraint, directed to the Generall Sergeant or his Deputy, to distraine upon the goods or chattells of the five persons or major part of them in the warrant mentioned, the full and just sum of what the Generall Assembly and Assemblies have or shall assess on the respective towne, with the tenn pound for the towne's neglect, with their fees due by law, and what shall be distrained, to be proceeded with and returned, as is mentioned in the afore-recited act of the 7th of May, 1679.

And it is hereby enacted by this Court and the authority thereof, that the aforesaid five men, or major part of them, from whom the assessments and forfeitures of the towne shall be distrained, have full power and authority granted them, to commence and sue an action of debt against the respective inhabitants of the towne for their respective proportions for whome their estates were distrained.

Voted, This Court having taken into their searious consideration the returne of Mr. Joseph Jencks, and Capt'n John Greene, appointed by the Generall Assembly held at Providence, in October, 1681, to repaire into Kings Towne, in the Narragansett country, and to require and give the engagement unto the elected Warden and Deputy Warden, and other towne officers, for the preservation of the King's peace and quiett of his subjects. And they having in due observation of said act, repaired unto Kings Towne, and required of the persons elected, to give their engagements unto their respective offices accordingly, which was by said elected persons evaded, soe that noe one person would receive their engagement, the evill consequence whereof, if not timely prevented, is like to bee prejudiciall unto this Collony :

It is therefore by this Court and authority thereof hereby enacted, that there shall be chosen in the said Kings Towne, two Conservators of the Peace ; and the persons by this Assembly and the authority thereof, chosen and elected Conservators of the Peace for Kingstown, are Mr. John Cole, and Capt'n John Foanes ; whoe are hereby fully empowered and authorized to take care for the preservation of the peace and quiet of said Plantation, and to act and doe all other matters and things belonging unto the place and duty of Conservators of the Peace, within their precincts.

And it is further hereby enacted, that the Governor and Deputy Governor, or Deputy Governor and two Assistants, or any three Assistants, shall within some convenient time after the 10th day of July next ensueing, by warrant, and under their hands, directed unto the Generall Sergeant, or his Deputy, conveye the inhabitants of [Kings Towne] together at some

conveanient place in said towneship, and there cause to be read the severall acts of the Generall Assembly for the raising of money for the payment of the Collony's debts.

The persons desired and deputed to goe unto Kings Towne to cause the performance hereof, and to require and give the engagement unto the afore-mentioned and elected Conservators of the Peace, are the Honored Deputy Governor, Caleb Carr, William Coddington, Capt'n Arthur Fenner, and William Cadman, Assistant, or major part of them, with the Recorder, and Generall Sergeant, or his Deputy.

It is allsoe further ordered, That at the said meeting, the townesmen doe elect all their officers respectively, and that the said Conservators, and all other officers, be continued in their respective places, untill further order from this Court, or untill by the said inhabitants, new be chosen and engaged according to their Charter; and in case the said inhabitants doe refuse to elect the other officers as aforesaid, then the Deputy Governor and Assistants as aforesaid, are hereby empowered to elect all of them, and they to continue in like manner as the Conservators.

Voted, That upon the petition of Eliezer Whipple, the Generall Assembly doe allow unto the said Whipple the sum of tenn pounds in or as money, to be paid unto him or his order, out of the Generall Treasury.

Voted, Whereas there is an address made by part of the Councill of the towne of Providence, against Capt'n Arthur Fenner and Mr. Joseph Jencks, for something disagreeing from the rest of the Councill of said Providence, this Assembly haveing viewed the matter, doe find that the said representation to this Assembly is not directed according to a former law of this Collony, and therefore doe see cause to returne the said presentation to the presenters, Mr. John Whipple, Jun'r, and Mr. Edward Smith, &c., for their further consideration, to amend the same, if they see cause.

Voted, Upon the petition of Mrs. Elizabeth Cunigrave, alledging poverty, and that if she had her right, she hath a com-

petent estate to live on, yett is not of abillity to recover her owne, therefore desires liberty of this Assembly, that she may sue for and recover her owne, under forma pauparis.

This Assembly doe referr the consideration and inspection of that matter to the Towne Councill of the towne of Newport, to act therein as may to them appeare necessary, according to law, to sue under forma pauparis, or not to sue.

Voted, Upon the returne of the address and presentation afore-mentioned, against Capt'n Fenner and Mr. Jencks, the afore-named Mr. John Whipple, and Mr. Smith, haveing amended the direction which afore was wanting, the said representation is again received into the Assembly.

Voted, Ordered, that the Recorder doe draw forth copys of this Assembly's acts at this adjournment, under the scale of the Collony, for each the respective townes in this Collony, and the same to be done by the 10th day of July next; and shall have from each towne for copys of these and the acts of the Assembly in May last, the sum of twelve shillings, in or as money.

June 30th.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Warwick, the 25th day of October, 1682.

The Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, Whereas it hath been motioned in this Assembly by some of the Deputys of the towne of Providence, that they would please to give their result how far the power of a Towne

Councill doth or may extend to the rejection of any person or persons, that may come into any towne or place in this Collony.

In answer thereunto, wee doe declare, that it is in the power of any Towne Councill as aforesaid, to reject any person, although a free dennison, unless sufficient bond be tendered and given by the party being called before them, according as the major part of the Councill shall judge meet; but in case the major part of the Councill see cause to warne any such person or persons to depart the towne by such a time as they shall prefix, and he, she or they neglect or refuse soe to depart, then the Governor, Deputy Governor, or any Assistant, Warden, or Conservator, living in or neer said towne or place, upon request, shall grant forth their warrant to the Constable to remove him or them out of the towne or place. But if notwithstanding this, he, she or they shall presume to returne againe without leave as aforesaid, they shall pay a fine at the discretion of the major part of the Councill, not exceeding five pounds; or in default thereof, suffer punishment, not exceeding twenty stripes for his or their contempt; and as often as they doe returne after warning, this to be executed without wager of law, and to be executed by a warrant from any of the Justices, Wardens, or Conservators aforesaid, according to the times appointed in the warrant; any law to the contrary hereof, notwithstanding.

Voted, That the petition by severall of the Councill of Providence, by the last Assembly referred to this, is taken off the fyle.

Voted, Upon the petition of severall persons of the townes of Providence and Warwick, and places upon the maine land adjacent, for liberty to set up a troop of horse, this Assembly taking the matter into their searious consideration, doe grant their request to the number of thirty-six, besides officers, chosen out of the severall Traine Bands, by the Magistrates of said townes, and Captaines of the said Traine Bands; and after such number is chose out, each shall fitt themselves, with horses and all things suitable for that exercise; which being done, shall be

freed from being called to exercise in the said foot companys.

Further it is ordered, That when the said Company are fitted with horses and armes suitable for that exercise, they shall not embessele them away, but keep them always in a readiness, when they shall be called upon for exercise. And further, shall have liberty annually to choose their owne officers.

And further it is ordered, That the commissioned officers of said troop, shall have power to appoint their days and places of exercise from time to time; and shall be exercised and disciplined six days in the yeare, and shall have the like commissions as are given to the Infantry. And in case of default, be under and lyable to double the penaltys and fines by the law of this Collony imposed on the foot Companys in such case.

Voted, And it is further ordered, That there be two Majors chosen in this Collony annually; one Major for the Islands, and one Major for the maine land. The Major for the Islands to be chosen by the freemen and Traine Bands of the Islands, and the Major for the maine to be chosen by the freemen and Traine Bands on the maine; and their voates to be sent in at the generall election of officers in May, annually, by the Clerke of the respective Bands, that they may be recorded; any thing to the contrary hereof, in any wise, notwithstanding.

Upon a case between Mr. John Pococke and Mr. Edmund Calverly, Generall Sergeant, referred by the last Generall Court of Tryalls unto this Assembly, the Assembly on a searious debate and consideration of that matter, inquired of both the said Pococke and Calverly whether they were free to leave the said case to this Assembly. They both readily answered they did freely and fully leave that whole case to the judgment and determination of this Assembly.

Voted, This Assembly having heard and seariously considered the case presented between Mr. John Pococke and Mr. Edmund Calverly, Generall Sergeant, doe judge and determine that the said Generall Sergeant hath not performed his office in the said case; yett doe judge that it was not through wilfullness, but through ignorance.

Voted, Upon a petition of Edmund Calverly, Generall Sergeant, for his charges and attendance as keeper, on the privateers, late prisoners, sent away for Virginia; this Assembly, on the debate of the matter, doe judge that for his negligence in leaving the prison doore open, whereby some of the prisoners made an escape, he ought to forfeitt the said demand. Yett the Assembly considering his poverty, in favour to him, doe allow him but the sum of five pounds of his bill, to be paid by the Generall Treasurer,

Voted, Forasmuch as there hath of late appeared a deficiency in the Court of Tryalls, for want of a due course of law being provided, in case the Governour or Deputy Governour, or both be taken off the bench by lawfull exceptions, whereby the Court is wholly disenabled to proceed in such case or cases.

Therefore bee it enacted by this Assembly, That in any such case, the first Assistant in choyce there present, with three Assistants more, or as many more as are present, shall be a full Court of Tryalls, to trye, determine and issue any such case effectually.

Voted, As an addition to the former law concerning the navall office, it is enacted, that it shall bee in the power of that person, that the Governour shall in any towne appoint to keep a navall office, to administer the oath according to law, to any Commander or Master of any ship or other vessell by law lyable.

Voted, It is ordered, that it shall be in the power of the Governour, or Deputy Governour, and any one Assistant, or more, to auditt the accounts of any persons claiming debts concerning the privateers late in prison; and order their payment by the Generall Treasurer. And alsoe the Generall Treasurer is empowered, if occasion be, to defray the debts, to make sale of the gunns and other armes, and amunition seized, belonging to the said privateers.

Voted, Upon the petition of John Wilkinson of the towne of Providence, who was wounded in the late warr with the Indians, this Assembly doe allow him the sum of tenn pounds in or as money, to be paid out of the Generall Treasury.

Voted, Whereas our Honored Governor hath been pleased to relate to this Assembly how it hath pleased God to preserve his life from the privateers, viz.: John Smith, and his associates, by the information of John Booth, negroe, one of their company, whoe declared their intention to kill the Governor before their being sent away; and the said John Booth, negroe, earnestly petitioninge the Governor, that he might not be sent with them, because he knew they would kill him for revealing the said plott, the Governor, haveing at present soe farr granted his request, and haveing desired the advice and approbation of this Assembly further therein, this Asembly declares that they doe approve of the Governor's act therein; and doe further grant, that if the said negroe can procure any sufficient security to the vallue of tenn pounds, for his appearance at the Court of Tryalls, in March next, if required thereunto, that then his irons bee taken off, and soe farr sett at liberty.

Voted, That the Recorder shall have the sum of six shillings, eight pence in or as money, from each towne in the Collony, for copys of this Assembly's acts, under the seale; and shall have the sum of tenn shillings in or as money, for his attendance at this Assembly, to bee paid by the Generall Treasurer.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 2d of May, 1683.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr.

ASSISTANTS.

Mr. William Coddington,	Mr. William Cadman,
Capt'n Arthur Fenner,	Mr. George Lawton,
Mr. Joseph Jenckes,	Capt'n John Greene,
Mr. Richard Arnold,	Capt'n Samuel Gorton.

DEPUTIES.

<i>For Newport.</i>	<i>For Warwick.</i>
Mr. James Barker, Sen'r,	Mr. Israell Arnold,
Mr. John Coggeshall,	Mr. John Potter,
Mr. Thomas Ward,	Mr. John Warner.
Mr. Edward Thurston, Sen'r,	<i>For Westerly.</i>
Mr. Phillip Smith,	Mr. Tobias Saunders,
Mr. Nathan'l Coddington.	Mr. Robert Burdick.
<i>For Providence.</i>	<i>For New Shoreham.</i>
Mr. Thomas Field,	John Rathbone.
Mr. Thomas Arnold,	<i>For Kings Towne.</i>
Mr. Thomas Fenner,	—————
Mr. Alexander Bolcum.	<i>For East Greenwich.</i>
<i>For Portsmouth.</i>	John Sanford,
Mr. William Wodell,	Mr. Clemence Weaver.
Major John Albro,	<i>For James Towne.</i>
Mr. Latham Clarke,	Mr. Ebenezer Slocum.
Mr. Thomas Cornell,	Mr. Ephraim Moss.
Mr. Thomas Greene, Sen'r.	

*At the Generall Assembly and Election held for the Collony at
Newport, the 2d of May, 1683.*

The Deputy Governor chosen Moderator.

John Sanford, Recorder, chosen Clerke.

Voted, The Recorder is appointed to take the names of those that bring in their votes for Governor.

Voted, Mr. Nathaniell Coddington, and Mr. Latham Clarke, are appointed to receive the votes from each man, and take care noe deceit be, and put the votes into the hat as the Election proceeds.

Voted, That Mr. John Coggeshall and Mr. William Wodell,

are appointed to open the proxies, and as the Election proceeds, putt in the votes into the hatt.

Voted, That for the conveniency of the Election, the Assembly sitt in the lower roome.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Mr. William Coddington,
DEPUTY GOVERNOR.
Mr. Walter Clarke.
ASSISTANTS.
Mr. John Easton,
Mr. Caleb Carr,
Mr. John Coggeshall,
Capt'n Arthur Fenner,
Mr. Joseph Jeneks,
Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Capt'n John Greene.

Mr. Benjamin Barton.
RECORDER.
John Sanford.
GENERAL SERGEANT.
Mr. Edmund Calverly.
GENERAL TREASURER.
Mr. Weston Clarke.
GENERAL ATTORNEY.
Mr. Weston Clarke.
MAJOR FOR THE ISLAND.
Mr. John Coggeshall, Sen'r.
MAJOR FOR THE MAINE.
Capt'n John Greene.

Voted, Whereas Capt. Arthur Fenner, Mr. Rich'd Arnold, and Capt'n Samuell Gorton, chosen by the free votes of the freemen in this Assembly to the office of Assistants, and they not being here present to give engagment: this Assembly doe order, that the Recorder in the name of the Assembly doe draw up some lines and send to the said gentlemen, wherein to signify the election, and require their appearance forthwith before the Governor, or Deputy Governor, at Newport, there to give their engagement to the said offices they are elected unto.

Voted, The elected Governor, Major Peleg Sanford, coming into this Assembly and being desired and required to give his engagement, did owne his allegiance to his Majesty, yett said he had sufficient reasons, and would not accept to engage. Therefore this Assembly doe determine to proceed to the election of a Governor in his roome or stead.

Mr. William Coddington chosen Governor and engaged ; and alsoe took the oath for Trade and Navigation.

Voted, Whereas this Assembly upon the allegations of Mr. Wm. Coddington, saw cause to release him from serving in the employe of an Assistant in this Collony, forasmuch as they could conveniently supply his place in the said office, yett notwithstanding have seen meet since (upon the refusall of our late Honored Governor, Major Peleg Sanford, to take his engagement) to elect him the said Mr. William Coddington, Governor, and doe judge it will not bee safe for this Assembly upon the same tearms to release him from being Governor, notwithstanding his present allegations, and therefore doe earnestly desire him to take his engagement, wee seeing an absolute necessity for the same.

Voted, That a Committee be appointed and empowered by this Assembly to goe to our late Honored Governor, Major Peleg Sanford, and of him demand and receive the Charter and other papers, &c., in his custody, that doe belong to this Collony, and forthwith returne the same unto this Assembly.

The persons chosen and empowered, are Mr. Caleb Carr, Mr. Joseph Jencks, Major John Albro, and Mr. George Lawton, Assistants, and John Sanford, Recorder ; whoe also are empowered in the behalfe of this Assembly to give our said late Governor a full discharge for what they receive.

Voted, To be recorded.

Voted, The Committee aforesaid sent to our late Honored Governor, haveing according to the trust by this Assembly committed to them, applyed themselves, and having from our late Governor received the Charter, &c., as by the receipt under their hands appears ; a copy whereof hath been by them presented to this Assembly, and is ordered to be recorded. And haveing delivered the particulars therein mentioned, they are by the Assembly discharged of their said trust ; and the Charter and other pertickulars therein nominated, are committed to the keeping of our present Honored Governor, William Coddington.

Voted, This Assembly is adjourned untill the last Tuesday

in June next, which will be the 26th day of said month, then to meet againe at Newport. Only if there be urgent occasion, present, then by warrant from the Governor or Deputy Governor, the Assembly to convene sooner.

June 26th, 1683.

According to the aforesaid adjournment, the Assembly mett and sat.

Voted, That heareing there is a letter come from his Majesty, the heareing and considering thereof, shall be the first worke of the Assembly.

Voted, That Major John Greene and the Recorder are desired to draw up a hue and cry, and such other matters they shall judge needfull, in prosscution of his Majesty's commands to us, in a letter dated 20th of September, 1682, concerneing the apprehending one William Kelso ; and present it to this Assembly for their approbation.

Voted, In answer to the petition of Ann Warner, makeing complaint against her husband John Warner, for violating the marriage covenant, and abusing her by laying violent hands on her.

The Court haveing heard both their allegations, and peruseing the evidences, although they see not cause at present to grant an absolute finall divorce, untill the fact hath been tryed at the Court of Tryalls. Yet notwithstanding, each party declaring their freedom for separation, this Court see cause to make a separation, soe that they shall not live together, but apart. Neither shall the said John Warner have any command of her, nor come in her company for the future, without further order from the Assembly. And this Assembly doe order, that such part of the estate as is by the said John Warner past over for the maintenance of her, his said wife, and children, is hereby ratified, and this order to be observed from this present 27th of June.

Voted, Whereas Capt'n Samuell Gorton at the Election, was by free vote chosen an Assistaunt, and in this Assembly positively refusing to engage and serve in that office, the Assem-

bly doe agree to proceed to the election of another in his roome and stead.

Mr. Benjamin Barton chosen Assistant, engaged.

Voted, Whereas, Mr. John Warner was by the towne of Warwick chosen to be a Deputy in this Assembly, and being from time to time called, and not in Court appearing, and there haveing been presented to this Assembly such complaints against him, that the Assembly doe judge, and are well satisfied, he is an unfitt person to serve as a Deputy; and therefore see cause to expel him from acting in this present Assembly as a Deputy.

Voted, That the Recorder doe draw a letter to be signed by our Honored Governor, and to be sent to his Majesty by the first opportunity; and alsoe a letter unto Secretary Blathwaite. Esq'r, to deliver our letter to his Majesty.

Voted, That the Generall Assembly to sit in October next, shall be held at the towne of Providence.

Voted, That the Governor and Councill are desired to take speedy course for the settling of government and civill order in Kings Towne.

Voted, Whereas this Generall Assembly have determined that the Generall Assembly be held in October next, should be held at Providence, and probably the October Courts annually to be held at the two townes upon the maine, namely, Providence and Warwick; and the Court considering the necessity of a cage for the securing of prisoners, and alsoe the like necessity of a pair of stocks in each towne, for the punishing of offenders, this Court taking the premises into their serious consideration, doe hereby enact and appoint that there be a cage and a paire of stocks provided in each the townes aforesaid, by the last Wednesday in October next; and the same to be done at each towne's proper charge.

Voted, Whereas there is a law in this jurisdiction, that any person or persons payinge down to the Governor of this Colony five pounds, might have a speciall Court called, be it therefore enacted, and it is the sense of this Assembly, that the said five pounds ought to be at the disposition of the major part of

the Assistants, sitting at said Court, to dispose of said five pounds for the benefit of the Court, according to their discretion; any law to the contrary hereof, notwithstanding.

Voted, Ordered, that Mr. Caleb Carr, Major John Coggeshall, and Mr. James Barker, are appointed an auditt, to take an account of the late Governor, Major Peleg Sanford, and Mr. Weston Clarke, Treasurer of all and every pertickular, that was taken and seized from the privateers, which were sent to Virginia, as moneys, plate, cloathing, guns, servant or servants, boate and other appurtenances belonging, &c., and present it to the next Assembly to sitt at Providence in October next.

Alsoe to take account of the late Treasurer Sanford, and Treasurer Clarke, what was seized in their hands, out of the barke White Wood, and make their returne to the said Court.

Voted, James Greene, Jun'r, Randall Howldon, Jun'r, and Benjamin Smith, Jun'r, beinge freemen of the towne of Warwick, are admitted freemen of this Collony.

Voted, Nathaniell Winsley, Nathaniell Mott, and James Mitchell, freemen of the towne of New Shoreham, are admitted freemen of this Collony.

Voted, That the Recorder shall have from each towne, the sum of fifteen shillings in or as money for copys of the acts of this Assembly, under the seale of the Collony; and writeing a letter to his Majesty, and a letter to Secretary Blathwaite; and for severall other writeings by him done at this Assembly, and the enteringe these acts.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Warwick, the 20th of August, 1683.

The Governor chosen Moderator.

Voted, Forasmuch, as the Recorder through the illness of his family, is forced to be absent, John Potter is chosen Clerke to this Assembly.

Voted, Whereas our Honored Governor and Councill, have presented to this Assembly a letter sent by the Honored Edward Cranfield, Gov'r of New Hampshire, and others with him, desireing the publishing of some printed briefs, and the Councill haveing seriously perused the said printed briefs, order that they should not be publickely sett up in the Collony, for three reasons, viz.:

1. Because the said summons is not granted forth in his Majesty's name.

2. Because they have not shown any commission to this government from his Majesty, for their soe acting.

3. Because his Majesty hath not given any information thereof to us, by any of his Royall letters. This Court doe approve of the Governor and Councill's act therein; the said printed briefs being not only dateless, but alsoe placeless.

Voted, That the Deputy Governor, Capt'n Arthur Fenner, Mr. Joseph Jencks, Major John Greene, Mr. James Barker, Mr. Edward Smith, Mr. Caleb Arnold, Mr. Samuell Gorton, are chosen a Committee to consider concerneing a letter from the Honored Edward Cranfield, Governor of New Hampshire, in order to the publication of a printed paper, called a summons, subscribed by William Warton, and to consider what to draw up to the Honored Edw. Cranfield, and the rest, said to be commissioned with him, to assemble at Mr. Richard Smith's, the 22d instant, haveing shown noe commission from his Majesty to this government for their soe acting.

Letter to the Governor of New Hampshire.

To the Honored Edward Cranfield, Esq'r, Lieftenant Governor and Commander-in-Chiefe of his Majesty's Province of New Hampshire, William Staughton, Joseph Dudley, Nathaniell Saltingstall, Edward Randolph, Samuell Shrinton, John Fits Winthrop, Edward Palmer, and John Pinchean, Esq'rs, at the house of Mr. Richard Smith, at Narragansett, in the Colony of Rhode Island and Providence Plantations, or King's Province, or soe many of them as are there present, these.

Per Mr. James Greene, Sen'r, and Mr. William Allin.

Warwick, August the 21st day, 1683.

Honored Gentlemen: Whereas his Royall Majesty by his gracious Letter Pattents, under the broad seale of England, hath betrusted and empowered us with the government of his subjects here in this his Collony of Rhode Island and Providence Plantations, as alsoe by severall of his Royall letters, hath confirmed and encouraged us therein; and this Court understanding by some printed briefs, together with a letter to our Honored Governor, from yourselves, that you intend to meet at the house of Mr. Richard Smith, at Narragansett, the 22d instant: therefore, forasmuch as the government have not seen any commission from his Majesty, for your soe meeting, wee doe expect at this Generall Assembly now in being, that you doe forthwith before you make any further proceeds, produce his Majesty's commission to our view, that wee may be informed what his Majesty's will and pleasure is concerning us therein; and the rather because we have received noe intimation thereof, by any of his Royall Majesty's letters, as formerly, in such cases. Thus, not doubting of your ready compliance with soe just a demand,

Wee take leave and remaine, gentlemen,

Your friends and neighbours,

JOHN POTTER, Clerke.

By order and appointment of the Generall Court.

Voted, That Mr. James Greene, Sen'r, and Mr. Wm. Allin, are desired and appointed as messengers to convey a letter to Governor Cranfield, at Mr. Richard Smith's house, at Narragansett, and to bring their answer.

Voted, This Assembly is adjourned untill to-morrow morning, then to meet at the house of Capt'n John Foanes, at Narragansett, or King's Province, at eight of the clock, in the morning, or thereabouts.

August 22d, 1683.

The Assembly being mett accordinge to adjournment, this 22d of August, 1683.

Wee, James Greene, Sen'r, and William Allin, being messengers appointed by this Assembly to convey a letter unto Governor Cranfield, and some others with him at the house of Mr. Richard Smith, at Narragansett, which accordingly wee did, and upon the delivery of the same unto Governor Cranfield, I, the said James Greene told the said Governor Cranfield, that the letter was sent by the Governor and Assembly of this Colony. The said Governor Cranfield asked what Governor. I, the said James Greene, answered it was sent by the Governor of Rhode Island and Providence Plantations, with the Assembly thereto belonging, which is now in being. Then the said Governor Cranfield answered againe, that he knew of noe Governor in the King's Province.

Dated this 22d of August, 1683, at the house of Capt'n John Foanes, at Narragansett.

JAMES GREENE, Sen'r.
WILLIAM ALLIN.

Voted, Forasmuch as wee understand upon the return of our messengers, Mr. James Greene and Mr. William Allin, that they delivered the Court's letter to the Honored Edward Cranfield, Lieutenant Governor, and Commander-in-Chief of New Hampshire, signifying that it was a letter sent from the Governor and Court of the Collony of Rhode Island and Providence Plan-

tations, whereunto they say the Honored Governor Cranfield answered that he owned noe such Governor here in the King's Province; and noe returne being made to our letter, &c., or any commission produced to this Assembly, but understanding that they proceed to setting a Court: therefore, this Assembly takeing the matter into searious consideration, doe unanimously order and agree, that the Honored Governor and Councill, doe forthwith send forth a Prohibition, under their hands and scales, in his Majesty's name, forbidding them to proceed in keeping Court: and to require all persons to depart peaceably, in pain of contempt of the King's authority.

Prohibition.

To Mr. Edmund Calverly, Generall Sergeant, whoe is required in his Majesty's name forthwith to publish this Prohibition at or near Mr. Richard Smith's house, in Narragansett.

Wee, the Governor and Councill of his Majesty's Collony of Rhode Island and Providence Plantations, &c., having understood not only by our messengers, Mr. James Greene and Mr. William Allin, but alsoe by a letter from under the hand of William Wharton, Register, said by order of his Majesty's Commissioners, bearing date Narragansett, 1683: that the Honored Edward Cranfield, Governor and Commander-in-Chief of New Hampshire, together with other associates have this day presumed to settle a Court at Mr. Smith's house, by vertue of some printed briefs given forth in their owne name, without either date or place mentioned where it was made, not showing this government any commission from his Majesty for soe doing, notwithstanding the Court's demand thereof. And wee being bound by vertue of his Majesty's commission, under the broad scale, &c., to provide for the peace and safety of his Majesty's subjects here, doe in his Majesty's name prohibit the said Edward Cranfield and associates, for keeping Court in any part of this jurisdiction. And wee alsoe hereby require in his Majesty's name, every person or persons within the

verge of this Collony and King's Province, peaceably to depart and not be abettors to the said pretended Court, in pain of contempt of his Majesty's authority.

Given under our hands and seales at Capt'n John Foanes's house, at Narragansett, this 22d of August, 1683.

WILLIAM CODDINGTON, Gov'r,
 WALTER CLARKE, Dep'y "
 JOHN EASTON, Assistant,
 ARTHUR FENNER, "
 JOSEPH JENCKS, "
 RICHARD ARNOLD, "
 JOHN ALBRO, "
 GEORGE LAWTON, "
 JOHN GREENE, "
 BENJ. BARTON, "

Letter to the Governor of New Hampshire.

To Edward Cranfield, Esq'r, Lieftenant Governor, and Commander-in-Chief of his Majesty's Province of New Hampshire, with the rest concerned, these.

Gentlemen: Your lines bearing date August 23, 1683, came to our hands by two of your three messengers, John Pincheon, Esq'r, and Mr. William Wharton, wherein you give us to understand that according to your printed briefs, you convened the 22d instant, at Mr. Richard Smith's house, at Narragansett, for persons to have opportunity to exhibit information, and bring in evidence in his Majesty's behalfe, and to prosscute their owne claimes, and that you had accordingly assembled, &c., hoping that by our dutyfull compliance with his Majesty's commands, you might bee enabled to make report, &c., signifying that after two days' attendance here by our neglect, and contempt of his Majesty's commission, &c., you were necessitated to adjourn to Boston.

Whereunto wee answer, that wee are heartily sorry that you should, through your unneighbourly deportment in this government withhold from us the sight of your commission, soe to

contemne his Majesty's authority here, as to hinder us from being serviceable to his Majesty therein. And for your slighting his Majesty's authority here, have extorted from us a Prohibition against your further proceeds: notwithstanding wee had used all our endeavours by trancesporting our records, and holding, adjourning and continuinge his Majesty's Generall Court here four days time and upwards, in hopes and expectation of your compliance, that wee might have served his Majesty herein as formerly wee have done, and have to show his Majesty's gracious letters in approbation thereof. And soe wee take leave, and remaine,

Your friends and neighbours,

JOHN POTTER, Clerke.

By order of the Court.

From Capt'n John Foanes's house, 24th day of August, 1683.

By this said Court and by the authority thereof, was nominated, deputed and appointed, authorized and engaged, Mr. Jireh Bull and Capt'n John Foanes, to be Conservators of his Majesty's peace, in the towne of Kings Towne.

Mr. Daniell Vernon chosen Clerke of said towne, and engaged thereto, by said Court.

Mr. Samuell Albro, chosen Treasurer, and engaged to said office, by the said Court.

Thomas Mumford, Henry Gardner, John Andrew, and James Hasleton, chosen Constables for said towne, and engaged to their said offices, by the said Court.

Job Jennie, chosen Sergeant for said towne, and engaged to his said office, by said Court.

Voted, That the draught of a letter to his Majesty here presented, be carryed to Rhode Island; and that the Governor and Deputy Governor and Councill of the said Island, shall perfect the same, and to convey it away by the first opportunity they can, with all other writeings therein mentioned, to be enclosed in the same.

Voted, That this Assembly is adjourned untill the 10th day

of September next, ensueing; and then to meet and convene at Newport, at the house of William Maize.

September 10th, 1683.

The Court called, and did sit according to adjournment.

Voted, The Deputy Governor, Capt'n Arthur Fenner, Major John Greene, Major John Coggeshall, Mr. Joseph Jenckes and Capt'n Randall Houldon, are appointed and chosen a Committee to draw up a remonstrance to present to this Assembly to consider of with respect to the late proceeds betwixt Governor Cranfield and associates, and this government; and to make returne unto this Assembly of what they shall act therein, at their sitting to-morrow morning, at eight of the clock, or the second ring of the bell; which was accordingly done, and voted to be transcribed and sent.

Voted, In answer to the petition of Christopher Almy, beareing date Newport, the 10th of September, 1683, it not coming in forme according to law, to witt: the Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, this Assembly doth see cause to returne the said petition, with the money alsoe with it.

Voted, The Deputy Governor, Capt'n Arthur Fenner, Major John Greene, Major John Coggeshall, Capt'n Randall Houldon, Mr. Joseph Jencks, Mr. Thomas Ward, and Mr. William Wodell, them, or the major part of them, are chosen a Committee to draw up a draught of a letter, to be sent to his Majesty; and to make returne unto this Assembly of what they shall act therein.

Voted by this Assembly, that what moneys of the Collony's that are in the hands of the late Governor, Major Peleg Sanford, that concernes the Collony, or was gathered for the late Governor of York, Edmund Andros, Knight, be forthwith delivered to our Honored Governor, William Coddington, Esq'r, or Deputy Governor, or either of them, and their, or either of their receipts, shall be Major Peleg Sanford's discharge for soe much as he received.

Voted and ordered by this Assembly, That the letter drawn

up to send to his Majesty, the copy thereof being now perfected; and the letter drawn up to send to the Right Honorable the Lords of the Committee, with their writings, that are alsoe ordered to be sent, bee committed to the care of the Governor and Deputy Governor, or either of them, to git them fairly transcribed, and send them away by the first expedition; and what charge they, or either of them are at for the same, shall be paid.

Voted and ordered, That the Assembly vote by papers for an Agent to be sent for England.

The Agent chosen, is Capt'n Arthur Fenner.

Voted, That a levie of £400 in money, bee raised within the precincts of this Collony, and that the stateinge of the said levie on each towne, Islands and places, more pertickularly is referred to the next Generall Assembly, to be held at Providence, the last Wednesday in October next; and this levie to be only for the use of sending an Agent for England.

Voted, That the Assembly doe vote by papers for an Agent to be sent for England, with Capt'n Arthur Fenner, whoe was first chosen.

The Agent chosen, is Major Peleg Sanford.

Voted, That copys of the Generall Assembly's acts shall be transcribed by John Potter, Clerke to this said Assembly, and copys thereof be presented unto Mr. John Sanford, Recorder of this Collony, who is, in his Majesty's name, hereby required forthwith to affix the seale of the Collony unto each copy; and that the said Clerke shall immediately within twenty days after the dissolution of this Assembly, send forth a copy thereof unto each respective towne within the jurisdiction of this Collony.

Voted, That the said Clerke, for givinge his attendance as Clerke to this Assembly, and for copys of the Assembly's acts as above-said, shall have from each severall towne in this Collony, the sum of seven shillings and sixpence in money, paid to him.

It is further ordered, That the Recorder shall have two shillings and sixpence in money, for affixing the seale of the Collony

unto each respective copy, and for recording the acts of this said Assembly in the Booke of Generall Records, the sum of seven shillings and sixpence in money, and this to be paid unto the said Recorder proportionably by each respective towne within the jurisdiction of this Collony, aforesaid.

Voted, That the petition of Christopher Almy is referred to the next Generall Assembly in October next, in Providence.

Voted, That the bill presented by Mr. Edmund Calverly to this Assembly for his service, done in giving his attendance as Generall Sergeant on this Assembly, is allowed, and ordered to be paid to him, which said bill is two pounds, one shilling and sixpence, in or as money.

Voted, This Assembly is dissolved.

A true copy, Per JOHN POTTER, Clerke.

The seale of the Collony affixed.

Per JOHN SANFORD, Recorder.

Letter from Rhode Island to the Lords of his Majesty's Committee for Trade and Plantations.

Newport, this 15th of September, 1683.

Right Honorable: May it please your Lordships to afford us his Majestie's subjects, the Governour and Company of his Majestie's Collony of Rhode Island and Providence Plantations, in New England, the continuance of your favourable aspect, next under his Majestie, humbly desiring your Lordships, in case any returne should come before your honours, from Edward Cranfield, Esq'r, Lieutenant Governour and Commander-in-Chief of New Hampshire, William Stoughton, and other associates, said to be in commission with them, to inquire into the claimes as well of his Majestie, as of all other persons or Corporations, that your Lordships would please so far to favour us, as to desire his Majestie to cause a stop to be put to a full determination thereon; because we humbly conceive, if there should be any proceed therein, his Majestie himself as well as his Majestie's liege people and subjects here, will be injured and disappointed, who were all in readiness to have appeared before the

said Commissioners, as well for his Majestie's interest, as their owne; provided the said Commissioners would have shown their commission to his Majestie's Governor and Court here, who assembled first at the towne of Warwicke, the 20th of August, last past, and from thence adjourned to Capt'n John Fones's his house, at Narragansett, the next day, neare where they met, having provided themselves with such Records as might make for the clearing of truth, both for his Majestie and his liege people. But although his Majestie's Court here desired it, and waited with patience, neverthelesse those Commissioners produced not their commission to our view, but removed out of our Collony, to the great disappointment not only of his Majestie's Collony in generall, but also of the towne of Westerly, formerly called Misquamacuck, as well as others.

We could have heartily wished that those gentlemen might have been as well received by us, as his Majestie's former Honorable Commissioners, Collonell Richard Nichols, Robert Carr, Knights; Collonell George Cartwright, and Samuell Maverick, Esq's, who of their own accord, courteously showed their commission, under the broad scale, to our Governour and Councill, before they acted any thing in this his Majestie's jurisdiction; notwithstanding they brought his Majestie's Royall letters to signify the same, which the aforesaid Commissioners had not. May it please your Lordships to take notice, that we are ready to prostrate ourselves and concerns at his Majestie's feet, and notwithstanding take our selves in duty bound to uphold, and not to prostrate his Majestie's authority here, at any of our fellow subjects' feet. Wee humbly beg your Lordships, that in case any complaints come against us, that we may have notice, for we take it as a great favour granted to us by his Majestie in his gracious Patent, that in case of difference betwixt us and our neighbouring Collonies, wee have liberty granted to make our appeal to him.

Wee desire of the God of heaven to give him a long and a

happy reigne, and your Lordships all peace and happiness, and
remaine,

(Signed).

Your humble supplicants,
WILLIAM CODDINGTON, Gov'r.

In behall of his Majestie's Generall Assembly of Rhode Is-
land and Providence Plantations, in New England.

(Indorsed.) 15 September, '83.

From the Governour and Company, to the Committee.

*Representation from the Town of Warwick relative to the Narra-
gansett Country.*

To his Most Excellent Majestie, Charles the Second, of Great
Britain, France and Ireland, King, and the dominions there-
unto belonginge.

The humble petition and remonstrance of Randall Houldon
and John Greene, inhabitants of the towne of Warwicke, in
your Majestie's Collony of Rhode Island and Providence Plan-
tations, in New England, humbly showeth, that your petitioners
beinge members of your Majestie's Generall Court, held at
Warwicke, which Court being then assembled, August the
20th, 1683, and understandinge that the Honoured Edward
Cranfield, Esq'r, Lieftenant Governour, and Commander-in-
Chiefe of his Majestie's Province of New Hampshire, together
with William Stoughton, Esq'r, and other associates, said to be
in commission with him, were to meet at Mr. Richard Smith's
house, at Narragansett, to inquire into the claimes as well of
his Majestie as any other persons, to the Narragansett Country,
and as their printed briefs did declare, in order thereunto sent
a letter to them to produce their commission to the view of the
Honoured Court, whoe saw cause to adjourne to Capt'n John
Fones's house, neere to Mr. Richard Smith's, waytinge for their
answer, but not obteyninge a sight of their commission, the
Governour and Councill sent forth a Prohibition under their
handes and seales, as well to prohibitt your Majestie's subjects
from attending them, as them from keepinge Court. In obedi-
ence thereunto, wee appeared not before them, although wee
together with your Majestie's Court, had prepared our selves

therefore, if wee could have understood your Royall Majestic's will and pleasure ; notwithstanding wee, your Majestic's subjects, had before in the yeare 1678-9, given in a full relation before your Majestic in Council, concerninge the Narragansett Country, as also then presented such writings which were with us, beinge at that time called before your Majestic to speake to a printed paper, called an Advertisement, wherein the Honored Simon Bradstreet, then Deputy Governour of your Majestic's Collony of the Massachusetts and others, had presumed to dispose of the landes called the King's Province. Whereupon your Royall Majestic was pleased to order your Royall letters to be sent to the respective Collonies, beareing date from Whitehall, the 12th of February, 1678-9, wherein is expressed as followes (and whereas our well-beloved subjects, Randall Houldon and John Greene, Deputies of the towne of Warwick, in the Collonie of Rhode Island, have certiyed our said Privy Councill of their certain knowledge as havinge inhabited that country for about forty yeares, that never any legall purchase had been made thereof from the Indians by the Massachusetts, or any others) which answer only related to the Advertisement. For wee stood there to vindicate his Majestic's interest as well as his Majestic's Collony of Rhode Island and Providence Plantations' just claim by Patent in opposition to the Collony of the Massachusetts, or any others. And therefore as in duty bound, wee most humbly prostrate ourselves before your Majestic, and humbly beg the continuance of your gracious aspect on us, your most humble subjects and supplicants.

(Signed.)

RANDALL HOWLDON,
JOHN GREENE.

From the towne of Warwicke, in your Majestic's Collony of Rhode Island and Providence Plantations, in New England.

September the 17th, 1683.

(Address.) To our Dread Sovereigne, Charles the Second, King of Great Britain, Scotland, France and Ireland, &c., humbly present.

Summons to attend the Commission to examine claims to the King's Province.

By his Majestie's Commissioners for examining and inquiring into the claims and titles to the King's Province, or Narragansett Country.

Whereas, by a Commission from his Majesty, bearing date the 7th of April, 1683, Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimpton, John Fitz Winthrop, Edward Palmes, Nathaniel Saltonstall, and John Pyncheon, Jun'r, Esq's, or any three of them (whereof Edward Cranfield or Edward Randolph to be of the quorum), are appointed and authorized Commissioners to examine and inquire into the respective claims and titles, as well of his Majesty as of all persons or corporations whatsoever, to the immediate jurisdiction, government, or propriety of the soyle of a certain tract of land within his Majesty's dominion of New England, called the King's Province, or Narragansett Country, and to call before them any person or persons, and to search records as they shall find requisite, and their proceedings therein, with their opinions upon the matters that shall be examined by them to state, and with all convenient speed report thereof to make to his Majesty.

In pursuance whereof, we the Commissioners have thought fit to certifie and publish to all persons and corporations concerned, that we have concluded and appointed Wednesday, the 22d of August next, to convene and assemble at Mr. Richard Smith his house, in the Narragansett Country, 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. And that we do hereby summon and require all persons and corporations, that either possess, or claim any right or title to the soyle or jurisdiction of or within the King's Province, or Narragansett Country, whether upon the main, between the rivers of Providence and Pauquattuck, the Islands of Cannonicut, Prudence, Patience, or any other Islands, which now or formerly are or were reputed to be part of, or belonging to the Narragansett Country, either personally or by their Representatives or Agents, fully instructed and empowered to appear, and give their attendance at the time and place aforesaid; and to produce all letters, acts and orders from his Majesty his Council, or any of his Commissioners to the respective Colonies, Governors or governments, with all such Charters, Deeds, Records and evidences whatsoever, that may tend to the clearing of truth herein, or authentick copies thereof.

And whereas upon information given, it is presumed that from the ancient Records of the acts of Court, &c., of grants and conveyances of land, kept at Rhode Island, some collections beneficial to his Majesty's interest, may be made; the said Collony of Rhode Island and Providence Plantations, is hereby especially required to produce all such papers, registers, or books of record, as have at any time been kept from the year 1640, or authentick copies thereof, to this day. And to the end that all persons and corporations concerned, may have seasonable and full notice hereof, we have ordered this summons to be printed, and sundry copies thereof attested by Mr. William Wharton (with particular letters under our hands, directed to the several Governors of his Majesty's Colonies in New England), that the same may be affixed and published in all convenient places within their respective jurisdictions. By order of his Majesty's Commissioners.

Boston, August 22, 1683.

Report of the Narragansett Commissioners.

To the King's Most Excellent Majestic.

May it please it your Majestic: Whereas your Majestic hath been graciously pleased by your Commission under your Royal signet, bearing date at Whitehall, the seventh day of April, in the five-and-thirtyeth year of your reign, to constitute Edward Cranfield, Esq'r, Lieutenant Governor and Commander-in-Chief of New Hampshire, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimpton, John Fitz Winthrop, Edward Palmes, John Pincheon and Nathaniel Saltonstall, Esq'rs, or any three of them (whereof Edward Cranfield, or Edward Randolph should be of the quorum), Commissioners for inquiring into the respective claims and titles as well of your Majestic as all persons and corporations whatsoever to the immediate jurisdiction and propriety of soyle to the King's Province, or Narragansett Country, and to make report of the same with their opinions upon the matters that should be examined by them, that your Majestic might cause impartial justice to be done.

In humble obedience to your Majestic's command, we, your Majestic's said Commissioners, whose names are subscribed, do humbly offer:

That upon receipt of your said Commission, we both by our letters to the several Governors and Councils of your Collonys, and by printed summons sent to them to publish if they saw cause, in their respective jurisdictions, for information of their people, signified the purport of your said Commission, and that we had appointed on Wednesday, the two-and-twentyeth of August to convene at the house of Mr. Richard Smith, in the Narragansett Country, to receive all such information, evidence, and claim as well in your Majestic's behalf, as of all persons and corporations whatsoever, as should be offered, with other necessary intimations; and that upon the two-and-twentyeth of August we convened at the place aforesaid, where Capt'n John Allyn and Mr. John Wandsworth, two of the Magistrates of Connecticut Colony, as their agents; Thomas Hinckley, Esq'r, Governor of New Plymouth, in person, and Mr. Waite Winthrop, Mr. Simon Lynde, Mr. John Saffin, Mr. Elisha Hutchinson, Mr. Richard Wharton, and Mr. Joshua Lamb, in their own behalf and as representatives for the rest that claim propriety in right of John Winthrop, Esq'r, and Major Humphry Atherton and partners, all appeared. And after very dutiful and thankful acknowledgments of your Majestic's great and gracious care, inform yourself, and by your finall determination to cause impartial justice to be done.

The agents of Connecticut and Governor of New Plymouth, in their Collonys' behalf, respectively claimed jurisdiction by Patent over the King's Province, or Narragansett Country; and the said Winthrop, Lynde, Saffin, Hutchinson, Wharton, and Lamb, entered their claims and produced their evidences for the soyle of the said Provinces. Other claims were also exhibited to several parts of the said Province; all persons any way concerned, expressing great satisfaction in, and submission to your Majestic's commands and our proceedings, except only the government of the Rhode Island and Providence Plantations, from whom, according to the information given to your Majestic's Commissioners, Anno 1664, and what was some years since suggested to your Majestic and Council by Randall Holden and John Greene, we expected farther information and evidence as to your Majestic's interest and propriety. But instead of their Collony's assistance in your

Majestic's concerns and prosecution of their own pretensions, their Generall Assembly was purposely called, and as we are informed, adjourned in an unusual manner to a house in the Narragansett Country, distant about a mile from the place of our session; who sent us a letter interdicting our proceedings, which not availing, they sent their Sergeant Generall in a riotous manner, with a great number of horse-men, who by loud proclamation, prohibited us from keeping Court in any part of their jurisdiction, commanding all persons within the verge of the Collony or King's Province, to depart, and not to be abettors to our pretended Court, as by their letter and Proclamation may more fully appear. Notwithstanding, we continued to make strict inquiries and examinations, both of the ancientest inhabitants of the English and Indians, for two days, and receive all such claims as were presented; and in regard none appeared with any claim or plea in your Majestic's behalfe, we adjourned to Boston, there to meet on the 3d of September, following; and substituted a Committee to carry a letter to Rhode Island Court, intimating our adjourning and demand in your Majesties's name and for your behoof, that the said Committee might search, peruse and examine the Records. And also sent particuler summons in your Majestic's name to said Greene and Howldon to appear before us the 3d of September, and to give in evidence pursuant to the information or suggestions given to your Majestic in Council, at Whitehall, which said letter was delivered to Mr. William Coddington, their Governor, and the summons to the said Greene in open Court. The answer, and reception whereof, and the methods of our proceedings, and of the great contempt offered to your Majestic's Commission, by the Generall Assembly of Rhode Island, we humbly refer to a narrative drawn by Mr. William Wharton, our Register, and approved by ourselves, which with this will be humbly layd at your Majestic's feet.

Upon Monday, the third of September, we again convened at Boston, and gave further opportunities for new claims; but none from Rhode Island appeared, so that they then failing in their duty, Mr. Richard Wharton and partners exhibited a printed book, containing a Deed, bearing date the 19th of April, 1644, being the subjection of two Chief Sachems named Pessicus and Cononicus, of themselves, their people and lands to the care, protection and government of your Royall Father, of blessed memory; and with the said book was read a breviat or memorial of the occasions and improvement of said subjection; the said Wharton and partners declaring that none of them knew of any other evidence as to your Majestic's propriety or interest in the soyle, neither hath any been offered by any other hand, so that we have primarily and seriously considered the severall claims before us to the jurisdiction which we find as well by the sayd printed Deed of subjection as by former capitulations and conclusions (after conquest of the Pequods) betwene your Majestic's subjects of the United Collonys and the Sachems and Councillors in the Narragansett Country, and the purchases, possession and improvement made by your Majestic's subjects to have been absolutely vested in your Majestic, and by your Majestic's letters Patents, dated in Westminster, the three-and-twentyeth of April, in the fourteenth year of your Majestic's reign, that your Majestic granted to the Governor and Company of Connecticut and their successors, all that part of your dominion in New England bounded on the East by Narragansett River, commonly called Narragansett Bay, where the said River falleth into the sea, and on the North by the line of the Massachusetts Plantation, and on the South by the sea, and in longitude as the line of the Massachusetts running from East to West; that is to say, from the said Narragansett Bay on the East, to the South Sea on the

West part thereunto adjoining, together with all firme lands, soyles, grounds, havens, ports, rivers, waters, fishings, mines, mineralls, precious stones, and all and singular other commodities, and jurisdictions whatsoever, reserving to your Majestic, your heirs and successors only the fifth part of the ore of gold and silver, as by the Charter may at large appear.

We have also had information, that some time after your Majestic's grant, and said Patent was sent to your Collony of Connecticut, the said country of the Narragansett was likewise, by Patent, granted by your Majesty to the Governor and Company of Rhode Island Plantation, and is by said Charter, bounded by a river called Pawcatuck, which, by said Charter is for ever to be accounted and called the Narragansett River. And this latter grant of your Majesty to Rhode Island seems to be founded upon advice submitted to you by John Winthrop, Esq'r, said to be Agent for Connecticut Collony, and Mr. John Clarke, Agent for Rhode Island; to which the Agents for Connecticut plead, that Mr. Winthrop's agency for them ceased, when he had obtained and sent the Patent to them, and that no submission or act of his could invalidate, or deprive them of any the benefits graciously granted by your Majestic's Charter; and notwithstanding the seeming boundaries, set by said articles, signed by Mr. Winthrop and Mr. Clarke, it is in the same articles provided, that the proprietors and inhabitants of the Narragansett country shall choose to which of the two governments to belong, and that they unanimously chose and subjected to the government of Connecticut, under which that Plantation began to prosper till the year 1664, when some of your Majestic's Commissioners (which its alledged without Coll. Nicholls, then absent, could make no valid act) in favor to the Rhode Islanders published some inadvertent orders since by Collonell Nicholls and themselves reversed. However, by the said orders, and the pretensions that the Rhode Islanders by virtue of their Patent make, we find they have much molested and discouraged the said settlement of said country, and occasioned continuall controversyes between the said Collonys.

Pursuant therefore to your Majestic's gracious ends to quiet those disputes, we have carefully endeavored to obtain certain knowledge of the bounds of your Majestic's Province of the Narragansett Country; and upon the best evidence offered and examination of sundry ancient persons, both of the English and the Indians, it appears that a brook called Weccampaug, is near the sea the westerly bounds of the Narragansett Country; all the land which is in breadth about four or five miles, lying between the said brook and Pauquatuck, being the Pequod country, and by conquest taken from them and disposed to several persons within which limits lye. Sundry farmers belonging by ancient grant to Harvard College, to Mr. Symon Lynde and other persons, whose titles being asserted have been acknowledged by all others' pretending propriety; and that the Narragansett Bay or River where it falls into the sea bounds of the Narragansett Country easterly, and by a testimony given by Governor Winslow in his life time upon another occasion, and also by information of sundry-old and principal Indians, it appears that Patucket River, lying between Rehoboth and Providence, was the intended boundary, and river between Plymouth Collony and Providence Plantation, which in Plymouth Patent is called Narragansett River. This Patucket River falling into the greater Narragansett River or Bay that bounds Narragansett, so that between the sayd river of Patucket, Quenebaug and Nipmuck Country, to the northward, and Weccampaug brook westerly, lyes the whole dominion and territorys containing the Cohesit and Niantick Country, formerly and lately belonging to the Narragansett Sachems, and

generally called the Narragansett Country. As to the claim made by the Collony of Plymouth to jurisdiction and soyle, we find it hath only foundation from the name given to Pawquatuck of the Narragansett River, and if anciently and truly so called, then Plymouth Charter if confirmed by your Majestic, being granted by the Council of Plymouth, and bears date the 13th of January, in the fifth year of the reign of your Royall father, will determine the controversie between Rhode Is. land and Connecticut, and comprehend the whole Narragansett and part of the Pequod country; the lands granted to Plymouth being bounded southerly by the Narragansett River. But with humble submission, we cannot see any cause to judge that the said Pauquatuck River anciently was or ought to be called or accounted the Narragansett River.

1. Because it lyes some miles within the Pequod boundary, a nation, till extirpated by the English, often or always at war with the Narragansetts, and to which territorys the Narragansetts never pretended.

2d. Because Pauquatuck River falls into the sea, many miles to the westward of the Narragansett Bay, we are of opinion that the Narragansett Bay is the River anciently called Narragansett River; both because it on the eastward washes and bounds the whole length of the Narragansett country; and for that Plymouth Collony (which hath now been planted near threescore years,) have ever since bounded themselves according to the term and limitation of their Patent by the same Bay called Narragansett River, towards the south, into which the freshes of said River empty itself in a precipice.

Thus having humbly represented our opinions respecting the bounds and jurisdiction, with all humility, we report our opinions as to the propriety of soyl.

1st. We find by one Deed, dated the 11th of June, 1659, Coginaquand, chief Sachem and proprietor of the Narragansett country, did give, grant and convey, to John Winthrop, Esq'r, and Major Humphrey Atherton and partners, their heirs and assigns, one large tract of land, now called the Norward Tract; and the said Coginaquand by another Deed, dated the 4th of July, 1659, did in like manner convey to the said John Winthrop, Major Atherton and partners, another large parcell of land, now called the Southward Tract, or Namcocke. And we find by other Deeds from the other Sachems, the sayd conveyances ratified, and sundry receipts and acknowledgments of full satisfaction to all persons any ways concerned.

We also find, that by a Deed bearing date the 13th of October, 1660, Suquensh, Ninigret, Scuttup and Quequakanewsett, Narragansett Sachems, for valuable consideration, mortgaged to Major Atherton and partners, the remaining part of the whole Narragansett country, containing the Cohesitt and Niantick countrys; and find that as part of the consideration, seven hundred and thirty-five fathom of peague was paid November the 16th, 1660; and sundry oiber payments made and gratuities given to full satisfaction, as by sundry receipts and acknowledgments doth appear; the Commissioners of all your Majestic's Collonys approving these transactions. And we also find by the testimonys of John Button, William Cotten, John Rhodes, and Ambrose Leech, sworne before John Endicott, Esq'r, Governor of the Massachusetts, the 22d of September, 1662, and recorded at Hartford, that Scuttup and Ninigret, with sundry other Sachems, Councillors and Indians, to the number of two or three hundred, being assembled at a place called Petaquamscott, the said Scuttup in presence of sayd Indians, and many English also assembled, did, in behalf of himself, brother and friends, deliver possession by turf and twig, to

Capt'n Edward Hutchinson, Capt'n William Hudson, and Mr. Richard Smith, Jun'r, in behalf of themselves and partners, declaring the lands to be then already sold by Deed by themselves and the rest of the Saggamores, to Major Atherton and partners.

We also find that the said Major Atherton, Capt'ns Hutchinson, Hudson and partner, with great expense and industry, applyed themselves to the settlement and improvement of said country; many considerable farms being laid out, houses and edifices erected, and two townships also laid out, and methods for improvements and tenures agreed upon the one town named Wickford, and the other Newbury.

Also it appears that the said purchasers did request and instruct John Winthrop, Esq'r, to supplicate your Majestic to add the said Narragansett country to the territories and jurisdiction of Connecticut, which your Majestic graciously granted, and was farther graciously pleased by your Royall letters, dated the one-and-twentyeth of June, 1663, directed to the Governor and Assistants of the severall Collonys to approve and encourage the purchasers' designs; and as your Majestic pleased then to call them laudable endeavors to settle and plant a Collony to the enlargement of your empire, and to recommend the said purchasers and proprietors to the neighborly kindness and protection of said Collonys, willing them upon all occasions to be assisting to them against the unjust oppression and molestation of those of Rhode Island, with other expressions of your Royall grace and favor to the said purchasers. Upon which titles and encouragements the claimants offer probable computation and arguments that their predecessors, themselves and persons concerned with them, have expended for purchasing and settling the said country at least twenty thousand pounds; and that had not the ill effects of the orders made by some of your Majestic's Commissioners that came over in the year 1664, and the great molestations and pretensions of the Rhode Islanders, obstructed the settlement, the country had by the planting the said two towns and other improvements, been so populous that great part, if not all the miseries of the late Indian war had been prevented.

Some other claims have been made by Mr. James Noyes and others of some other tracts of lands lying in the Niantick country as derived from Harman Garrett and his son, pretended Indian Sachems, who personally appeared before us; but upon examination, we find the said Harman Garrett or his son had not any right or power to dispose of any of the lands, the same having been beyond the memory of man possessed by Ninigret, the other Indians acknowledging the same.

Other claims also were exhibited to sundry other tracts within the Narragansett country, but the titles being either derived from or depending upon Mr. Winthrop and Major Atherton's purchase, we humbly conceive more proper for a Court of Judicature.

Thus after most strict and impartial inquiry and examination, having stated, we most humbly lay before your Majestic the severall original claims and pretensions offered to us with respect to the propriety, both of jurisdiction and soyl in your Majestic's Province, or Narragansett. And in farther obedience to your said Commission, have 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 Majestic's right, so far as it may appear to your Majestic, offer our opinions, that by virtue of your letters Patents granted

to Connecticut, jurisdiction in and through said Province, or Narragansett country, of right belongs to the said Collony of Connecticut; and that propriety of soyl 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; noe considerable opposition being by any corporation or person given before us to the claim and title; the same being granted by the sayd 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 Wecopaug and Pauquatuck 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 Majestie that so long as the pretensions of the Rhode Islanders to the government of sayd 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.

And to the end that your Majestie may at all times have more particular satisfaction, and the persons concerned opportunity upon occasion farther to assert and prove their interest without hazarding their original evidences upon the sea, we have caused an oath to be administered to our said Register, under his hand, to attest all such Deeds and papers as have been received by us, and to cobby and truly examine the same, and in like manner to attest to such cobbys, and afterwards to return the originalls and copy upon demand, to the persons that produced the same.

In obedience to your Majestie's gracious commission and commands, we with all humility offer this our report, which we cause to be duplicated, craving your Majestie's gracious acceptance of our dutifull endeavors to approve ourselves,

Your most loyall and obedient subjects.

[Boston, October 20, 1683.]

EDWARD CRANFIELD,
WILLIAM STOUGHTON,
SAMUEL SHRIMPTON,
JOHN PYNCHON, Jun'r,
NATH: SALTONSTALL.

As a farther addition to our report, we humbly offer, that since the close of your Majestie's Commission, Mr. Edward Randolph arriving and signifying his power in behalf of his Grace the Duke of Hamilton, to make claim to the King's Province, or Narragansett Country, we have again convened and summoned so many of the proprietors as could in so short a time assemble, and in their presence and hearing have read a cobby of the Duke's Deed, and heard Mr. Randolph's pleas and improvements thereon, and find it takes in some part of the said Province, or Narragansett Country; and have also received the answer and defence of said proprietors, which we herewith humbly transmit and submit to your Majestie's consideration; and have also ordered copies of the Duke's Deeds and proprietors' pleas, to be sent to the Collony of Connecticut, to the end they may have opportunity by the first conveyance to make their answer and defence before your Majestie.

EDWARD CRANFIELD,
WILLIAM STOUGHTON,
JOSEPH DUDLEY.

Letter from Edward Cranfield, Lieutenant Governor of New Hampshire, giving an account of Proceedings upon the Narragansett Commission.

New Hampshire, the 19th of October, 1683.

May it please your Lordships: Since Mr. Randolph's brother's departure from these parts, I have had nothing of moment, till now, to communicate to your Lordships, having spent all my time at Narragansett, and the neighbouring Colonies, the better to enable me to report to your Lordships the distinct interests and claimes to that Province. I shall presume only to give you some short account of, in which I shall not be tedious to your Lordships, since a report at large will be presented to your Lordships from those persons appointed for that service.

On the 22d of August, wee convened at the house of Mr. Richard Smith, in the said Province, having some time before sent letters to the severall governments and jurisdictions, and published printed papers, that all persons concerned, might have notice; accordingly all appeared, except the Rhode Islanders, who the same day of our Convention, did assemble their Generall Court, and sent one Capt'n Greene with a letter from them to prohibit our proceedings. Nevertheless, wee proceeded upon the execution of his Majestie's Commission. Myselfe and the rest of the gentlemen, desired him to heare his Majestie's Commission read, and then he would know by what authority wee met there, which he refused either to hear or take a copy of; and no sooner returned to the Court, but a Marshall was sent to proclaim us an illegall Assembly, and showed so much undutifullness and disrespect to his Royall Commission, that had wee not borne it with moderation, it might have occasioned great mischief. They are a people utterly incapable of managing a government. These inclosed will sufficiently evidence their injustice and male administration. The Agents that they formerly empowered, were Capt'n Howldon and Greene, where, in a petition to his Majestie, they set forth, that the occasion of their troubles befell them, because of the consonancy of their judgments to the Church of England; who are well knowne to be farr from it. As to the purchase they made of the Indian Kings for all the land of Rhode Island and Providence, and thereabouts, was only during the life of William Coddington and his friends; there being but two living now, that can be called his friends, the purchase being not made in the name of the government and their successors, must necessarily devolve upon his Majestie. When the King's Commissioners in the yeare 1664, sat at Narragansett, it was then termed the King's Province, and wrested all the lands out of the governments of the neighbouring Colonies, notwithstanding without Coll. Nicholls his being there, without whom there could not be a quorum; so consequently the act was invalid. Nor did Sir Robert Carr, Mr. Maverick and Coll. Cartwright make any determination, only appointing two justices of the peace, inhabitants of Rhode Island to be Conservators of the same, till his Majestie's pleasure was further knowne therein. I presume to recommend to your Lordships the petition of Thomas Partridge, a poor and helpless man; they keep him from his father's possessions. There is Christopher Almy, and severall others, that will address to your Lordships for relief; for their Records and laws are so kept, that none can know them, nor come to see them, without much expence of money and time; and when seen, are hard to be well understood.

When Mr. Randolph came first into these parts to be Collector, &c., he brought with him a commission from his Majestic, empowering himself and severall others, with the Magistrates of Rhode Island, or any five of them, to administer an oath to the new elected Governors yearly, to observe the acts of Trade and Navigation. Mr. Randolph was present when the Governor first took the said oath, and left the commission with one Mr. Brindley, who yearly presented it in Court and required observance thereof; which was performed till the Election in May, 1682, and then the Governor (one Major Peleg Sanford, who now comes over Agent with Capt'n Arthur Fenner) refused to do it before Mr. Brindley, but desired him to withdraw, and afterwards took it; but would never deliver the Commission again. And as I am informed, their Assembly to whom it was not directed, have passed an act for the keeping it according to their minds. Their laws are so repugnant to the laws of England, so confusedly kept, and not publick, that it is very hard to come to see them. The laws of England are denied to the inhabitants, saying, they have laws of their own making. Neither are they under any obligation or oath, for they will not admit their Deputies to take an oath before they sit in Court to consult and act in the affairs of the Corporation. Much more might have been said to your Lordships of the corrupt and unjust proceedings of that government; and those persons that come over are declared enemies to the interest of his Majestic and Royall Highness, and carried themselves as disrespectfull to his Majestic's Commissioners. And to speak impartially, the other Collonies have not in their actions given any demonstrations of the contrary, and never will be otherwise till their Charters are broke, and the College at Cambridge utterly extirpated. For from thence those half-witted philosophers turne either Atheists or seditious preachers. So begging pardon of your Lordships for my tediousness,

I subscribe myself in all duty, my Lords,

Your Lordships' most humble and obedient servant,

(Signed.)

EDWARD CRANFIELD.

(Addressed.) For the Right Honorable the Lords of the Committee for Trade and Foreigne Plantations in Whitehall.

(Indorsed.) New Hampshire, 19th October, 1683. From Mr. Cranfield to the Committee.

Commission for examining claimes to the Narragansett Province, executed.

Letter from the Governor of Rhode Island to Charles the 2d, touching proceedings upon the Narragansett Commission.

Dread Sovereigne: Wee, your Majestic's subjects, of your Majestic's Collony of Rhode Island and Providence Plantations, most humbly prostrate our selves at your Majestic's feet, presenting our addresse to your most excellent Majestic, declaring that formerly wee readily received your Majestic's most Honourable Commissioners, Collonell Richard Nicholls, Robert Carr, Knight, Collonell George Cartwright and Samuel Maverick, Esq's, which Honoured gentlemen, although com-

missionated by your Majestie, yet notwithstanding they brought us your Majestie's Royall Letters, to acquaint us therewith, were so courteous as to present your commission under the broad seale to our view, before they acted in any thing in this your Majestie's jurisdiction. Whereupon wee received your Royall letters from your Court at Whitehall, bearing date the 23d of Aprill, 1664, and in the sixteenth yeare of your Majestie's reigne; the other bearing date the 10th of Aprill, 1666, and in the eighteenth yeare of your Majestie's reigne, manifesting how well you were pleased therewith; with such gracious expressions, that would melt the heart of your subjects, so to prostrate themselves and all their concernes at your Majestie's feet. It was our earnest desire that we might have been as well capacitated to have received the Honoured Edward Cranfield, Esq'r, Lieutenant Governour and Commander-in-Chief of your Majestie's Province of New Hampshire, and his associates, said to be commissionated from your Majestie, to inquire into the titles and claimes as well of your Majestie as others in your Province. Provided, they would have produced your Majestie's commission to our view, being demanded as the aforesaid Commissioners, Colonnell Nicholls and associates did without demand. Notwithstanding these brought not your Majestie's Royall Letters for confirmation thereof, that so wee upon perusall thereof, might as wee had provided ourselves, been enabled to answer your Majestie's will and pleasure therein, and for the end and purpose transported the duplicate of our Patent, together with severall of your Majestie's Royall Letters and all other records of greate concerne from Rhode Island to the towne of Warwick, neere unto the King's Province, where our Generall Court was conveaned, and for the better effecting of the matter, the Court adjourned to Capt'n John Fones his house, at Narragansett, neare where the aforesaid gentlemen appointed to meeete, but your Majestie's authority heere, after all endeavours, not obtaining a sight of their commission, could do no less but prohibit the said Commissioners in your Majestie's name for making any further proceeding; and have herein enclosed, sent your

Majestie a copy of the pretended summons, as also our letter desiring them to show us their commission, together with a copy of our Prohibition and Remonstrance; and intend with all convenient speed, to make our further application to your gracious Majestie, and to give as full information concerning the state of matter that concerns your Majestie's interest, and your subjects' peace and safety in this said Collony, as we are able.

So we take leave, humbly desiring the God of heaven to give your Majestie a long and prosperous reigne, and remaine

Your humble subjects and supplicants,

(Signed.) WILLIAM CODDINGTON, Gov'r.

By order of the Generall Assembly.

Newport, on Rhode Island, October the 19th, 1683.

(Address.) To our Dread Sovereigne, Charles the Second, King of Great Britain, Scotland, France and Ireland, &c., humbly present.*

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 6th of May, 1684.

Mr. William Coddington, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. John Coggeshall,

Mr. Caleb Carr,

Capt'n Arthur Fenner,

* J. Carter Brown's Mss., Vol. IV. Nos. 177-80, 183, 185.

ASSISTANTS.

Mr. Joseph Jencks,	Mr. George Lawton,
Mr. Richard Arnold,	Capt'n John Greene.
Major John Albro,	Mr. Benjamin Barton.

DEPUTIES.

<i>For Newport.</i>	<i>For Warwick.</i>
Mr. James Barker, Sen'r,	Mr. Benjamin Smith,
Mr. Edward Thurston, Sen'r,	Mr. Thomas Greene.
Mr. Thomas Ward,	Mr. Samuel Gorton,
Mr. Walter Rubary,	Mr. Moses Lippitt.
Mr. Phillip Smith,	<i>For Westerly.</i>
Mr. John Woodman.	Mr. Jeffrey Champlin,
<i>For Providence.</i>	Mr. John Badcocke,
Mr. Stephen Arnold,	<i>For New Shoreham.</i>
Mr. John Whipple, Jun'r,	Mr. John Rathbone.
Mr. Henry Brown,	<i>For Kings Towne.</i>
Mr. Epenetus Olney.	—————
<i>For Portsmouth.</i>	<i>For East Greenwich.</i>
Mr. William Wodell,	Mr. George Vaughan,
Mr. Francis Brayton,	Mr. Thomas Frye.
Mr. Caleb Arnold,	<i>For James Towne.</i>
Mr. Robert Dennis.	Mr. Ebenezer Slocum.
	Mr. Caleb Carr, Jun'r.

Mr. Walter Clarke, Deputy Governor, chosen Moderator.

John Sanford, Recorder, chosen Clerke.

Voted, Jonathan Holmes, Edward Pelham, William Brenton, John Rodman, John Harding, Andrew Willitt, Ralph Chapman, John Tillinghast, John Headly, Samuell Stapleton, Daniell Gould, Jun'r, John Godfrey, Samuell Cranston, and Charles Crosthwaite, all of the towne of Newport, are admitted freemen of this Collony.

Voted, Robert Lawton, Thomas Hassard, Joseph Sheffield, William Correy, Richard Cadman, Jacob Mott, Jun'r, William Browninge and Stephen Manchester, all of Portsmouth, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 7th of May, 1684.

The Assembly consisted of the above-written Governor, Deputy Governor, Assistants and Deputys.

The Deputy Governor chosen Moderator.

The Recorder chosen Clerke.

The Charter openly read.

Voted, The Recorder shall write the names of all those that bring in their votes for Governor.

Voted, That Mr. Thomas Ward and Lieut. Francis Brayton, shall receive the votes from each man's hand, and see that noe deceipt be used, and put the votes into the hat.

Voted, Major John Coggeshall and Major John Greene are to open the proxies, and as the Election proceeds, put the votes into the hat.

Voted, That the Election proceed.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Mr. William Coddington,

DEPUTY GOVERNOR.

Mr. Walter Clarke.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr,

Mr. John Coggeshall,

Capt'n Arthur Fenner,

Mr. Joseph Jencks,

Mr. Richard Arnold,

Major John Albro,

Mr. George Lawton,

Major John Greene,

Mr. Thomas Greene.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Edmund Calverly.

GENERAL TREASURER.

Mr. Weston Clarke.

GENERAL ATTORNEY.

Mr. John Poocke.

GENERAL SOLICITOR.

Mr. John Poocke.

MAJOR FOR THE ISLAND.

Mr. John Coggeshall.

MAJOR FOR THE MAINE.

Major John Greene.

Voted, This Assembly is adjourned till to-morrow morninge, eight of the clock, or second ring of the bell; then to meet and sit at the now dwelling house of John Davis, in the room that usually the Court useth.

May the 8th.

The Assembly called and sat.

Voted, By reason of our Honoured Governour's illness, this Assembly adjourned to sit in the Governour's house, in order to his engagement to the place and office of Governour for the yeare ensuing.

The Assembly called and sat at the Governor's house.

The Governor engaged, and also took the oath, according to the act, for Trade and Navigation.

The Assembly adjourned to meet and sit again, at the house of John Davis.

May the 10th.

At the house of John Davis, the Assembly called and sat.

Voted, Mr. Caleb Arnold, by the Election, chosen an Assistant, and in this Assembly declared that he would not engage unto the office; therefore, the Assembly agree and order, to proceed to the election of another in his roome, or stead.

Mr. William Wodell chosen Assistant, who positively denying to engage, the Assembly doe order to proceed to the election of another in his roome, or stead.

Mr. George Lawton chosen Assistant and engaged.

Voted, Whereas the free inhabitants of Rhode Island, the towne of Providence, and Warwick, and sundry other places adjacent to the Narragansett Bay, in New England, in America, did request and appoint and employ their well-beloved friend, John Clarke, late of Newport, on Rhode Island, aforesaid, deceased, in his life time to be their Agent in the Kingdom of England, to make supplication on their behalfe, to his Most Excellent Majesty, Charles the Second, King of England, Scotland, France, and Ireland, and the dominions thereunto belonging, &c., that his Majesty would be pleased to grant the said

free inhabitants his Letters Pattents, of Incorporation, which he, the said John Clarke, in the Kingdom of England did of his Majesty claime on their behalfe, dated Westminster, the 8th of July, in the fifteenth yeare of his Majesty's reigne, in and by which said Letters Pattents, his Majesty was graciously pleased to grant unto the said freemen that they should forever be a body politick and corporate in fact and name, by the name of the Governor and Company of the English Collony of Rhode Island and Providence Plantations, in New England, in America. And to grant unto the said Governor and Company, and their successors, &c., all that part of his dominions in New England, in America, containinge the Nihantick and Nanhigansett, alias Narragansett Bay and countrys and parts adjacent, bounded (as mentioned in our Charter), and in pertickular the lands belonging to the towne of Providence, Pawtuxett, Warwick, Misquamacuck, alias Pauquatuck, and the rest of the main lands, contained in said grant; with Rhode Island, Block Island, and the rest of the Islands, &c.: to have and to hold the same unto the said Governor and Company, and their successors forever, upon trust, for the use of themselves, and their associates, freemen of the said Collony, their heires and assignes, as doth more at large appear by the said Letters Pattents. And whereas, in the beginning of this Plantation, and improvement of the lands within this Corporation, when the lands were of small value, being unimproved; and also for want of scribes that were skilful in making conveyances, according to the formalities in use: by reason whereof, great trouble and damage may ensue to the rightful owners of such lands, who have been at great charge to improve them. And upon the serious consideration of the premises, this Assembly have thought meet to confirm the lands in this Corporation to the first freemen of the said towns, their associates and derivatives, and their heires, and assignes, for ever, in the same state and tenure as granted to us.

Be it further enacted, and it is ordered and enacted by this Assembly and the authority thereof, that all and singular the lands of Rhode Island, with other lands according to custom,

shall be and remain for ever in two townships, already known by the names of Newport and Portsmouth; and that the last line agreed upon between the freemen of each of the said towns, shall be the dividing line between the said townships on Rhode Island.

And also be it further ordered and enacted, by the authority aforesaid, That all and singular the lands that have already been granted by the freemen of both or either of the said towns of Newport and Portsmouth, within the precincts of the said townships, to all and every person or persons, or either of them, shall be deemed and taken to be firm, good and sufficient, to and for the said grantees and every of them, their and every of their heirs and assigns, to make or cause the said lands by the said freemen, to them and every of them granted, to be a good and clear estate of inheritance in fee simple for ever, in free and common soccage, according to the said Letters Pattents to us granted.

And also be it further ordered and enacted by the authority aforesaid, That all and singular the lands now possessed and occupied by the said grantees, their heires or assigns, or any other person or persons, now in fence within the precincts of the said townships of Newport and Portsmouth, or either of them, shall be and remain unto the present proprietors, and their heirs and assigns, for ever. Notwithstanding there may be more or less lands therein contained than by grant or grants may appear; except highways and such lands as have in a publick manner been claimed and contended for by the said freemen, shall from henceforth be deemed and taken to be the true and lawfull property in fee simple of the said persons and their heirs and assigns for ever, soe inclosing and possessing the same, either by themselves or their assigns. And that from hence forward, the said freemen or their successors, considered as a body or company, shall have no right, claim or cause of action in or unto the said lands, or hereditaments inclosed as aforesaid. Reserving, notwithstanding any thing herein expressed, to all and every pertickular person or persons their respective, lawful pertickular claims.

And also be it further ordered and enacted by the authority aforesaid, That all and singular the lands lying and being undivided or common within the precincts of each of the said townships, shall be deemed and taken to be the property of every freeman of the said town, as such and their successors, freemen of the said towne, for the time being. And that the freemen of the said town of Newport, have also liberty in their publick town meetings to grant and dispose of the said undivided lands, according to their usuall custom.

Voted, Upon the petition of Thomas Gould, of Kings Town, to this Assembly, it is ordered, that the said Thomas Gould complying with the sentence of the Generall Court of Tryalls, held in Newport, in March last, the said Thomas Gould hath his liberty to return to his habitation at Kings Town, in the Narragansett, he behaving himself civilly, according to his bonds.

Voted, The Assembly, on serious consideration, see cause to adjourn until the last Tuesday in June next, which will be the 24th day of said month, then to assemble again at the now dwelling house of John Davis, in Newport; but yet if any urgent occasion present, then by vertue of the Governor's warrant, or in his absence, or by his permission, the Deputy Governor's warrant, to assemble sooner.

Tuesday, June 24th.

According to the aforesaid adjournment, the Assembly met.

Voted, Whereas our Honored Governor hath presented to this Assembly a gracious letter from his sacred Majesty, with a letter from the Right Honourable Sir Leoline Jenkins, one of his Majesty's Principal Secretaries, with a Proclamation by his Majesty's special command, for the suppressing Privateers, and Pirates, this Assembly in all due obedience to his Majesty's Royall commands, and therein to prove themselves liege subjects, doe order and determine, that the said Proclamation be forthwith published in the town of Newport, by beat of drum; and the Recorder is appointed to read the said Proclamation at three of the most publick places in said Newport.

Voted, By virtue of his Majesty's gracious letters to this Collony, from his Court at Newmarket, bearing date the 8th of March, 1683-4, with directions for the establishing a law for the suppressing of Privateers and Pirates, this Assembly in due obedience to his Majesty, and the preserving of the peace of his loyal subjects, doe enact this following, namely :

An act for the restraining and punishing Privateers and Pirates.

Whereas, nothing can more contribute to his sacred Majesty's honour, than that such articles as are concluded and agreed upon in all treaties of peace, should by all his Majesty's subjects according to their duty, be most inviolably preserved and kept, in and over all his Majesty's dominions and territories. And whereas not only against such treaties of peace made by his Majesty with his allies, but also contrary to his Majesty's Royal Proclamations severall of his subjects have and do continually go off from this Collony unto foreign Princes' services, and sail under their commissions contrary to their duty and good allegiance, and by fair means cannot be restrained from so doing.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted by the authority of the same, That from and after publication hereof, it shall be felony for any person which now doth, or within four years last past heretofore hath or hereafter shall inhabit or belong to this Collony, to serve in America in any hostile manner, under any foreign Prince, State or Potentate, or any employed under any of them, against any other foreign Prince, State or Potentate, in amity with his Majesty, without special lyeence for so doing, under the hand and seal of the Governor, or Commander-in-Chief of this Collony for the time being. And that all and every such offender or offenders contrary to the true intent of this act, being thereof duly convicted in any of his Majesty's Courts of Judicature within this Collony, to which Court authority is hereby given to hear and determine the same, as in other cases of felony, shall suffer pains of death, without benefit 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 and employment of any foreign Prince, State or Potentate whatsoever, that shall return to this Collony, and leave and desert such service and employment before the twenty-ninth day of December next ensueing, rendering themselves to the Governor or Commander-in-Chief for the time being, and giving him such security as he shall appoint for their future good behaviour; and also that they shall not depart this Collony without the Governor's leave.

And for the better and more speedy execution of justice upon such who, having committed treasons, piracies, felonys, and other offences upon the sea, shall be apprehended, in, or brought prisoners to this Collony.

Be it further enacted by the authority aforesaid, That all treasons, felonies, piracies, robberies, murders, or confederacies, committed or that hereafter shall be committed upon the sea or in any haven, creek, or bay, shall be inquired, tryed, heard, determined and judged within this Collony in such like form as if such offence had been committed in or upon the land. And to that end and purpose, commissions shall be had under the King's great seal of this Collony, directed to the Judge or Judges of the Admiralty of this Collony, for the time being, and to such other substantiall persons, as by his Majesty's Governor or Commander-in-Chief of this Collony for the time being, shall be named or appointed: which said Commissioners or such a quorum of them, as by such Commission shall be thereunto authorized, shall have full power to do all things in or about the inquiry, hearing, determining, adjudging and punishing of any the crimes and offences aforesaid, as any Commissioners to be appointed by commission under the great seal of England, by virtue of a statute made in the twenty-eighth year of the reign of King H., 8, are empowered to doe and execute within the Kingdom of England. And that the said offenders which are or shall be apprehended in, or brought prisoners to this Collony, shall be lyable to such order, process, judgments and execution by virtue of such commission to be

grounded upon this act, as might be awarded or given against them, if they were proceeded against within the realm of England, by virtue of any commission grounded upon the said statute. And all tryalls heretofore had against such criminall or criminalls before any Judge or Judges, by virtue of such commission or authority at any time heretofore granted, and all proceedings thereupon, are hereby ratified, confirmed and adjudged lawfull. And all such Judges with all and every the inferior 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 hereafter be sued, vexed, mollested or troubled for any such their proceedings, as aforesaid; he or they so sued, vexed, or mollested, shall plead the generall issue, and give this act in evidence, any law, statute, custom or usage, to the contrary in any wise, notwithstanding.

And be it further enacted by the authority aforesaid, That all and every person or persons that shall any way knowingly entertain, harbor, conceal, trade, or hold any correspondence by letter, or otherwise, wth any person or persons, that shall be deemed or adjudged to be privateers, pirates, or other offenders, within the construction of this act; and shall not readily to the best of his or their power, to apprehend or cause to be apprehended, such offender or offenders shall be lyable to be prosecuted as accessories and confederates, and to suffer such pains and penalties, as in such case by law is provided.

And for the better and more effectual execution of this act, be it further enacted by the authority aforesaid, that all commissioned officers in their severall precincts within this Collony, are hereby required and empowered upon his or their knowledge or notice given, that any pirates or other persons suspected to be upon any unlawful design, are in any place within their respective precincts to raise and levy such a number of well armed men as he or they shall think needful for the seizing, apprehending, and carrying to jail all and every such person or persons. And in case of any resistance or refusall to yield obedience to his Majesty's authority, 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 striking or firing upon any of the commanded parties, shall be deemed, taken and adjudged as felons, without benefit of clergy. And every such officer that shall omit or neglect his duty herein, shall forfeit fifty pounds currant money of this Collony by bill plaint, or information, wherein no essoign wager of law or protection shall be allowed; one moiety thereof to be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this Collony, and the contingent charges thereof; and the other moiety to the informer. And all and every persons or persons that upon orders given him or them, shall refuse to repair immediately with his or their arms well fixed, and ammunition, to such place or places as shall be appointed by said officer, and not readily obey his command in the execution of the premises, shall be lyable to such fine or corporal punishment as by a regimental court martiall shall be thought fit.

Voted, That the act of this Assembly for the suppressing privateers and pirates, &c., is ordered to be forthwith published in the town of Newport, by the Recorder, with drum and attendance.

Voted, Forasmuch as there is to this Assembly a complaint presented by John Borden, of the town of Portsmouth, that he is unjustly mollested and arrested in fallacious manner, for maintaining the true right of this his Majesty's Collony, against the intrusions of the authority of Plymouth Collony, this Assembly seriously considering the matter, do refer the consideration thereof to a Committee to draw up their result thereon, and present to this Assembly for approbation.

The persons chosen, are the Deputy Governor, Major John Greene, Mr. James Barker, Mr. William Wodell, Mr. Caleb Arnold, Mr. Benjamin Smith, and the Recorder; they, or the major part of them.

Voted, That a letter drawn up by the Committee is approved on, and ordered to be sent to the government of Plymouth, and shall be transcribed by the Recorder, and by him also signed.

Voted, Whereas there hath been to this Assembly presented

a petition from Henry Tibbitts, with the complaint that some officers that Thomas Gould, who was by the last Court of Tryalls sentenced, and by this Assembly enlarged; he, the said Gould, hath not performed the Court of Tryalls' sentence, and thereby forfeited his enlargement, this Assembly do order that for the preservation of his Majesty's peace, warrant be forthwith issued from the Governor to any Constable or Constables he thinks fit, to apprehend the said Thomas Gould, and bring him before this Assembly, or before the Honored Governor or Deputy Governor, to answer to such charges alledged against him.

Voted, The Deputy Governor, Mr. Joseph Jeneks, and Major John Greene, are chosen a Committee, they or the major part of them, to draw up our humble presentation unto his Majesty, therein to signify our loyall obedience to his Majesty's commands, in his letters bearing date the 8th of March, 1683-4, together with his Royall Proclamation against privateers and pirates, hath accordingly in this Collony been proclaimed and observed. And also some lines to the Honorable Sir Leoline Jenkins, one of his Majesty's Principal Secretaries of State.

Voted, The Committee having presented the letter to his Excellent Majesty, and a letter to Sir Leoline Jenkins one of his Majesty's Principal Secretaries of State, are both approved on by this Assembly.

Voted, In answer to the petition of the inhabitants of New Shoreham, bearing date June the 24th, 1684, wherein they crave that they may not be denyed those priviledges that other towns do or may enjoy, &c., this Assembly do declare that they will not abridge them of their liberties formerly granted them, as well as to other townes in this Collony, not questioning but they will make good improvement thereof.

Voted, In answer to the petition of Simon Medus, David Brown, and associates, being Jews, presented to this Assembly, bearing date June the 24th, 1684, we declare, that they may expect as good protection here, as any stranger, being not of our nation residing amongst us in this his Majesty's Collony, ought to have, being obedient to his Majesty's laws.

Voted, Major John Coggeshall, and Major John Greene, are appointed a Committee to inspect and make up all accounts with the late Treasurer, Major Peleg Sanford, and the present Treasurer, Weston Clarke, concerning all matters of accounts; and in especial concerning the bark Whitewood, and the boat wherein there were severall pirates or privateers seized with their guns, &c., and the Committee aforesaid, are hereby allowed two shillings, six pence per day, and their victuals and drink, to be defrayed out of the said goods for every day they attend upon the making up the said accounts, and make a true return of their proceedings to the next Generall Assembly; and the said Committee to appoint the time and place of their first meeting, and so from time to time, until the matter be accomplished according to the time appointed to make their returne.

And further it is ordered, That upon the delivery by Major Peleg Sanford, of what is in his hands, above mentioned, to the Generall Treasurer, Weston Clarke, the Generall Treasurer's receipt shall be his discharge; any former order in this Collony to the contrary hereof, notwithstanding.

Voted, In answer to Christopher Almy's petition to this Assembly, seriously considering the matter, do judge that the matter doth not concern them, but if the said petitioner do judge he hath been wronged by any officer or officers, he hath his liberty of proceeding against him or them in a legal way, by prosecution according to law.

Voted, Ordered, that the next Generall Assembly be held for this Collony, the last Wednesday in October, to be kept at Warwick, and that for the future it be held and kept at Providence and Warwick towns by turns annually, till further order.

Voted, Ordered, that in case the Major of the Island, or the Major of the main land, see cause to require their respective towns to meet in way of a generall muster, the towns of the Island on the Island, and the towns of the main land, in this Collony, there so meeting, shall excuse them from meet-

ing two training days next ensuing such generall muster, the election day only excepted.

Voted, This Assembly having taken into their consideration the Collony's debts, and finding that without some speedy course be taken to raise moneys, to supply the Generall Treasury, the government of this his Majesty's Collony cannot subsist, therefore this Assembly do declare to the severall towns, that of necessity a rate ought to be made the next Assembly, that so they might provide by their Deputies therefor; and for what else may appear.

Voted, Ordered by this Assembly, that all future rates that shall be made in this Collony, or towns, shall be gathered up by the Constables of each respective town and place, to whom it shall be directed by warrant; and he shall deliver in the Collony rates to the Generall Treasurer, and the town rates to the Town Treasurer, by the respective times appointed for delivery; and the Treasurers' receipts shall be his or their discharge. And he or they shall be allowed two shillings upon the pound in like pay as the rate is, for his services; and in case any person refuses to pay their rate upon demand, the Constable shall make distraint, taking aid, if need require, for the respective rate, and also for his fees more than the rate assessed for making distraint; which fees shall be one shilling, of like pay as aforesaid, of each person he distrains on, be their assessment more or less. And in case the Constable or Constables neglect or refuse to gather up and deliver in the respective rates to the Treasury, wherunto it belongs, he or they shall be lyable to pay the double of what his or their fees ought to be.

July 24th, 1684.

Voted, Whereas Thomas Gould, of Kingstown, is brought before the Governor and Councill, sitting in this Assembly, July the 2d, 1684, to answer for his not complying with the sentence of the late Court of Tryalls, in March last past, by satisfying the charges of the Constables and aid, as it appears

under the hands of John Andrew and Daniell Vernon, Constables, and John Low; as also by reason of a petition presented by Henry Tibbitts. And he being examined concerning the premises, did in the presence of the Assembly, instead of giving a submissive answer thereunto, in contemptuous manner misbehave himself to the Court and members thereof, and departed without leave.

Therefore, this Assembly, taking the matter into their serious consideration, and forasmuch as he hath abused that favor granted him by this Assembly, do therefore order, that the late act made for his enlargement be repealed, and that he be left in the Generall Sergeant's custody, to perform the sentence of the Court; and that Edward Thurston and Samuella Cranston may have their bonds released, if they desire it. In open Assembly Mr. Samuella Cranston desired to be released of his bond.

Voted, The case betwixt John Williams and Shuball Painter, is referred to the next Generall Assembly, by reason that Shuball Painter is absent, being employed about the country's service.

Voted, Sergent Edmund Calverly's bill, amounting to the sum of eight pounds, two shillings, and eight pence, for service done for the Collony, is owned and allowed, and ordered to be paid by the Generall Treasurer.

Voted, Henry Lilly's bill, for service done for the Collony, since the Assembly in May, 1679, the particulars having been perused, this Assembly do allow him the sum of twelve pounds, to be paid out of the Generall Treasury.

Voted, John Sanford's bill for service done for the Collony as Recorder, and Secretary, from May, 1682, amounting to five pounds, five shillings, in or as money, is allowed, and ordered to be paid by the Generall Treasurer.

Voted, That the Recorder, as Clerke of this Assembly, is allowed ten shillings, to be paid unto him out of the Generall Treasury. And shall have from each town in this Collony, the sum of ten shillings money, for copys of this Assembly's acts,

under the seal of the Collony; and that copys be with all expedition issued forth, and sent to each town.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Warwick, the 29th day of October, 1684.

The Deputy Governor, Mr. Walter Clarke, chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

Voted, Upon the petition of Phebe Cook, the wife of John Cook, late of the town of Warwick, for a divorce from her said husband. And it appearing to this Assembly, that for severall years past, the said John Cook hath absented himself from his said wife, and hath not as he ought, provided and allowed maintenance to his said wife and children; and also by three evidences produced in this Assembly, it appearing that the said John Cook is married to another, or at least liveth with another woman, owning her to be his wife, in the Island of New Providence: and also it being well known that the said John Cook lived a deboist life in this Collony, and denyed his said wife Phebe; and on certain information, understanding that in this country he twice endeavored to be married to others.

This Assembly on the serious consideration of the matter, and in answer to the justice of the petitioner's request, do see just cause, and hereby do grant and determine an absolute divorce, and clear separation unto the said Phebe Cook, from her said husband, John Cook. And this Assembly order, that the evidences or true copys of them, be kept on record, and the petitioner to bear the charge.

And it is further ordered by this Assembly, That the goods or

chattels, and the profit of the lands of the said John Cook, that are in this Collony, shall be by said Phebe possessed and improved towards the maintenance of her children untill her children come of age, or untill further order.

Voted, For an addition to the Generall Sergeants power of gathering former rates, and Constables power for the gathering future rates, ordered, that the Sergeant and Constables have power to press two or three men to go with him or them to aid and assist them or either of them, in the seizure of those rates that are refused by any person or persons, to pay their particular rates; and the Sergeant and Constable with the rates his levying or straining fees, and two shillings from each person for the men he or they press to go with him or them, to seize said rates.

Voted, A rate to be made for one hundred and sixty pounds, in money, or pay equivalent.

It is further ordered, That if any person in any the respective towns have ought due to him, from the Collony, and desire to be paid either out of his own rate, and the rate assessed in the town where he dwells, in case he makes it appear to a Magistrate in the town where he dwells, what is his just due by order or bill from the Generall Assembly, then the Constable, upon the Magistrate's approbation thereof, shall discount and offsett so much. Always provided, the Constable return a due account thereof to the Generall Treasurer, that he may keep account thereof; who shall have half sallary for his pains in keeping the accounts so returned.

Voted, In answer to Mr. John Williams his petition, concerning Shuball Painter, the Court taking the matter into serious consideration, do find that the proceedings in the Court of Tryalls in March and September, 1683, for want of due notice given to said Williams, was not so regular as it ought to have been; and therefore do leave them, if they cannot otherwise agree to a due course of law.

Voted, In answer to Abraham Man's petition, the Court allows him three pounds, in or as money, to be paid by the Trea-

surer, out of the next rate to be gathered, for the cure of his wound in the late Indian war.

Voted, John Bellou is also allowed three pounds, in or as money, to be paid by the Generall Treasurer, for his cure of his wound in the late Indian war.

Voted, Upon the presentation of Mr. Joseph Jencks and Major John Green, for allowance for their service, and moneys expended, being employed by the Assembly to go to Kings Town, to engage officers there. This Assembly do allow them the sum of fourteen shillings apiece, to be paid by the Generall Treasurer.

Voted, That the Recorder shall have five shillings, in or as money, from each town in this Collony, for the copies of this Assembly's acts that are binding on the inhabitants of the severall towns, to be with all expedition issued forth, under the seal of the Collony, and is allowed the sum of eight shillings, in or as money, to be paid by the Generall Treasurer, for his attendance on this Assembly.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 5th of May, 1685.

The Governor chosen Moderator.

The Recorder chosen Clerke.

Mr. William Coddington, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Richard Arnold,

Mr. Caleb Carr,

Major John Albro,

Major John Coggeshall,

Mr. George Lawton,

Capt'n Arthur Fenner,

Major John Greene,

Mr. Joseph Jencks,

Mr. Thomas Greene.

DEPUTIES.

<i>For Newport.</i>	Mr. Benjamin Smith.
Mr. James Barker, Sen'r,	Mr. Benjamin Barton.
Mr. Edward Thurston, Sen'r,	Mr. John Warner.
Mr. Thomas Ward,	<i>For Westerly.</i>
Mr. John Rodman,	Mr. Jeffrey Champlin.
Mr. Nathaniell Coddington,	Mr. Robert Burdick.
Capt'n Roger Goulding.	<i>For New Shoreham.</i>
<i>For Providence.</i>	_____
Mr. Stephen Arnold, Sen'r,	<i>For Kings Towne.</i>
Mr. Thomas Field,	_____
Mr. Valentine Whitman,	<i>For East Greenwich.</i>
Mr. Thomas Harris, Jun'r.	Mr. Thomas Nicolls,
<i>For Portsmouth.</i>	Mr. Henry Mathewson.
Mr. Latham Clarke,	<i>For James Towne.</i>
Mr. Henry Brightman,	Mr. Ebenezer Slocum.
Mr. John Coggeshall,	Mr. Nicholas Carr.
Mr. Joseph Nicolson.	
<i>For Warwick.</i>	
Mr. James Greene, Sen'r,	

The Governor chosen Moderator.

The Recorder chosen Clerke.

Voted, Richard Greene, Thos. Greene, Jun'r, Peleg Rhodes and Joseph Smith, freemen of the town of Warwick, are admitted freemen of this Collony.

Voted, Samuell Bennett, being a freeman of East Greenwich, is admitted a freeman of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held for the Collony at Newport, the 6th of May, 1685.

The Assembly consisted of the Deputy Governor, Assistants and Deputies afore named.

The Deputy Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, The Recorder shall take the names of those that bring in their votes for Governor.

Voted, Mr. Thomas Ward, of Newport, and Mr. John Coggeshall, of Portsmouth, shall receive the votes from every man's hand that brings them in, and take care there be no deceit used, and as the Election proceeds, put the votes into the hat.

Voted, That Major John Coggeshall and Major John Greene, shall open the proxies, and as the Election proceeds, put the votes into the hat.

Voted, That for the conveniency of the Election, the Assembly sit in the lower room.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.	Mr. Benjamin Barton.
Mr. William Coddington.	RECORDER.
DEPUTY GOVERNOR.	John Sanford.
Mr. Walter Clarke.	GENERAL SERGEANT.
ASSISTANTS.	Mr. Edmund Calverly.
Mr. John Easton,	GENERAL TREASURER.
Major John Coggeshall,	Mr. John Woodman.
Mr. Caleb Carr,	GENERAL ATTORNEY.
Capt'n Arthur Fenner,	Mr. Weston Clarke.
Mr. Joseph Jencks,	MAJOR FOR THE ISLAND.
Mr. Richard Arnold,	Capt'n Roger Goulding.
Major John Albro,	MAJOR FOR THE MAINE.
Mr. George Lawton,	Major John Greene.
Mr. Samuel Gorton,	

Voted, The Governor elected being absent, that the Recorder in the name of this Assembly, do signify the Assembly's desire unto him, which is as followeth :

To the Honored William Coddington, Esq'r, Governor elect for his Majesty's Collony of Rhode Island and Providence Plantations. These per gentlemen, members of the Assembly :

Honored Sir: By the Generall Assembly and Election held at Newport, the 6th day of May, 1685, you may please to understand that by the free and absolute vote of the freemen of this his Majesty's Collony of Rhode Island and Providence Plantations, you are elected and chosen to the honorable place of Governor; and your Honor being absent, this Assembly, with their hearty desire of your welfare and presence, have to that end desired and chosen the bearer to accompany you to this Assembly, who now wait thereupon with earnest expectation. And hoping we shall not fail of your presence amongst us, we have desired and sent Mr. John Easton, and Mr. Richard Arnold. Assistants, Mr. Edward Thurston, Sen'r, and John Rodman, to wait upon you, and remain,

Your affectionate friends and servants.

Signed by order of the Generall Assembly, aforesaid.

JOHN SANFORD, Recorder.

Voted, The elected Governor, William Coddington, appearing in Court, and positively denying to give the engagement to the office he was elected unto, therefore this Assembly agree and order to proceed to the election of another in his room and stead.

Mr. Henry Bull, chosen Governor, engaged; and also engaged to the acts for the encouraging of Trade and Navigation.

Voted, Whereas Mr. Weston Clarke, by the free vote chosen to the place and office of Generall Attorney, hath positively refused to engage, this Assembly agree and order to the election of another in his room and stead.

Mr. John Pooecke chosen Generall Attorney, engaged.

Voted, Capt'n Arthur Fenner, Mr. Joseph Jencks, Assistants; Mr. John Coggeshall, Mr. Ebenezer Slocum, Deputys; the Gen'll

Sergeant, and also the Town Sergeant of Newport, with the Recorder, are by this Assembly appointed and ordered to go to our late Honored Governor, William Coddington, Esq'r, and from him receive the Charter and all other papers and things in his hands, belonging to this Collony; and on behalf of this Assembly to give our said late Honored Governor a full discharge for what they receive, and they are to return the premises unto this Assembly.

Voted, The Committee appointed to go to our late Honored Governor, William Coddington, for the Charter and such other parchments and papers, &c., belonging to this Collony, which they having received, have returned the same to this Assembly, and are discharged thereof; and they are committed to the keeping of the present Governor.

And ordered, That a copy of their receipt be kept on record in this Assembly's acts.

Voted, Major John Coggeshall, Mr. Richard Arnold, Mr. John Rodman, and the Recorder, are chosen a Committee to draw up our humble address unto his Majesty, our Sovereign Lord, James the Second, King of England, Scotland, France, and Ireland, &c., and present what they draw up to this Assembly for their approbation.

Letter to King James 2d.

To the King's Most Excellent Majesty, James the Second.

We, your Majesty's loyall subjects, the Governor and General Assembly of your Collony of Rhode Island and Providence Plantations, in New England, in America, do think it our duty to signify our hearty obedience and joy of your peaceable succession to the Crown of England; and to assure your Majesty that in your enjoyment of the Crown of your ancestors, and the government of this Collony, we are your faithful and obedient subjects; and do in all humble manner beg and implore your Majesty's favor to be continued as in the time of our late Sovereign Charles the Second, of blessed memory, with your

princely protection. And we do humbly beseech your Majesty to accept hereof, and of our hearty prayers to Almighty God for your Majesty's long life and prosperous reign.

By order of the General Assembly and Election, held at Newport, the 6th day of May, 1685, in the first year of the reign of his Majesty, King James the Second.

JOHN SANFORD, Recorder.

Voted, The Assembly do order the Recorder to write to Mr. Samuel Gorton, and Mr. Benjamin Barton, of Warwick, chosen Assistants, to appear before the Governor or Deputy Governor, to give their engagement to the office elected unto, or send their respective answer.

Voted, This Assembly is adjourned untill Tuesday, the last day of June next ensuing, and then to Assemble again at the house of John Davis, in Newport; only if there be real occasion, then by warrant from the Governor, or by his leave, the Deputy Governor, the Assembly to convene sooner.

June 30th, 1685.

According to the aforesaid adjournment, the Assembly met and sat.

Voted, Whereas this Assembly, in order to the filling up of the Election, of General Officers, in especial Assistants in the town of Warwick, adjourned, and now having received some lines from Mr. Samuel Gorton, refusing the place of Assistant, that by the Election he was chosen, and being informed by the Deputy Governor, that Mr. Benjamin Barton, chosen Assistant, doth also refuse; therefore the Assembly do agree and order the election of two Assistants in the room and stead of those refusing.

Major John Greene, chosen Assistant, engaged.

Mr. John Potter, chosen Assistant, engaged.

Voted, That the Recorder, on the behalf of this Assembly, with all speed do write to Major John Greene, and Mr. John Potter, chosen Assistants, desiring and requiring them to appear before

the Governor, or in his absence, the Deputy Governor, to give their en-gagement to the office they are elected unto.

Voted, This Assembly is adjourned untill Tuesday, the 28th day of the next month, July, and then to assemble again at the house of John Davis, in Newport; only, if in the mean time there do appear occasion, then by warrant from the Governor, or in his absence, or by his leave, the Deputy Governor, the Assembly to convene sooner.

July 28th.

According to the aforesaid adjournment, the Assembly met and sat.

Voted, The petitions presented to this Assembly are referred to the Assembly in October, next, at Providence.

Voted, The Recorder shall have from each town in this Colony, the sum of five shillings, in or as money, for copys of these Assemblys' acts, under the seal of the Collony.

Voted, This Assembly is dissolved.

Protest of E. Hutchinson and others touching the King's Province, March 22, 1685.

To all persons and people, to whom these presents shall come. Be it known and manifest, that whereas the Chief Sachems and people, being the true and natural proprietors of all the land lying within the Narragansett, Niantick and Coheset countries, have long since by good and legal deeds and grants, by and with the consent and approbation of the Commissioners of the United Colonies, sold, conveyed, and by livery and seizin actually possessed, John Winthrop, Esq'r, and Major Humphrey Atherton, deceased, their friends and partners of, and in all or greater part of the lands lying in the said country; all which, King Charles the Second, of blessed memory, was graciously pleased to approve, and recommend the laudable endeavors of his said subjects (as he was pleased to call them), to people and plant the said countries and lands to the protection and encouragement of the several Colonies of New England, declaring the molestations and disturbances given them from Rhode Island a scandal to justice and government, as by his gracious letters to the said Colonies, dated June 21, 1663, may more fully appear.

And whereas, the General Assembly for Rhode Island and Providence Plantation being justly apprehensive that the titles derived as aforesaid, were good and legal, have by their public act, dated 30th of October, 1672, enacted and declared, that the purchasers and proprietors, with said Major Atherton, have a good and lawful estate in said lands, according to the purport of their deed or deeds, grant or grants, to have, hold, possess and enjoy the same for ever.

And whereas, his said late Majesty, by his Royal letters, bearing date February 12, 1678-9, directed as well to the government of Rhode Island, as to the other Colonys, commanded that all things relating to the government and possession of the Narragansett country or King's Province, should be left and remain in the same condition they then or lately were till his Royal pleasure were further known.

And whereas, his said Majesty was graciously pleased, for the quieting and determining all disputes relating thereto, to send his Royal Commission, bearing date the 7th of April, in the thirty-fifth year of his reign, to Edward Cranfield and Wm. Stoughton, Esq's, and others, to examine and inquire into the respective claims and titles as well of his Majesty as of all persons and corporations whatsoever, to the immediate jurisdiction, government and propriety of soyl in the said country, and to make report thereon to his Majesty, all persons and corporations (save only those of Rhode Island and Providence Plantation), having given due honor and obedience, as well to all his late Majesty's former commands as the said Commission, and exhibited their several pretensions and claims, upon all which his Majesty's Commissioners made their Report, and according to information, his said late Majesty referred the examination of the same to his Council, learned in the law, by whom the titles derived by and from the said Mr. Winthrop and Major Atherton, were allowed as good and legal. Notwithstanding, whilst the aforesaid Report lay spread before our present gracious King, and all the proprietors in obedience to former commands, refrained further settlement, waiting for his Majesty's gracious determination and direction therein, which is hourly expected, some turbulent and ill disposed persons persisting in their ill designs and practices, have, by undue and false suggestions, and a perverse and dangerous interpretation of his Majesty's gracious letter to the Governor of Rhode Island, dated (as they say) 26th June, last past, imposed upon and prevailed with the General Assembly of that Collony, who were either ignorant or waved the consideration of all that is premised, to pass an act, dated in October last, dated at Providence, very prejudicial to the rights derived as aforesaid, from which many deluded and other evil minded persons have taken encouragement, and are preparing illegally, unjustly and in open contempt of his Majesty's aforesaid command, to invade and possess the proprieties derived, and approved as aforesaid.

Therefore, to prevent the many publick inconveniencies that may ensue, and the great dammage that persons ignorant of the aforesaid titles might by ill example, perverse counsels, and the shadows of authority be drawn into, we, whose names are subscribed, being ordained and appointed by the proprietors concerned with and deriving from the said Mr. Winthrop, and Major Atherton, and fully empowered to order and manage their affairs and concerns in the Narragansett, Niantick and Coheset countries, do in the behalf of them and ourselves, make and publish this our Protest against all and every person or persons of what quality, degree or condition soever; that doth, shall or may illegally, upon any challenge or pretence whatsoever, without license from ourselves or Mr. Richard Smith and Mr. Francis Brinley (being upon the place), enter into or upon, or any way possess, use, occupy or improve, or commit any waste, spoyl or trespass in or upon any of the said lands and premises granted as aforesaid, and against all and every person and persons that under color of law or countenance of authority, or by any means directly or indirectly do or shall illegally maintain and abett, assist or advise such as do or may trespass or aggress in any such their evil designs and practices; declaring, that we shall and will endeavor by all lawful means and warrantable ways, to

prosecute and pursue all such trespassers and aggressors till we obtain full reparation and satisfaction.

Dated in Boston, in New England, March 22, 1685, and in the second year of his Majesty's reign.*

ELISHA HUTHINSON,
JOHN SAFFIN,
RICHARD WHARTON.

Charles the Second's Commission to Edward Cranfield and others, to examine into the claims and titles to the Narragansett country.†

CHARLES R.

Charles the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to our trusty and well beloved Edward Cranfield, Esq., our Lieutenant Governor and Commander-in-Chief of New Hampshire, and to William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimton, John Fitz Winthrop, Edward Palmer, John Pyncheon, Jun'r, and Nathaniell Saltonstall, Jun'r, Esq's, greeting. Whereas, for the quieting of all disputes that hath arisen concerning the right of propriety to the jurisdiction and soil of a certain tract of land within our dominion of New England, called the King's Province or Narragansett country, we have thought fit to cause strict inquiry to be made into the several titles and pretensions which are claimed or challenged thereunto. Know ye, therefore, that we, reposing especial trust and confidence in the prudent fidelity and circumspection of you, the said Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimton, John Fitz Winthrop, Edward Palmer, John Pyncheon, Jun'r, and Nathaniel Saltonstall, have assigned, ordained, constituted, and appointed, and do by these presents, assign, ordain, constitute, and appoint you the said Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimton, John Fitz Winthrop, Edw. Palmer, John Pyncheon, and Nathaniel Saltonstall, to be our Commissioners for examining and inquiring into the respective claims and titles, as well of ourselves 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, hereby authorizing and empowering you, or empowering you, or any three of you (whereof Edward Cranfield or Edward Randolph aforesaid, shall be the quorum), to examine and inquire into the several titles above mentioned, and summons and call before you any persons, and to search records as you shall find requisite for your information in this behalf; as also to take examination upon oath (which the Governor and Magistrates, under whose respective jurisdiction you shall meet, are hereby required and directed to administer unto such person or persons whom you shall so think fit to call before you), for the clearing of truth in the cases above mentioned. And your proceedings herein, with your opinions on the matters that shall be examined by you, you are to state and report unto us with all convenient speed, to the end we may, upon a final determination

* J. Carter Brown's Manuscripts, No. 202, Vol. IV.

† Omitted in its place, preceding the Summons of the King's Commissioner's, p. 130.

in our Privy Council, cause impartial justice to be done and executed where it shall appear to belong. And so we bid you farewell.

From our Court at Whitehall, the 18th day of April, in the five-and-thirtieth year of our reign [1683].*

By his Majesty's command.

SUNDERLAND.

Randolph's Petition to the King, with articles against Rhode Island, asking Writs of Quo Warranto.

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.

Articles of Misdemeanor against Rhode Island.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

Articles of high misdemeanors exhibited against the Governor and Company of the Collony of Rhode Island and Providence Plantations, by Edward Randolph.

1. They raise great sums of money upon the inhabitants of that Collony, and others by fines, taxes and arbitrary imprisonment, contrary to law, and deny appeals to his Majesty.

2. They make and execute laws contrary to the laws of England.

3. They deny his Majesty's subjects the benefit of the laws of England, and will not suffer them to be pleaded in their Courts.

4. They keep no authentick Records of their laws, neither will they suffer the inhabitants to have copys of them.

5. They raise and cancel their laws as they please, without the consent of the General Assembly.

6. Their Governor, Deputy Governor, Assistants, Deputyes and other officers

* Mass. Hist. Collections, p. 232, Vol V.

for the administration of justice, as well as juries and witnesses, are under no legal oaths.

7. They violate the acts of Trade, and have taken from Francis Brinley, Esq'r, his late Majesty's Commission, appointing the said Brinley and others to administer an oath to the Governor of that Colony, for his duly putting in execution the act of Trade and Navigation, made in the twelfth year of his late Majesty's reign; the Governor of that Colony not having taken the said oath these three or four years last past, as is required in the said act.

All which is humbly submitted, &c.*

Order in Council and Report for Quo Warranto. †

At the Court, at Whitehall, the 17th July, 1685.

By the King's Most Excellent Majesty, and the Lords of his Majesty's most honorable Privy Council.

A Report from the Right Honorable the Lords of the Committee for Trade and Foreign Plantations, being this day read at the Board, in the words following:

May it please your Majesty: We have received from Edward Randolph, Esq'r, Surveyor of your Majesty's Customs in New England, several articles of high misdemeanors, exhibited by him against the Governor and Company of the Colony of Connecticut and against the Governor and Company of Rhode Island and Providence Plantation in New England; upon consideration whereof we are humbly of opinion that your Majesty be pleased to refer the said articles to your Attorney General, with order forthwith to bring Writs of Quo Warranto against those Corporations.

We have also received a letter from the Mayor, Aldermen and principal officers of the city of New York, dated the 13th of May last, setting forth that since your Majesty hath been pleased to permit Delaware and the two Jerseys to be separated from the government of New York, that city hath extremely suffered by the loss of at least one-third part of its trade; and hath ever since much decayed in the number of inhabitants, rents and buildings. And that your Majesty's revenue doth likewise suffer thereby; whereupon we likewise offer our opinions that your Majesty's Attorney General may have directions to consider the several grants and properties of East and West New Jersey, and of Delaware, aforementioned, and to enter the like writs of Quo Warranto against the respective proprietors, if he shall find cause, it being of very great and growing prejudice to your Majesty's affairs in the Plantation, and to your customs here, that such independent governments be kept up and maintained, without a nearer and more immediate dependance on your Majesty. All which is most humbly submitted.

ROCHESTER,
CLARENDON, C. P. S.,
HALIFAX,
ORMOND,
BEAUFORT.

* J. Carter Brown's Manuscripts, No. 196, Vol. IV.

† See New York Documents, p. 362, Vol. III.

Council Chamber, 15th July, 1685.

His Majesty being graciously pleased to approve of the same, is pleased to order and direct that the said Articles be, and they are hereby referred to Sir Rt. Sawyer, Kut., his Majesty's Attorney General, who is forthwith to bring writs of Quo Warranto against the Governor and Company of the Collony of Connecticut, and against the Governor and Company of Rhode Island and Providence Plantation, in New England.

And it is further ordered, that Mr. Attorney General do forthwith consider of the several grants and proprietors of East and West New Jersey, and of Delaware; and enter the like writs of Quo Warranto against the respective proprietors thereof, if he shall find cause.

WILLIAM BRIDGEMAN.

Mem.: My Lord President is desired by the Right Honorable the Lords of the Committee for Trade and Plantations, to move his Majesty that the directions to Mr. Attorney General, that the prosecution of several writs of Quo Warranto against the propriety of the Province of Maryland, and against the Collonies of Connecticut and Rhode Island, and the proprietors of East and West New Jersey, and of Delaware, in America, may be renewed, and that the same may be prosecuted to effect.*

Council Chamber, 21st April, 1686.

Mr. Randolph's Proposals about Quo Warranto.

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.

* New York Documents, p. 362, Vol. III.

Mr. Randolph's Proposals about Quo Warrantos.

August 18, 1685.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

May it please your Lordships: More than nine months are passed since judgment was entered up for his late Majesty against the Charter of Boston, whereby the government of that Collony is invested in by his Majesty yet to this day. Some disaffected persons, under color of their vacated Charter, pretend to exercise a government there and countenance the breach of the Acts of Trade, by permitting their ships laden with Plantation commodities to go from thence directly to Holland, Scotland, &c., without first entering in England, as the law directs; greatly impairing thereby his Majesty's revenue, now increased by Act of Parliament.

Now forasmuch, as there is no settled government in that Collony, and the loyal party there (being the far greater number) have upon all occasions shown their readiness to submit to his Majesty's laws and commands, and are in daily expectation to be freed from the oppressions they have long groaned under, but being kept out of the government, are in no capacity to relieve themselves, or put a stop to the irregular trade, and other growing mischiefs complained of. It is therefore humbly proposed that his Majesty would graciously please forthwith to order a temporary government, by his commission to the best disposed persons upon the place untill such time as his Majesty's Governor Generall shall be dispatched from hence to take upon him the government of all the Collonys in New England.

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 and 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 dispatched 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.

Proceedings of the Generall Assembly held for the Colony of Rhode Island and Providence Plantations, at Providence, 28th of October, 1685.

The Deputy Governor Moderator.

Major John Greene chosen Clerke of the Assembly.

The Court adjourned to eight of the clock in the morning.

October 29th.

Dies Jovis.

In answer to the petition of the town of Westerly, concerning settling the easterly bounds of said town's jurisdiction, this Assembly taking the matter into serious consideration, do enact and order, that the easterly bounds of said town as to jurisdiction, shall extend to Pettacomscutt westerly line, and so to run as Pettacomscutt line runs northward, until it come to Pauqua-tuck River, so as to cause all the inhabitants that dwell therein to be liable to all manner of duties to that town as a town; and this to continue untill the Generall Assembly see cause to order otherwise.

In answer to the petitions of Samuell Bennett, James Sweet, and Mark Roberts, concerning each of them desiring to have a lot and farm in East Greenwich, the Court see cause to grant their request, in order as they are named, if there be such lots and farms to be disposed of, and refer the disposition thereof, to the town of [East] Greenwich, to accommodate all three if possible.

Ordered, That a Committee be chosen to consider of and bring in a result concerning the petition for settling a Plantation in the Narragansett and Niantick countries, subscribed by William Hopkins, John Warner, James Greene, Jun'r, and Henry Lilly. &c.

The Committee chosen are Mr. Joseph Jencks, Major John Greene, Mr. James Barker, Mr. Nathaniell Waterman, Mr. Thomas Cornell, Mr. Benjamin Smith, Mr. Caleb Carr, Mr.

John Heath, Lieut. Joseph Devett, they or the major part of them, to bring in their result to-morrow morning, at the Court's sitting.

The Court adjourned untill to-morrow, eight of the clock in the morning.

October 30th.

Dies Veneris.

The Committee aforesaid, having brought in their result, is as follows, viz :

We, the Committee, having been chosen to consider of and bring in our result to the Generall Assembly concerning the petition for settling a Plantation in the Narragansett and Niantick countries, for about one hundred and fifty families, &c., upon a serious consideration by the best information we can procure, we do declare, that we do conceive there is a sufficient accommodation for such a Plantation as the petitioners have petitioned for.

Furthermore, we humbly take notice, of his Majesty's most gracious Royall letters, bearing date from Whitehal, June 26, 1685, wherein he is pleased most graciously to signify to our Honored Governor, of this his Majesty's Collony, that he should signify to the inhabitants his now Majesty's Royall care and protection to them in the preservation of their rights; and in the defence and security of their persons and estates, &c., which we judge a protection sufficient for this Honored Assembly to grant the petitioners' request.

Furthermore, We do conceive that there ought to be a competent number of the petitioners, at least fifty to be in readiness to begin the said Plantation; and for that end, and purpose, that their names be given in to the respective Magistrates and Conservators, to each town and place, betwixt this and the next Court, there to be returned and confirmed. Always provided, that the said petitioners shall settle at their own cost, and charge. For the speedy and more effectual settlement thereof, that this Generall Assembly be pleased to transfer their whole power, to the Governor and Councill, to hold Court or Courts in the Narragansett or Niantick countries, with all convenient

speed, for the settling of the said Plantation ; and to do any act or thing for the settling of Kings Town ; and if they see cause, to divide them into more than one town. And to do any other act or thing necessary for the peace and welfare of his Majesty's subjects, as if the Generall Assembly were there present to act the same. Always provided, there shall always be at least seven of the Councill, the Honored Governor, or Deputy Governor, being one of the seven. And this their power to continue till further order.

JOSEPH JENCKS, Assistant,
 JOHN GREENE, "
 JAMES BARKER,
 THOMAS CORNELL,
 NATHANIELL WATERMAN,
 JOSEPH DEVETT,
 CALEB CARR,
 JOHN HEATH.

The Assembly, upon serious consideration of the matter presented by the Committee aforesaid, and for the quiet and peaceable settlement of his Majesty's subjects, the petitioners, and speedy regulating of the defects of Kings Town, do enact and order, and it is hereby ordered, that this Generall Assembly do and have transferred and given their whole power to the Honored Governor and Councill of this his Majesty's Collony, to hold Court or Courts in, the Narragansett or Niantick countries, with all convenient speed, for the settling of the said Plantation, and to do any act or thing for the settling of Kings Town ; and if they see cause, to divide them into more than one town. And to do any act or thing necessary for the peace and welfare of his Majesty's subjects, as if the Generall Assembly were there present to act the same. Always provided, there shall be at least seven of the Councill present at such Courts ; the Honored Governor [or] Deputy Governor being one of the seven ; and this their power to continue till further order.

Whereas severall complaints have been made to the Generall

Assembly of this Collony by severall women concerning their husbands deserting them, and so absenting themselves, not only to neglect providing for them, but also they cannot be heard from, which matter if not timely prevented, may give occasions for persons to break forth to the committing of folly, who otherwise might live honestly amongst their neighbors: for the preventing of such miscarriages, be it enacted by this Assembly and the authority thereof, and it is hereby ordered, that if either husband or wife have or shall so desert their husband or wife, that they cannot be heard of in five years' time after their departure of such husband or wife, the said husband or wife shall be free from their said husband or wife. Only it is provided, that forasmuch as a negative cannot otherwise be made to appear, therefore the person, be it husband or wife that expects relief, shall positively give their engagement, together with other circumstances agreeing before a Court, that they have not heard from their said husband or wife so absenting themselves five years' time as aforesaid, whereupon the absent party shall be deemed as dead, and therefore the grieved party be released; any thing to the contrary in any wise, notwithstanding.

Ordered, That the Clerke of the Assembly transcribe the acts thereof, and send them to each respective town of this Collony; and the Recorder shall fix the seal of the Collony to each copy, that they may be sent forth with all convenient expedition. And the Clerke of this Assembly shall have seven shillings and six pence in money of each town. And the Recorder shall have two shillings and sixpence of each town, for entering the acts in the Book of Records, and setting the seal to each copy.

Voted, That the Assembly is dissolved.

Compared by the Court. JOHN GREENE, Clerke.

According to the aforesaid act of the Assembly, the seal of the Collony affixed to nine copies.

Per JOHN SANFORD, Recorder.

Petition of John Founes and others, relative to Lands.

To the Honorable the Governor, Deputy Governor, Assistants and Deputies for this his Majesty's Collony of Rhode Island and Providence Plantations, in their Generall Assembly at Providence, the 28th of October, 1685.

The humble Petition (or Address) of the Freeman and free born Inhabitants of said Collony is, and sheweth:

That whereas, his Majestie, King Charles the Second, of blessed memory, over England, &c., out of his wonderful clemency, grace and favor by his Royall Charter under the great seal of England, bearing date at Westminster, the 8th day of July, in the fifteenth year of his reign, did invest your Honors with all priviledges as Collony, in a tract of land which comprehendeth the Narragansett and Niantick country and with all priviledges, both of soyl and government, as by said gracious Charter largely appears, reserving nothing to himself, in lieu of all duty and services, but the fifth part of gold and silver ore, which from time to time shall there be found. And all this he confirms from him, his heirs and successors, to you, your heirs and successors for ever, (to be held, &c.). The which said priviledges so contained in said Charter, with his Majestie's favor, from time to time thereon, hath been, and still is a brazen wall encompassing us, so that through the blessing of God thereon, we remain a people as monuments of his favor, to this day; notwithstanding the envy of others, which would from time to time have devoured us. And we being fully perswaded that the High and Mighty Prince James, our Dread Sovereign Liege Lord and natural King, will from time to time extend his like favor towards us, with as much compassion and tenderness as ever his Royal brother King Charles the Second, of blessed memory, hitherto has done, whose splendant rays of favor as from his Royal predecessors, will expel all the fogs and mists the enmity of malignant and disaffected persons for their private ends may seem to bait us with; so that in all respects which shall be seen and appear to his Majestie, both real and loyal, as indeed we are. And that for conscience sake, and being unanimously in this affair with sure and certain hopes of his Majestie's favor, shall endeavor with heart and mind to our utmost in all respects to walk worthy of the gracious grant contained in said Charter, and with all submission do earnestly desire that this his Collony may be peopled by us his Majestie's natural, loyal, loving and well-affecting subjects, which we ingeniously do hope will be to the honor of God and our Prince's praise and renown; all which are unseparable.

And whereas, there is a convenient and suitable accomodation for at least one hundred and fifty families without the lines of Pettaquamscutt, Greenwich, Warwick and Westerly, in the Narragansett and Niantick country, of lands, commodious for present settlement, and undisposed of by your Honours; we humbly desire we may be favored therewith, which will be and remain on us a great and continuall obligation, and preserve us from inconveniency and difficulty of purchasing land and settling other Collonys as hitherto we have been forced to do. And not only so, but be a means to keep out those vagrant, straggling, disloyal and disaffected persons that have attempted there to reside, to the dishonor of God and our Sovereign the King, and a disgrace to the members of this Collony in general. All which in submission, is humbly conceived.

Your petitioners, alias addressers, do therefore humbly pray your honors would be pleased to take the premises into your serious, candid and speedy consideration, in order to the answering our humble request: and to order a Committee to inspect into said lands, and that loyal and well-affected persons may be appointed in every town of this Collony to take cognizance, who are desirous and fit for present settlement, and to present their names to your Honors for your approbation, in order for their admittance on such terms and in such a manner as your Honors shall best approve of: or else some other prudent method or way, as your Honors in your wisdom shall see meet.

We humbly craving your Honors' favor herein, in answering this our humble request, which will oblige your petitioners, alias addressers, beyond expression, your Honor and the Collony to serve. And as in duty bound, pray for the prosperity of both, so long as we remain.

Subscribed in behalf of ourselves and the rest of the freemen and free born inhabitants of his Majesty's English Collony of Rhode Island and Providence Plantations.

WM. HOPKINS,
JOHN WARNER,
JAMES GREENE, Jun'r,
HENRY LILLY.

The petition granted, and the Committee chosen and appointed, was done and effected at the sitting of that Assembly, as we have information.

(Signed.)

JOHN FONES.

[October 28, 1685.]

[Several claimants sprung up at this time for the lands in the Narragansett country, who memorialized the King in relation to the same. One petition was from Thomas, Lord Culpepper, Richard Wharton, Thomas Dean and William Wharton, for themselves and others. They assert their "claim to be by purchase from the Indians, and by other legal means." The other from James, Earl of Arran, son and heir of William, Duke of Hamilton, who based his claim upon a grant from James the First to his grandfather. The latter claimed from the mouth of the Connecticut river sixty miles, "and so up the westward arm of the river, unto the land north westward, till sixty miles be finished; and so to cross south-west-ward till sixty miles; all which part and portion of lands were to be called by the name of the country of New Cambridge, now the Narragansett country and King's Province, with several other lands and privileges," &c. These petitions were, by his Majesty in Council, referred to the Lords Commissioners for Trade and Plantations.

There appears to have been no final action upon Lord Culpepper's petition until April 10, 1688, when the Lords Commissioners reported to the King on the same. By this, it appears Lord Culpepper and his associates petitioned a second time in January, 1688, and that Sir Edmund Andros had made some report "touching the claims of the petitioners." The Commissioners now recommend to his Majesty to signify to Sir Edmund Andros to the effect "that the said partners [Lord Culpepper, Richard Wharton, Thomas Brinley and others] have an equitable pretension to our favor preferable to others, in receiving grants of the said country or part thereof; and we do hereby direct and require you to cause to be made out to the said partners, Patents and Grants of said parts of the said Narragansett country or King's Province, as others of our subjects are not possessed of; and that all due encouragement be given them and others employed by them, in settling and im-

proving the same under the quit rent of two shillings and sixpence, payable unto us for every hundred acres of land so to be taken, pursuant to our instructions. Provided the said grants or any part of them, be not prejudicial to our service, or the right of any of our subjects, whose titles and pretensions to the said tract of land or any part thereof, we do hereby refer unto your further examination, willing and requiring you to return unto us your opinion in all matters wherein any difference or dispute shall arise, relating to the said Narragansett country, or concerning the further improvement thereof, which you shall not be able to determine the place, together with such a map or survey of the said country, that we may give further order touching the same," etc., etc.]—*J. Carter Brown's Ms., Vol. IV. Nos. 190, 191, 192, 193. Ibid. Vol II. No. 13.*

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 4th of May, 1686.

Mr. Henry Bull, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,	Mr. Richard Arnold,
Maj. John Coggeshall,	Major John Albro,
Mr. Caleb Carr,	Mr. George Lawton,
Capt'n Arthur Fenner,	Major John Greene,
Mr. Joseph Jencks,	Mr. John Potter.

DEPUTIES.

<i>For Newport.</i>	Mr. John Whipple,
Mr. James Barker, Sen'r,	Mr. Epenetus Olney.
Mr. Thomas Ward,	Mr. John Angell.
Mr. Benediet Arnold,	<i>For Portsmouth.</i>
Mr. Edward Thurston,	Mr. William Woodell,
Mr. John Woodman,	Mr. John Coggeshall.
Mr. Nathaniell Coddington.	Mr. Peleg Tripp,
<i>For Providence.</i>	Mr. Robert Hodgson.
Mr. Vallentine Whitman,	

DEPUTIES.

<i>For Warwick.</i>	Mr. John Maxon.
Mr. Randall Howldon,	<i>For East Greenwich.</i>
Mr. James Greene, Sen'r,	John Sanford,
Capt'n Benjamin Gorton,	Mr. Thomas Nicolls.
Mr. Samuell Stafford.	<i>For James Towne.</i>
<i>For Westerly.</i>	Mr. Josiah Arnold,
Mr. Jeffrey Champlin,	Mr. Joseph Morie.

Voted, Richard Evans, a freeman of the town of Newport, on his request, is admitted a freeman of this Colony.

Voted, Daniell Fish, Thomas Townsend, William Wodell, Jun'r, Thomas Potter, Stephen Cornell, Nathaniell Potter, Jun'r, and Robert Fish, being freemen of the town of Portsmouth, are admitted freemen of this Colony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 5th of May, 1686.

The Assembly consisted of the above written Governor, Deputy Governor, Assistants and Deputys.

Mr. Walter Clarke, Deputy Governor, chosen Moderator.

John Sanford, Recorder, chosen Clerke.

The Charter openly read.

Voted, That the same persons at the Assembly of Election in May last, and the same method, care and order that was by the said Assembly taken concerning the Election, be now again by them duly observed, and that the Election forthwith proceed.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Mr. Walter Clarke.

DEPUTY GOVERNOR.
Major John Coggeshall.

ASSISTANTS.

GENERAL SERGEANT.

Mr. John Easton,
 Mr. Walter Newberry,
 Mr. Edward Thurston,
 Capt'n Arthur Fenner,
 Mr. Joseph Jencks,
 Mr. Richard Arnold,
 John Coggeshall,
 Mr. George Lawton,
 Major John Greene,
 Mr. Samuel Stafford.

Mr. Edmund Calverly.
 GENERAL TREASURER.
 Mr. John Woodman.

GENERAL ATTORNEY.
 Mr. John Williams.

MAJOR FOR THE ISLAND.
 Major Roger Goulding.

MAJOR FOR THE MAINE.
 Major John Greene.

RECORDER.

John Sanford.

Mr. Edward Thurston and Mr. Joseph Jencks, Assistants, Mr. James Barker, Mr. Robert Hodgson and the Recorder are chosen a Committee to go to our late Honored Gov'r, Henry Bull, Esq'r. and of him demand the Charter, and all other papers, books and parchments in his custody to this Collony belonging, and they are empowered on this Assembly's behalf to give our said late Governor a full discharge for what they receive, and they are to return the same to this Assembly.

Voted, The Deputy Governor, Mr. John Coggeshall, Major Peleg Sanford, and Mr. Thomas Ward, are chosen and appointed, they, or the major part of them, a Committee to audit the late Generall Treasurer, Mr. Weston Clarke's accounts concerning this Collony, and of him receive the books, accounts and effects to this Collony belonging, and on the behalf of this Collony, give the said late Treasurer a full discharge for what is received, and return the same to the now late Treasurer, Mr. John Woodman, and render an account of their proceeds herein unto the next sitting of this Assembly; and they are to hold their first meeting on the 10th of this instant month, May, and as they see cause, adjourn untill the matter be finished within the time aforesaid. And are to be allowed out of the Generall Treasury each person the sum of two shillings, six pence a day, for their travell and trouble therein.

Voted, This Assembly having desired the late Deputy Gov'r, now our Honored Governor, that according to former order and practice of this Collony, the duplicate of his Majesty's gracious Charter be brought to this Assembly and delivered to our present Deputy Governor, to which our Honored Governor consented; and the duplicate sent for, and safely in folio and seal, under the yellow wax, no ways defaced hath been received, and the same is committed to the care and keeping of our Deputy Governor, Major John Coggeshall, for which our present Governor is discharged thereof.

Voted, Whereas there are sundry orders and acts heretofore made, ordained and enacted in this Collony, concerning customs, and selling of rum and other strong waters, and of sundry sorts of drink, to the English; and also concerning the selling of ammunition, and guns to Indians; and keeping public houses of entertainment: and the Assembly having debated and considered that the use and benefit of the said orders and acts are terminated and ended:

Be it ordained by this Assembly and the authority thereof, That all and every order and orders, act and acts, heretofore made concerning eustoms and impositions appointed to be levied and paid for, or upon importing of rum, brandy, wine, and other strong waters, and other sorts of strong drink, and all and singular the fines or forfeitures thereupon, are remitted and discharged. And all and every order and orders, act or acts, heretofore made concerning the selling of guns, powder and shot or ammunition, to Indian or Indians, and all and every order or orders, act or acts, made concerning keeping of publick houses of entertainment are repealed and made void. Except two orders or acts made concerning keeping ordinaries or tippling houses, made, ordained and enacted in a Generall Assembly, held in Newport, May 7th, 1673, and May 4th, in the year 1680; any clause or clauses in any orders, act or acts to the contrary hereof, notwithstanding.

Voted, The Assembly taking into serious consideration to have the laws of this Collony composed, extracted, altered, amended, and drawn up into a better method and form; and

for that end and purpose this Assembly have chosen and deputed as a Committee to effect the same, Major Peleg Sanford, Mr. Thomas Ward, and Mr. John Williams, or major part of them. And that the Recorder is desired if he can, to be helpful to them. But nevertheless, and it is ordered, the books shall be left for their use aforesaid, in Major Peleg Sanford's hands by the Recorder, at such times as he cannot be present with them, and that the said Committee are hereby empowered to appoint their time of meeting. And the major part, or so many as shall be present, to make their return to this Assembly, at their next sessions upon adjournment, for approbation: and that they shall be satisfied for their pains.

Voted, As an addition and for the reviving the laws for the true performance of gathering rates.

It is enacted by this Assembly and by the authority thereof, That with respect to the late levie or levies, that was made at the Generall Assembly, held at Warwick, in October, 1684, or else before in this Collony; that all Sergeants and Constables that have been negligent therein, be called to account by the Generall Treasurer, and do surrender to the Generall Treasurer as well as to others, the effects that the Generall Assembly have ordered to be delivered to each person, concerned in said order or orders.

And in case there hath been any neglect in sending forth warrants or calling for them, It is hereby ordered, that warrants may and shall be sent forth by the Governor, Deputy Governor, Assistant or Assistants, Conservator or Conservators of each town and place in this Collony, to the now or succeeding Constables, to gather and deliver the same accordingly, as if it had been seized and delivered at the former times prescribed.

Voted, That this order be forthwith published by the Recorder, under the seal of the Collony, and this to be done at the Court House, this instant 8th of May, and a drum to be beaten for the signifying thereof.

Voted, This Assembly on serious consideration, see cause to adjourn untill Tuesday, the 29th of June, now next ensuing,

and then to assemble at the now dwelling house of John Davis, in Newport; only, if there do present occasion, then by warrant from our Honored Governor, or in his absence, or by his leave, the Deputy Governor, the Assembly to convene sooner.

June 29th.

According to the aforesaid adjournment, the Assembly sat.

Whereas, Mr. Samuel Stafford, chosen an Assistant, having positively refused to engage, this Assembly do elect Mr. Benj. Smith in his room.

Mr. Benjamin Smith, chosen Assistant.

Voted, Whereas, we have received from our gracious Majesty, by the hand of Edward Randolph, Esq., a writ of Quo Warranto, bearing date October the 6th, 1685, and received the 22d of June, 1686;* and upon the receipt thereof, our Honored Governor having ordered notice to be given to all the free inhabitants, especially to those of the chief towns in this Colony, that they would be pleased to make their appearance either in person or in writing, at the sitting of this Assembly, which was to convene the 29th of this instant June, and in submission to the said notice given, many of the freemen of the said towns did meet and give in their judgments to the Assembly, and then left the further proceeding concerning the premises to the judicious determination of the Assembly.

This Assembly upon the serious consideration of the above said premises, do hereby order, publish and declare, that they have determined not to stand suit with his Majesty, but to proceed by our humble address to his Majesty to continue our privileges and liberties according to our Charter, formerly granted by his late Majesty, Charles the Second, of blessed memory.

Voted, This Assembly order, that the above said act be

* It is to be regretted that no copy of the writ of Quo Warranto against Rhode Island exists among the records, or on the files of the State, nor is any copy known elsewhere. I am informed by my friend, the Hon. Samuel G. Arnold, of Providence, who made a thorough examination of the New England Documents in the State Paper office, London, and who selected most of the papers copied for the unrivalled collection of manuscripts in the possession of Mr. John Carter Brown, of Providence, that no copy exists among those voluminous public archives.—J. R. B.

forthwith published in the town of Newport, at three convenient places for that end, and the same to be done by the Recorder, with the Generall and Town Sergeant, and the beat of drum.

Voted, Whereas it appears to this Assembly, that Edward Randolph, Esq., hath demanded one thousand acres of land of this Collony, on behalf of the Right Honorable the Earl of Clarendon. This Assembly having taken the matter into serious consideration, have thought meet to appoint a Committee to treat with the Honored Edward Randolph, and to make such agreement as they see most meet: or if they see cause to write to the Right Honorable the Earl of Clarendon, aforesaid.

The persons chosen, are the Honored Governor, Deputy Governor, and such of the Assistants as may be present; and also so many of the present Deputys that can be present at the time appointed.

Voted, Upon a motion of some members of this Assembly for the more certain settling town affairs, it is ordered, and enacted by this Assembly, that it shall and may be lawful for the freemen of each town in this Collony to meet together and appoint five or more or fewer days in the year for their assembling together, as the freemen of each town shall conclude to be convenient, for the managing the affairs of their respective towns.

And it is also further ordered, That the freemen of each town, yearly, upon one of their days of meeting together, nominate and elect such and so many town officers as they shall think meet for the managing of the affairs of their respective towns.

And it is also further ordered, That the freemen of each and every town, being orderly called together, that what the greater part of those that meet shall lawfully order and do, concerning making town rates, and the other affairs of their town, shall be valid and firm, until the said freemen shall see cause to repeal or make void such order or orders by them made and appointed.

And for the prevention of disputes concerning the legal calling and assembling the freemen to their town meetings, the

freemen of each town have power to order their Clerke or other officer, or officers of their said town, to warn or cause to be warned by warrant, the said freemen to come together; and also to appoint the time of the day for their meeting.

Voted, That a Committee be chosen and empowered by this Assembly, they or the major part of them, on this Collony's behalf, to draw up our humble address to his Majesty our Sovereign Lord the King, and to take speedy and effectual care for the safe conveyance thereof by way of Boston and York. And also to procure a messenger as soon as they can, to go for England; and to draw up letters to the Governor of York, to President Dudley, and to Esquire Randolph.

The persons chosen and empowered, are our Honored Governor and Deputy Governor for Newport: Mr. Joseph Jencks, for Providence; Mr. Peleg Tripp, and the Recorder, for Portsmouth; Major John Greene, for Warwick.

And the said Committee to be paid two shillings, sixpence, in or as money per day, out of the Generall Treasury, for their service therein.

Voted, The Generall Sergeants bill, amounting to eight pounds, six shillings, in or as money, is owned, and ordered to be paid to the said Generall Sergeant, Edmund Calverly, by the Generall Treasurer.

Voted, The Recorder, John Sanford's bill, amounting to six pounds, six shillings, six pence, in or as money, for service done as Recorder and Secretary, is owned, and ordered to be paid by the Generall Treasurer.

Voted, Henry Lilly's bill, for service done, amounting to two pounds, fourteen shillings, in or as money, is owned, and ordered to be paid by the Generall Treasurer.

Voted, That the Recorder, John Sanford, shall have from each town in this Collony, the sum of ten shillings, in or as money, for copys of these Assemblys' acts, under the seal of the Collony; and the same with all convenient speed to be sent forth.

Voted, This Assembly is dissolved.

Copie, per JOHN SANFORD, Recorder.

Address from the Governor and Company of Rhode Island to James the 2d, on the receipt of the Quo Warranto.

To his Most Excellent Majestie, our Sovereign Lord, James the Second. The humble addresse of the Governor and Company of your Majestie's Collony of Rhode Island and Providence Plantations, in New England, in America.

Most Dread Sovereign: We your Majestie's most dutiful and loyal subjects, do with all humble and due submission, prostrate ourselves and privileges at your Majestie's feet, humbly acknowledge your Majestie's gracious favor, in your Royal letters of the 26th of June, 1685, in the first year of your reign, directed to our Honored Governor, wherein you are graciously pleased to signifie (we shall at all times extend our Royal care and protection to them in the preservation of their rights, and in the defence and security of their persons and estates, which we think fit that you signifie unto the inhabitants of that your Collony), we your Majestie's most dutiful subjects, humbly acknowledge the receipt of your Quo Warrantos, by the hand of Edward Randolph, Esq'r, against the Charter of your Majestie's said Collony, which we received the 22d of June, 1686, requiring our appearance before his Majestie, where ever he shall then be in England, to answer from the day of Easter in fifteen days, which time had its period before the reception of the same, which was the 22d day of June, '86. Notwithstanding, in obedience to your gracious Majestie's commands, your Governor and Company convened, and upon serious consideration thereof, saw cause forthwith to publish and declare, by open Proclamation, that they would not stand suit with your Majestie, but to address themselves to your most excellent Majestie for favor and relief, praying and imploring your Princely bounty in our said Charter, contained both in religious and civil concerns: and the rather because we are a people, that have been and are real to the Royal interest, and despised by our neighboring Collonys. May it please your Majestie to know that before we received a Quo Warranto, or so much as a copie of your Majestie's Commission to the Honored President Joseph Dudley, Esq'r, that the greater part of our Collony was assumed from us, called the King's Province, which we did not oppose.

And farther, we beg that in your Princely clemency, you will please to continue our privileges in stato quo pravis, with respect to indulgence in matters of religious concernments and forming of catches or attestations.

And farther, we humbly petition your Royal favor, that forasmuch as the port of Newport, on Rhode Island, lays in the heart of all your Majestie's Collonies, it may be a free port for navigation and entries, paying duties.

And farther, we beg your Majestie's most gracious favor herein, that no persons may be imposed over us that suit not the nature and constitution of your Majestie's subjects here, which our late Majestie of blessed memory, was graciously pleased to indulge us in.

And finally, we pray and beseech your Royal Majestie, that in all things wherein we have been weak, or short, through ignorance, may be remitted and pardoned;

and cannot but think that through the disaffection of some, many things may have been misrepresented. All which is humbly submitted, and we beseech your most excellent Majestic to accept hereof, prostrating our all at your gracious feet, with our entire resolutions to serve our Sovereign with faithful hearts, praying for your Majestic's long life and prosperous reign over us.

And remain your Majestic's loyal subjects and supplicants,

WALTER CLARK, Governor.

Newport, on Rhode Island, the 3d of July, 1686.

*Address from certain inhabitants of Rhode Island in relation to the Quo Warranto.**

To the King's Most Excellent Majestic. The humble petition and address of some of the inhabitants and freemen of your Majestic's Collony of Rhode Island and Providence Plantations, in the Narragansett Bay, in New England, showeth :

That we are truly sensible of his late Majestic's gracious favor to us, in granting us a Charter of Incorporation, and making us a body politick, in these remote parts of his dominions, for the more easy administration of justice amongst our selves, suitable to our condition and constitution ; and though perhaps we lie under censure, yet hope we have so demeaned ourselves, in the administration thereof, as may render us to your Majestic rather as persons ignorantly than willingly transgressing.

We have received your Majestic's writ of Quo Warranto issued forth against the aforesaid Corporation (and communicated to us by Edward Randolph, Esq'r), with all dutiful respect and submission, as becometh loyal subjects ; and in obedience thereto, we the underwritten in behalf of our selves and others, doe here present our full and free submission, and entire resignation of the power given unto us in said Charter, unto your Majestic's pleasure, humbly desiring your Majestic's candid interpretation of our past actions, and that your Majestic will take such notice of us in the succeeding government, as may best consist with your Majestic's honor and our good, respecting the situation of the place, and conveniency of our commerce most suitable with our adjoining neighbors, the Massachusetts, and Collonie of New Plymouth, whose arms enfold the Narragansett Bay, wherein we are.

And whereas, the Generall Assembly of your Majestic's aforesaid Collonie, sitting the 29th of June, 1686, have made their public declaration, that they will not stand suit with your Majestic, but will proceed by their humble address, for continuation of their privileges and liberties, according to Charter, and that many of the freemen did give in their judgment to the Assembly, and left the further proceedings to their judicious determination, as by their declaration herewith sent, may appear.

We, your present supplicants and humble petitioners, declare, that we know nothing of it, neither have we left the further proceedings with the Assembly, but present our selves before your Majestic by this our early and humble address, desiring we may be discharged of all levies and contributions, which they would ex-

* J. Carter Brown's Manuscripts, Nos. 207-8, Vol. IV.

pose us to, to defray the charges of an Agent's going for England, to which we cannot consent, and shall ever pray for your Majestie's long and happy reign.

Your Majestie's most loyal and obedient subjects.

Dated in Rhode Island, the 16th of July, 1686.

JNO. WILLIAMS,	PELEG SANFORD,
THOMAS CODDINGTON,	JOHN FONES,
JOSIAH ARNOLD,	JOHN ODLIN,
FRANCIS BRINLEY,	ANDREW WILLETT,
RICHARD SMITH,	JOHN GREENE,
EDWARD PELHAM,	his
NATHANIEL CODDINGTON,	JOHN R RATHBONE,
CHRISTOPHER ALMY,	marke.

[An address was also sent to the King from the Quakers of Rhode Island, in relation to the writ of Quo Warranto. They set forth that they are a "loyal and peaceable people, and cannot in conscience bear arms, nor learn war any more,"—"that they may be excused, being willing to pay all just rates and duties for carrying on the Commonwealth's affairs, and for supporting the government with others, according to estate and strength." This address bore date of August 26, 1686, and was signed by John Easton, Daniel Gould, Edward Thurston, Gyles Slocum, John Rodman, and John Easton, Jun'r.]—*J. Carter Brown's Mss. Vol. II. No. 214.*

James the Second's Commission, Constituting a President and Council.

James the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to all to whom these presents shall come, greeting:

Whereas, a writ of scire facias hath been issued out of our High Court of Chancery against the late Governor and Company of the Massachusetts Bay, in New England, whereby the government of that Collony and members thereof, is now in our hands; and we being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner, that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet, and orderly government of the same, know ye, therefore, that we, by and with the advice of our Privy Council, have thought fit to erect and constitute, and by these presents, for us, our heirs and successors, to erect, constitute, and appoint a President and Council, to take care of all that our territories and dominions of New England, in America, commonly called and known by the name of our Collony of the Massachusetts Bay, and our Province of New Hampshire and Maine, and the Narragansett Country, otherwise called the King's Province, with all the Islands, rights and members thereunto appertaining; and to order, rule, and govern the same, according to such methods and regulations as are herein after specified and declared, until our Chief Governor shall arrive within our said Colonies.

And for the better executing of our Royal pleasure in this behalf, we do hereby

nominate and appoint our trusty and well beloved subject, Joseph Dudley, Esq.,* to be the first President of the said Council, and to continue in the said office until we, our heirs, or successors shall otherwise direct. And we do likewise nominate and appoint our trusty and well-beloved subjects, Simon Bradstreet, Wm. Stoughton, Peter Bulkley, John Pynchon, Robert Mason, Richard Wharton, Waite Winthrop, Nathaniel Saltonstall, Bartholomew Gidney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hincks, Francis Champernoone, Edward Tyng, John Fitz Winthrop, and Edward Randolph, Esq's, to be of our Council, within our said territory and Collony: and that the said Joseph Dudley, and every succeeding President of the said Council, shall and may nominate and appoint any one of the members of the said Council, for the time being, to be his Deputy, and to preside in his absence; or the said President or his Deputy, and any seven of the said Council, shall be a quorm. And our express will and pleasure is, that no person shall be admitted to sit, or have a vote in the said Council, until he hath taken the oath of allegiance, and the oath hereafter mentioned, for the due and impartial execution of justice, and the faithful discharge in them reposed.

[The above written is part of the commission of Charter granted to Colonel Dudley, that concerns the Narragansett country, or King's Province; the rest is general

* From the high position of Governor Joseph Dudley, and his intimate connexion with the history of the New England Colonies, we present the following sketch of his life from the New England Historical and Genealogical Register, Vol. X. p. 337.

Joseph was the second son of Governor Thomas Dudley, a descendant of the Barons of Dudley, England, whence he derived his name and armorial bearings. He was born 23d September, 1647, at Roxbury, Mass., and graduated at Harvard College, in 1665. His subsequent official career was the most brilliant that had then been witnessed in the new world.

He served his native town, first as a Representative, and next as an Assistant, from 1673 to 1685, and was one of the two Commissioners for the United Colonies from 1677 to 1681.

He was present at the battle with the Narragansetts, in December, 1675, and was one of the Commissioners who dictated the terms of a treaty with that powerful tribe. By a commission from King James II., dated 27th September, 1685, he was exalted to the office of President of New England [Massachusetts, Maine, New Hampshire, and the Narragansett country]. In 1687, he was appointed Chief Justice of the Superior (now Supreme Judicial) Court; and fell into trouble in the revolution of 1689, being arrested and imprisoned in the castle at Boston, as one of the friends of Andros. By his letters to the people's Governor, Simon Bradstreet, who was his brother-in-law, it appears he was for a long time treated with considerable rigor. At length, being sent to England with Andros, the fallen President, the new Sovereign, Queene Anne, received him with favor, and made him Chief Justice of New York. He was again in England, in 1693, and, during eight years, says Governor Hutchinson, he held the office of Lieutenant Governor of the Isle of Wight, being, in 1701, elected to Parliament from Newton, in that Island. Mr. Dudley held many other public offices and honors too numerous to mention. In 1702 he returned to his beloved native country, as Captain General and Governor-in-Chief of Massachusetts Bay, including New Hampshire and Maine, being received here with great respect and affection. Continuing in this high station till 1715, when a new sovereign ascended the throne of England, that knew not Joseph, he retired to his rural home in Roxbury, and died on the 2d day of April, A. D. 1720, in the seventy-third year of his age.

instruction for the government of the whole, and concluded in these words following] :

In witness whereof, we have caused these our letters to be made patent.

Witness Ourselves at Westminster, the 8th day of October, in the first year of our reign.*

Proclamation of James Second, relative to the Narragansett Country.

A PROCLAMATION.

By the President and Council of his Majesty's territory and dominion of New England, in America.

Whereas, his Most Excellent Majesty, our Sovereign Lord, James the Second, King of England, Scotland, France and Ireland, Defender of the Faith, &c., by Commission or Letters Patents under his great seale of England, bearing date the 8th day of October, in the first year of his reign hath been graciously pleased to erect and constitute a President and Council to take care of all that his territory and dominion of New England, called the Massachusetts Bay, the Provinces of New Hampshire and Maine, and the Narragansett Country, otherwise called the King's Province, with all the Islands, rights and members thereunto appertaining; and to order, rule and govern the same, according to the rules, methods and regulations specified in the said Commission; together with his Majesty's gracious indulgence in matters of religion.

And for the execution of his Royal pleasure in that behalf, his Majesty hath been pleased to appoint Joseph Dudley, Esq'r, to be the first President of his Majesty's said Council, and Vice Admiral of these seas; and to continue in the said offices until his Majesty shall otherwise direct; and also to nominate and appoint William Stoughton, Esq'r, now Deputy President, Simon Bradstreet, Robert Mason, John Fitz Winthrop, John Pynchon, Peter Bulkley, Edward Randolph, Wait Winthrop, Richard Wharton, John Usher, Nathaniel Saltonstall, Bartholomew Gidney, Jonathan Tyng, Dudley Bradstreet, John Hinks, and Edward Tyng, Esq'r's, to be his Majesty's Council in the said Collony and territories.

The President and Council, therefore being convened, and having according to the direction and form of the said Commission, taken their oaths and entered the government aforesaid; and finding it needful, that speedy and effectual care be taken for the observation of his Majesty's commands, and particularly for the regulation and good government of the Narragansett Country, or King's Province, which hath hitherto been unsettled. They, the said President and Council, have resolved speedily to erect and settle a constant Court of Record upon the place; and that the President, Deputy President, or some others of the members of his Majesty's Council, shall be present to give all necessary power and directions for establishing his Majesty's government there, and administration of justice to all his Majesty's subjects within the said Narragansett Country, or King's Province, and all the Islands, rights and members thereof. And the said President and Council have in the interim assigned Richard Smith, Esq'r, James Pendleton, and John

* Mass. Hist. Collections, Vol V. p. 211.

Fones, gentlemen, justices, to keep the peace of our Sovereign Lord, the King, and all his subjects; and also given commission to the said Richard Smith, to be Sergeant Major, and chief Commander of his Majesty's militia, both of horse and foot, within the Narragansett Country, or Province, and all the Islands, rights and members thereof.

Therefore, the said President and Council, do hereby in his Majesty's name, and by virtue of his said Commission, strictly require and command all other persons being or coming upon the place, to forbear the exercise of all manner of jurisdiction, authority, and power, and to cease all further proceedings for the allotments or divisions of land, or making any strip or waste upon any part of said Province, save only on each man's stated propriety, except by licence obtained from the said Court, or the President and Council, until there shall be such effectual regulation and government established, as is directed by his Majesty. And the said President and Council do hereby henceforth discharge all his Majesty's subjects within the said Narragansett Country, or King's Province, and all the Islands, rights and members thereof, from the government of the Governor and Company of Connecticut and Rhode Island and Providence Plantation, and all others pretending any power or jurisdiction. Hereby charging and commanding all his Majesty's subjects to yield ready and due obedience to the said Justices of the Peace, the Sergeant Major, or chief Commander of his Majesty's militia. And George Weightman, Thomas Eldridge, Thomas Monford and William Chaplin, are hereby appointed and authorized present Constables; and liberty given to the aforesaid Justices to appoint so many more as they shall see needful to them, and to administer oaths unto the aforesaid Constables and such as are to be ordained. And all other persons are to be aiding and assisting unto them the said Justices and Constables in the execution and discharge of their respective offices, charges and trusts, as they will answer the contrary at their utmost peril.

Given from the Council house in Boston, this 28th day of May, Anno Domini 1686, Annog: Regni Regis Jacobi Secundi Secundo.

By the President and Council.

EDWARD RANDOLPH, Sec'ry.

God save the King.

Walter Clarke to Edward Randolph.

Esteemed and courteous: Understanding by the blessing of God of thy landing at Boston, the 13th instant, hold myself obliged to congratulate thy safe arrival once more into these American parts, and to assure thee that as I stand constituted in my present capacity, shall be glad to serve thee in any office of love to my power, which I presume is the minds of all my well-beloved friends, and hope our practice will demonstrate the same if time and opportunity offer, having a true regard to all such whom his Majesty, in his princely wisdom, thinks meet to employ in his weighty concerns, is all at present, and with dear respects to all so immediately concerned,*

Remain thy assured friend,

WALTER CLARKE.

Newport, on Rhode Island, this 15 day the 3 mo. [May] 1686.

For his esteemed Ed. Randolph, Esq'r, }
in Boston, these.

Order of the President and Council.

Boston, the 17th day of June, 1686.

We, John Pynchon, Bartholomew Gidney, and Jonathan Tyng, members of his Majesty's Council, have examined the several acts, accords, deeds, and entries, in the twenty-seven foregoing pages,* and find them to agree with the originals in the hands of Capt'n Hutchinson, and recommend it to the President and Council, that the transactions in this book be allowed and declared good and authentic records; and that the same book be carried on and employed for entry of the subsequent acts, orders, agreements, and transactions of the proprietors, deriving by, with, and from John Winthrop, Esq'r, and Major Humphrey Atherton, deceased, and their associates, and all other matters fit for public records, in the Narragansett country, or King's Province

JOHN PYNCHON,
BARTHOLOMEW GIDNEY,
JONATHAN TYNG.

Letter from Edward Randolph to Governor Hineckley, of Plymouth, relative to Taxes for the support of Ministers.

Rhode Island, June 22d, 1686.

Sir: I am come hither in my way to Narragansett, and am here entertained with an displeasing story (if true), that is, about three weeks since some persons of this place were at Scituate, where a Constable came and demanded three pounds of Edward Wanlaye, for to pay the Minister; and have treated others in the same manner. Truly, I am very sorry, since his Majesty has been graciously pleased to grant liberty of Conscience in our government, that it should be restrained in your Collony, without any particular directions from Whitehall.

Sir, let us bring the matter to the square, and perhaps 't will be as reasonable to move that your Collony should be rated to pay our Minister of the Church of England, who now preaches in Boston, and you hear him not, as to make the Quakers pay in your Collony, when what is a rule for us, is a very good direction to others; and may be applied securely if not practiced to the [rest] of his Majesty's subjects, who are all entitled to that blessing and favor; which I leave to your very serious consideration, and am your assured friend,

ED. RANDOLPH.

To Francis Hineckley, Esq'r,
Governor of New Plymouth Collony.

* This refers to the summons, calling the meeting of the Narragansett Commissioners, their report, and the King's commission to Edward Cranfield.

† Letters and Papers (Rev. T. Prince's Collection), 1685-1720, p. 3.

Commission to Edward Randolph, Secretary of the Governor and Council of the New England Colonies.

September 21, 1685.

JAMES REX.

James the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, and to all to whom these presents shall come, greeting:

Whereas, we have thought fit to appoint a President and Council, until we shall send over a Governor in Chief to take care of all our territory and dominion in New England, commonly called or known by the names of the Collony of the Massachusetts Bay, the Province of New Hampshire and Maine, and the Narragansett Country, otherwise called the King's Province, with all the islands, rights and members thereunto belonging; know ye, that we reposing especial trust and confidence in the loyalty and abilities of our trusty and well beloved Edward Randolph, Esq'r, have given and granted, and, by these presents, do give and grant unto him, the said Edward Randolph, the several and respective places and offices of Secretary and sole Register of our Governor and Council, and of our government there, for the time being, of and in our territories and dominion aforesaid, and him (the said Edward Randolph, Secretary and Register of our said territory and dominions), we do, by these presents, make, ordain and constitute, to have, hold, exercise and enjoy the said places and offices, or to him, the said Edward Randolph, by himself or his deputy or deputies during our pleasure, together with all fees, rights, privileges, profits, perquisites and advantages, to the said places and offices, or either of them, belonging or in any wise appertaining in as full and ample manner to all intents and purposes, as the Secretary and Register of our Island of Jamaica, or of any other our Plantations in America, have had or do now receive and enjoy. And hereof all persons, whom it may concern, are to take due notice, and yield obedience thereunto accordingly.

Given at our Court at Windsor, the 21st day of September, 1685, in the first year of our reign.*

Proceedings of a Court held by the Commissioners.

King's Province, June 23, 1686.

At a Court held by his Majesty's Commissioners and Justices, at Major Richard Smith's, in Rochester, in the King's Province. Present,

Joseph Dudley, President,	} of her Majesty's Council.
John Winthrop, Esq.,	
Edward Randolph, Esq.,	
Richard Wharton, Esq.,	

* Mass. Hist. Col. Vol. VII., p. 161.

John Blackwell, Elisha Hutchinson, Richard Smith, Francis Brinley, John Saffin, Esq's.; John Fones, Thomas Ward, James Pendleton, gentlemen.

Imprimis. The power and commission of the President, and the rest of the honorable gentlemen commissioned and for that purpose, was read, and the President and all the Justices there assembled, took the oath prescribed in said commission, and the Justices' oath; also Capt'n John Blackwell, Capt'n Elisha Hutchinson, Francis Brinley, John Saffin, Esq's, and Mr. Thomas Ward, took the oath of allegiance.

John Fones sworn unto the office of Clerk to said Court, and all Courts which shall hereafter be held in the King's Province for the time being: the King's commission to the President and Council of his territories and dominions in New England, openly read.

Commissions unto all the commissioned officers of the respective companies of the militia in the King's Province, delivered by the President, they having formerly taken the oath of allegiance.

Ordered, That the three towns now in the King's Province, shall be called Rochester: the first and chief, formerly called Kingston.

Haversham, the second, formerly called Westerly.

Dedford, the third, formerly called Greenwich.

Elisha Hutchinson, Esq'r, having exhibited a book and reference, and report thereon, under the hands of John Pyncheon, Bartholomew Gidney, and Jonathan Tyng, Esq's, and the orders for allowance by the President and Council at Boston, dated the 17th day of this instant month June, it is ordered, that the said book and report, and allowance thereon, be committed to Capt'n John Fones, Clerk and Recorder of this Province; and that the matters entered in the said book stand and remain as authentic records of the Province; and in the same book the Clerk is ordered to enter such further records, grants, and bargains of lands, &c., as shall be acknowledged and allowed before the President, or some members of his Majesty's Council, from time to time, under their hands, with several other deeds as have been allowed by former authorities.

Ordered, That two Courts of Pleas shall be held yearly at Rochester. The first Court to be held the second Wednesday in October, and the second the last Wednesday in May.

And for the impartial issue of titles of land within this Province, and that absent claims may not be impeded, nor exception made against the Judges, several of his Majesty's Council and Justices assigned to hold his Majesty's Court here, being concerned in the general titles:

It is ordered, That all original writs in real actions shall be served at least thirty days before the session of the Court that shall try the case; and that declarations be filed in six days after the process is served, and that the Clerk of the Court for the time being, shall at least eighteen days before the session of the Court, transmit to the President or Deputy President, an account of all actions entered and depending on the general files.

Ordered, That in all other cases, the proceedings of the Court in this Province, be agreeable to the general order and directions for the administration of justice in other parts of his Majesty's territory and dominion under this government.

For the settlement of precincts of towns and the government of the militia, it is ordered, that the bounds of the town of Rochester, in the King's Province, shall be accounted to begin at Mill River, to the eastward of James Reynolds, Sen'r, his

house, and to extend to the westernmost bounds of the tract of land commonly known by the name of Pettequamscot, as it is bounded by the agreement made the 25th of December, 1679, including the northern and southern tracts, purchased by the late John Winthrop, Esq'r, and others; also said Pettequamscot tract, and the inhabitants thereof.

Ordered, That the bounds of the town of Haversham, in the King's Province, shall be accounted to begin at Rochester, and extend to Paucatuck River, including all the lands in the King's Province, to the westward of the said town of Rochester.

Ordered, That the bounds of Dedford, in the King's Province, shall begin at Rochester bounds, to extend unto the bounds of Warwick, including all the lands in the King's Province, to the eastward of the said town of Rochester, viz.: the lands formerly called East Greenwich, Cowesett, Pottowomack, and inhabitants thereof.

Ordered, That other inhabitants in the King's Province shall belong to and attend their respective duties in such of the abovesaid towns as their habitations lye nearest, until further order.

Forasmuch as sundry persons have been deluded, whilst no government was settled upon the place, having been encouraged, without license from the proprietors, to build and make improvement upon the lands called the mortgage lands; to the end, therefore, that all such persons may have seasonable time to make their compositions, that so they may, either upon purchase, rents, or other good agreements, enjoy their respective improvements, where they seem not prejudicial to townships nor highways, it is ordered, that no possessor, as incumbent of or upon any such lands, shall be molested, nor any action upon the title of land brought against them before the 20th day of August next. In case upon any treaty with the proprietors, or their committee, they receive not satisfaction in the terms, the said possessors or incumbents shall, upon their complaints, be heard by the President and Council at Boston, and relieved so far as may be consistent with common justice, and his Majesty's service, who will further direct to the trial and issue of the differences.

June 24th.

Ordered, That thirty, or any less number of wild or unmarked horses of two years old or upwards, shall be taken up, and by the order of two of the Justices of the Peace sold; and the produce employed for building a prison and erecting stocks. And that Daniel Vernon be appointed Marshall of the Province, and prison keeper.

Ordered, That copies of all publick acts and orders of this Court be fairly drawn and sent to the Constables, to be published in the several towns of this Province.

In answer to the complaint of James Corsee, late servant to John Carr, showing his indenture, and complaining that he is dismissed after many years service by the said indenture, without necessary apparel; all which doth also appear unto the Court.

It is therefore ordered by the Court, That the said John Carr, the master, do provide and deliver unto the said servant one suit of clothes, one shirt, stockings and shoes as is meete for such a servant for his body, within ten days next, or pay unto him four pounds, to provide for himself.

Ordered, That four days in the year be appointed for trayning; and that the penalty for non-appearance be six shillings, eight pence per head.

Rochester, July 5th, 1686.

Copie, per JOHN FONES, Clerk.

Letter from the Court [of Massachusetts] to Dudley.

Gentlemen: We have perused what you left us as a copy of his Majesty's commission, showed us the 17th instant, empowering you for the governing of his Majesty's subjects, inhabiting this Collony, and other places therein mentioned. You then applied yourselves to us, not as a Governor and Company, but (as you were pleased to term us) some of the principal gentlemen and chief of the inhabitants of the severall towns of the Massachusetts—amongst other discourse, saying, it concerned us to consider what therein might be thought hard and uneasy. Upon perusal whereof, we find, as we conceive:

1. That there is no certain determinate rule for your administration of justice; and that which is, seems to be too arbitrary.

2. That the subjects are abridged of their liberties, as Englishmen, both in the matter of legislation, and the laying of taxes; and indeed the whole unquestioned privilege of the subject transferred upon yourselves; there being not the least mention of an Assembly in the commission. And therefore we think it highly concerns you to consider whether such a commission be safe either for you or us. But if you are so satisfied therein, as that you hold yourselves obliged thereby, and do take upon you the government of this people, although we cannot give our assent thereto; yet hope we shall demean ourselves as true and loyal subjects of his Majesty, and humbly make our address unto God, and in due time to our gracious Prince, for our relief.*

Pass'd by the whole Court, May 20, 1686, nemine contradicente.

Attest,

EDW: RAWSON, Sec'ry.

Randolph to the Board of Trade on the state of the Colonies.

Boston, in New England, July 28th, 1686.

May it please your Lordships: Pursuant to his Majesty's order in Councill of the 15th of July, 1685, directing Mr. Attorney Generall to cause writs of Quo Warranto to be brought against the Charters of the Collonys of Rhode Island and Connecticut, in New England, 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 factions 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. Upon my giving the Governor of Rhode Island the sum-

* MASS. HIST. COL. VOL. VIII., p. 179.

mons of the writ, he assembled the freemen, and they have drawn a petition and address to be forthwith humbly presented to his Majesty.

I intended long before this time humbly to lay before your Lordships a more early account of the present state of this government; but have forbore, to see what effects his Majesty's gracious commission of a new constitution of government, containing liberty of conscience, would have upon the people of this Collony, which at my first arrival was received with all outward show of satisfaction, and a compliment of gratitude was returned his Majesty for that favor. But since, the proceedings of the President and Councill, whatever they write or pretend in their letters to your Lordships, are managed to the encouragement of the independent faction, and utter discountenancing both the minister and those gentlemen and others, who dare openly profess themselves to be of the Church of England; not having any allowance for our ministers, more than we raise by contribution amongst ourselves; the form of this government is only changed; for our Independent ministers flourish and expect to be advised with, in publick affairs. I need no other arguments to confirm the truth hereof to your Lordships, than to say, that but two of the present members of the Councill, viz.: Mr. Mason and myself, are of the Church of England; that of above sixty officers in the militia of this whole government, there are not above two Captains and two or three inferior officers but are either Church members, or such as constantly frequent those meetings, which makes con-conformists from all places resort hither.

About two months ago, Mr. Mourton, an excommunicated minister, came hither from Newington Green; he was welcomed by our President, and designed to be made head of our College; but not daring to proceed at first by such large steps, he is called to be minister at Charles Town, a very good living, and is ready at hand to be the President of the College.

Two brothers of the name of Baylys, great and daring non-conformist ministers, at Limerick, in Ireland, have been here these two years, and well provided for. In the time of Monmouth's rebellion, most part of the ministers animated the people, saying the time of their deliverance was at hand, and not one of them prayed for his Majesty, and would not give credit to his Majesty's gracious letter, signifying the overthrow of the rebels.

I humbly propose, as greatly for the quiet and welfare of this Plantation of New England, that no minister from England be admitted to land without the license of the Generall Governour; and that he have power to license or restrain from preaching publickly such as are already upon the place. From all which, it will appear very needful, that his Majesty would be graciously pleased to send us over a Generall Governour, to unite and settle this distracted country; and also to make good, what is newly begun in this Collony, the delays whereof may be of evil consequence, and give way to the factious people here to re-assume the government; which they openly declare they have not passed withall, but expect an opportunity to be restored.

And as to the discharge of the trust reposed in me, I humbly represent to your Lordships, that under color of his Majesty's authority, the President takes great liberty to impose upon me in my station, and would not assist me to make a seizure of a vessel in the harbor, which my officers were not permitted to board. I am by all accounted the sole enemy of the country, having been for eleven years attending his Majesty's commands in this affair, and by serving the writs upon the other Colonies, my life will be made very uneasy, unless his Majesty shall be pleased gra-

ciously to recommend me to the care and protection of his Generall Governor, for whose speedy arrival all good men heartily pray. All which is humbly submitted by

Your Lordships' most humble servant,

ED. RANDOLPH.

To the Honorable the Lords of the Committee for Trade and Foreign Plantations.

Randolph to the Board of Trade on the state of the Colony.

Boston, in New England, August 23, 1686.

May it please your Lordships: In my letter of the 28th of July last, I humbly represented to your Lordships my serving the writs of Quo Warranto against the Colonies of Rhode Island and Connecticut, and that they intended to make their humble submission of their Charters to his Majesty, unless underhandedly diverted by the faction in this government, who are countenanced, and are not out of hopes to be restored to the exercise of their former authority by Charter, the late Generall Court being upon an adjournment, continued, made upon the 21st of May last, and are to meet at 8 o'clock, in the morning, upon the second Wednesday in October next, and as yet the President and Councill, though often moved by my self, that their adjournment ought to be declared illegal, have done nothing to discountenance that act, but on the contrary, have preferred divers of the Magistrates and others of the late government, to commands in the present militia, and Justices of the Peace in severall of the towns in this country.

His Majesty having been graciously pleased to grant me the office of Secretary and Register of this government, I demanded the Records of the Generall Court, and other books of public concern, which ought to be lodged in my office, and had an order to that purpose; but some of the Councill and others, looking upon me as the only enemy of their country, have encouraged the former Secretary to keep them in his custody; to the end your Lordships might know what large tracts of land they have bestowed upon each other, and are at this day making sure to themselves all the land in this government not yet disposed of, in which perject is one Capt'n Blackwell, Treasurer to the army in Cromwell's time, and son-in-law to Lambert, and now made Justice of the Peace, although excepted in the free and generall pardon in the twelfth of his late Majesty.

They likewise refuse to let me have an account of the receipts and disbursements of their late Treasurers, which I have often demanded, the better to discover to your Lordships the rates and taxes imposed upon the people (against the wills of most of the inhabitants) to defend their Charter and continue themselves in government. The great favor of liberty of conscience granted this people may in a short time be of ill consequence to this government, unless it be in the power of his Majesty's Generall Governor to put some limitation to their extravagant use of it.

It plainly appears, that although his Majesty has been graciously pleased to appoint severall of the late government to be of his Council here, yet they retain their old principles; and I humbly propose it very necessary for the good governing of this Plantation, that his Majesty's Generall Governor be likewise impowered to displace such persons in the Councill who oppose his Majesty's interest, and elect

others in their stead; otherwise, 't will not be possible to raise a revenue for support of this government.

Great numbers of people are transplanting themselves from England, Scotland, &c., to this country; one ship has now brought us sixty passengers, with two non-Conformists Ministers. I have pressed that all persons above sixteen years old should present their names and give an account of themselves, and also be obliged to take the oath of allegiance; but this being looked upon as a great discouragement to good people, is referred to the directions of his Majesty's Generall Governour.

I find the country dissatisfied for want of an Assembly of Representatives from the severall towns in the government, with power to raise money, and make laws, &c. The great matters they aim at, are a generall pardon, a confirmation to them of all their lands and possessions whatsoever, and to settle independency by a law; but are very cold and backward to my proposalls of raising his Majesty a revenue upon quit rents, and the consumption of all liquors, wines, and other merchandize imported into this country; which upon the addition of the Collonys of Connecticut and Rhode Island to this government, may amount to nigh £4000 a year, some part of which ought necessarily to be applyed to maintain officers in the severall ports of this government (as in New York), to take care that the Acts of Trade be duly executed, otherwise no men of credit will undertake that trust, unless they have a competent allowance for their service.

We have lately had a pirate of fourteen guns, and one hundred men upon our coasts; and Capt'n 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. Not long since, Gramond, a Frenchman, of fifty guns, lay off Carolina, and desired leave to trade, which was denied him. We have advice that a small sloop of twenty men have been seen upon our coasts. These very much disturb our trade.*

All which is most humbly submitted by

E. RANDOLPH.

To the Right Honorable the Lords of the Committee for Trade.

Letter from Randolph to the Lord Treasurer, after issuing the writs of Quo Warranto.

Boston, in New England, August 23, 1686.

May it please your Lordship: By the blessing of God, and your Lordship's favor, I have performed his Majesty's commands, and brought this people to a nearer dependance upon the Crown. I have likewise served two writs of Quo Warranto, upon the other two Collonies of Connecticut and Rhode Island, who are preparing to make their humble submission to his Majesty. But unless his Majesty please, in a very short time, to send us over a General Governour from England, all that is already done, will be of little advantage to his Majesty's interest. The independent faction still prevails, and persons of dangerous principles from England, Ireland and other places, are here received and highly encouraged. They have put Capt'n

* J. Carter Brown's Manuscripts, Nos. 210, 213, Vol. IV.

Blackwell Oliver, Treasurer in London, son-in-law to Lambert, excepted in the Act of Indemnity, and a violent Commonwealth's man, to be of the Commission of the Peace, and a man consulted with in all public affairs. The independent ministers and others, make every ill use of his Majesty's indulgence and liberty of conscience, some of them have spoken treasonable words in their pulpits, of which (to no purpose) I have complained to the President and Council, so that I am humbly of opinion, that liberty of conscience will much obstruct the settlement of this place, unless duly regulated by the authority of a prudent Governor sent hither. Your Lordship may please to remember, that this commission was but temporary, and served only to unhinge the Commonwealth, which, for many years, was usurped and managed by a faction. All the members of the present Council, Mr. Mason and myself excepted, are either Church members, or strong abettors of that party; and even Mr. Dudley, our President, was not long since a zealous preacher amongst us, and though, while in London, he pretended to be of the Church of England, yet, since he is made President, courts and keeps private cabals with these factious ministers and others, who, in the time of Monmouth's Rebellion, refused to pray for his Majesty. His Majesty hath been graciously pleased to make me Secretary of his Council here, but the accounts of the late Treasurer and whatever relates to the discovery of his Majesty's revenue, is kept from my knowledge. The public records, and all the grants and settlement of lands in this country, which ought to be lodged in my office, are otherwise disposed of, not being willing to entrust them with me, who have been, and (as they say) am still the grand enemy of their country. Mr. Wharton, a member of the Council, did openly declare, that his Majesty in appointing me his Secretary and Register, intended to intrall this people in vassalage. I have proposed the raising a revenue, yet cannot be heard in Council. I have likewise pressed the making of strict orders to prevent the irregular trade of this place; but some of the Council are traders, and others by marriage or otherwise, so nearly related, that, without a General Governor, interlopers will be countenanced, notwithstanding all my endeavors to the contrary. Here have been five or six ships seized and condemned, which inflames the people's malice against me. And the President, who by his office and duty is obliged to assist me, has openly refused, to his Majesty's great disservice. I question not but by his Majesty's uniting the several Colonies under one government, to raise his Majesty a considerable revenue by quit rents towards the support of the government, which will yearly increase. Of this the President, Mr. Wharton and several others, who have engrossed great tracts of land are sensible, and are therefore, unwilling to admit me to discover their estates. It was by your Lordship's favor, that his Majesty, in consideration of my past services, was pleased to grant me the office of Register and Secretary of this his government, a place in his Majesty's other Plantations of considerable advantage; but they have taken so great prejudice against me, that they have disposed of the perquisites of that office to persons of their own stamp, so that, for all my trouble and attending the Council here, I am not like to make £20 a-year. My earnest expectation of a General Governor, supports me under all these difficulties and disappointments; and though they treat me so rudely, yet I shall continue to assert his Majesty's interest in the station I am placed in, and remain, Right Honorable,

Your Lordship's most humble and most obedient servant,*

ED. RANDOLPH.

To the Right Honorable the Lord Treasurer.

* Mass. Hist. Col. Vol. VII., p. 154.

Address of the Justices of Peace of the Narragansett Country to the King.

To the King's Most Excellent Majesty :

The humble petition and address of your Majesty's Justices of the Peace of the King's Province, or Narragansett Country, being now assembled at Rochester, in his Majesty's Territory and Dominion of New England, in America.

Most humbly sheweth : That the Plantation and settlement of your Majesty's said Province, having been long interrupted and discouraged by the pretensions and power of the government of Rhode Island, and more especially as your petitioners are informed, by the ill designs and practices of Major John Greene, of Warwick ; a person of a restless and turbulent spirit, and others his accomplices, in the Colony of Rhode Island, who by misrepresentations to his late Majesty's Commissioners, and false suggestions to his late Majesty in Council, and by the exhibition of false deeds and informations on sundry occasions, have not only greatly disquieted your Majesty's subjects in said Province, and hindered what in them lies, the further settlement of the same, but also oppressed their neighbors of Pawtuxit, in the said Colony of Rhode Island, &c.

And your petitioners being informed by good evidence, that upon the late establishment of your Royall government here, and the publication thereof, by the President and Council, the said Major Greene, with James Greene, his brother, and others of the town of Warwick, in great contempt of your Majesty's authority and government, tore down from a publick place in this your Province, and carried away the Proclamation of your Majesty's gracious pleasure and care for the government of your subjects here, and hath since refused the mediation of your Majesty's President and Governor of Rhode Island, and all other just and regular ways and means for settlement of boundaries of said town of Warwick, and quieting the contentions and disputes which said Greene by false deeds and other ill means, hath stirred up and maintained against your Majesty's subjects here; and we your Majesty's petitioners, being further informed that the said Major Greene with others, intently contriving to retard the regulation of your Majesty hath thought so greatly needful for that Colony of Rhode Island and Providence Plantations, and to disturb the peace and progress of this Plantation, hath in a secret manner and upon many misrepresentations, drawn sundry of the inhabitants of Rhode Island to subscribe such papers, as he, to that end hath prepared ; and to contribute money to maintain and carry on his causeless complaints at your Royall Court, to which he is now gone, having no lawful power from the Governor and Company of Rhode Island so to do.

Your petitioners most humbly pray, that as your Majesty hath graciously manifested your care for the peace and prosperity of this poor Plantation, in annexing the same to the government of the Massachusetts, so that your Majesty would still continue your just and tender regard thereto, and give check to the ill designs of the said Major Greene or others, pretending power from Rhode Island and Providence Plantations, and that you would graciously refer the same and matters herein contained, to the examination and determination of your Generall Governor and

Councill here, or other competent Judges, where all your Majesty's subjects concerned may have opportunity to be heard.

And your petitioners as in duty bound, shall ever pray.

JOHN SAFFIN,

RICHARD SMITH,

JOHN FONES,

ELISHA HUTCHINSON,

RICHARD WHARTON,

FRANCIS BRINLEY.

New England, 1686.

The Proprietors of Lands in Pawtuxet to the King.

To the King's Most Excellent Majesty.

The humble petition and address of the Proprietors of the Lands of Pawtuxet in the Township of Providence in the Collony of Rhode Island and Providence Plantations, in New England.

Humbly sheweth: That William Harris, of Pawtuxet, upon his petition, in behalfe of himself and your petitioners, his partners, to his late Majesty (of happy memory) in the year 1677, humbly showed that your petitioners' [land] had been entered upon, and held out of the possession of great part of their said land by divers persons, and thereupon his Majesty was graciously pleased to grant a special assize for the hearing of the said complaints, which accordingly sat at Providence, in the same year, and upon hearing gave judgment for the said Harris and partners, in five actions, and made report to his said Majesty thereof, for his final determination thereon.

That Major John Greene, of Warwick (one of the Defendants, and a great oppressor of your petitioners, partly by entering on your petitioners' lands and abetting others in so doing, and partly by a forged or falsified deed for the same), posted to Whitehall, and in the absence of the said Harris, by false suggestions obtained a stay of execution on the second verdict; but upon the said Harris's arrival in England and true representation of the matter, his Majesty ordered execution in the first and three last judgments, and a rehearing of the second; but so it is that the said Major Greene and accomplices, by collusion with the officer appointed by the government of Rhode Island to deliver possession, and other ill designs and practices, hath rendered his Majesty's gracious commands ineffectual; and the said Harris in going the third time to his Majesty to carry your petitioners' complaints against the said Greene and accomplices, was captivated by the Algercens and soon after died; and so your petitioners remaining under great oppression and injury, are still held out of the possession of their said lands.

That your petitioners being informed that the said Major Greene is gone to attend your Majesty, have just cause to fear, that according to his usual practices, he will misrepresent his own proceedings, and your petitioners' pretensions and right.

Your petitioners most humbly pray your Majesty to give special order and command, that the said Greene's complaints and suggestions to your Majesty or any of your Ministers of Justice, may together with your petitioners' cases be referred to the examination of your Generall Governor and Councill of your territory and dominion of New England, or other competent Judges, for a full and finall hearing and determination, that so your petitioners may by your Majesty's grace and justice be delivered from their long oppressions and restored to their right.

And your petitioners as in duty bound, shall ever pray.*

NATHANIEL THOMAS, Attorney to the said Proprietors.

* J. Carter Brown's Manuscripts, Nos. 221-22, Vol. IV.

THE ADMINISTRATION OF SIR EDMUND ANDROS.

[THE preceding documents show that a political crisis was approaching in Rhode Island, which must soon reach its height. The Narragansett Country had been included in the Commission to Col. Dudley, and was virtually annexed to Massachusetts Colony. The so called "articles of high misdemeanor exhibited" by Edward Randolph, against Rhode Island, "accusing the people of breaches of their Charter, and of opposition to the acts of navigation," received the attention of the Lords of the Committee for Trade and Foreign Plantations, who recommended that a writ of Quo Warranto should be issued against Rhode Island, its "Charter vacated, and the Colony united under his Majesty's laws and government." The charges were referred to Sawyer, the Attorney General in July; the order in Council was granted for the writ, on the 6th of October, 1685, and was brought to Rhode Island by Randolph on the 22d of June, 1686. The Governor summoned the people to meet on the 29th June, when, as it will appear, they very wisely voted not to "stand suit with his Majesty, but to proceed, by humble address to his Majesty to continue their privileges and liberties according to the Charter."

On the receipt of the writ of Quo Warranto, an address was sent from the General Assembly to the King, "humbly prostrating themselves, and their privileges at the feet of his gracious Majesty, with an entire resolution to serve him with faithful hearts. Addresses were also sent him by some of the inhabitants, and another from the Friends.

This address was no sooner received, than it was ordered by the Committee of the Colonies, and approved by the King, "That Sir Edmund Andros, the Governor of Massachusetts, shall demand the surrender of their Charter, and govern them as other colonies of New England; that prince assuring them of his protection, and of his determination to extend no other rule of administration over them, than over the neighboring plantations."*

Sir Edmund Andros was commissioned by James the Second, as Governor of Massachusetts Bay, New Plymouth, New Hampshire, Maine and the Narragansett Country, or King's Province, on the 3d of June, 1686, and arrived in Boston on the 20th of December following. On the 12th of January, 1686-7, the commission was published in Rhode Island, when Sir Edmund, agreeably to his orders, dissolved the government, broke the seal of the Charter, reduced the Colony to a single county, and admitted seven of its inhabitants into his legislative council. These were Walter Clark, John Greene, Richard Arnold, Richard Smith, John Sanford, Walter Newbury, and John Coggeshall; all of whom do not appear to have served. His commission appears at length among the documents which follow.† The minute in-

* Chalmers' Political Annals, p. 278. Callender's Hist. Disc. † Ibid. p. 279.

structions to Sir Edmund which follow the commission in this volume, bear the date of April the 16th, 1688, and accompanied his second commission, which extended his government over the province of New York, Rhode Island, Connecticut and the other English colonies in America.*

From this period, the colonial government was completely subverted by Sir Edmund Andros. The General Assembly ceased to hold its sessions, nor did it again assemble during his administration. Rhode Island was then virtually but a single county in the wide dominion over which his authority extended; and the only records of the transactions of the period, are found in the records of the Courts. It appears by the letters to the government from Andros, and Secretary Randolph, that the official proceedings of the Council were sent to England; but it does not appear that they are to be found in the State Paper Office.

To preserve as much as possible of the history of this interesting period in our colonial history, and to fill the vacuum that would otherwise exist, the records of the Court of Quarter Sessions and Court of Common Pleas for the years 1687 and 1688 have been printed here. A few documents and papers of interest, which tend to elucidate the administration of Sir Edmund, are also inserted in the order of their dates.

When the revolution in England put an end to the power of Andros, he and his Council were seized by the people of Boston, and thrown into prison. The particulars of these transactions are given in the papers which follow, all of which go to complete the history of the "Usurpation," as it is called, of Sir Edmund Andros.

In May, 1689, the General Assembly again assembled at Newport, and agreed "that since Sir Edmund Andros was seized and confined with others of his Council [at Boston], and his authority silenced and deposed, it was their duty to lay hold of their former Charter privileges; and avowedly professing all allegiance to the crown of England, they replaced all the general officers that had been removed three years before.

In commenting on this assumption of their government once more, Mr. Chalmers says, "they probably reflected, that an act, which was extorted by terror, might justly be recalled when restraint no longer remained. But, unless it could be proved, that the whole proceeding was either irregular or illegal, their subsequent administration, without the formal assent of the sovereign state, must be considered, in notion of law, as mere usurpation."—*Political Annals*, p. 279.

* Two years later (April 7, 1688), the King sent a new commission to Andros, which is printed at length in the documents relative to the Colonial History of the State of New York, vol. 3, p. 537, in which it is stated, that since the issuing of the forenamed commission of June, 1683, it had been thought "necessary for the service and for the better security of the King's subjects in those parts, to join and annex to the said government the neighboring colonies of Rhode Island, Connecticut, the province of New York, of East and West New Jersey," etc. This second commission is not inserted here, as the "Instructions" which follow, are deemed sufficient.

Commission to Sir Edmund Andros.

James the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our trusty and well beloved Sir Edmund Andros, Knight, greeting :

Whereas, the government of that part of our territory and dominion of New England, hereafter mentioned, is now in our hands, and being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner, for their security and welfare ; we therefore, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Sir Edmund Andros, out of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said Sir Edmund Andros, to be our Captain General, and Governor in Chief in and over all that our territory and dominion of New England, in America, commonly called or known by the name of our Colony of the Massachusetts Bay, our Colony of New Plymouth, and our Provinces of New Hampshire and Maine, the Narragansett Country, otherwise called the King's Province, with all the Islands, rights and members to the said Colonies and territories in any wise appertaining. And for your better guidance and direction, we do hereby require and command you to do and execute all things in due manner, that shall belong to the said office, and the trust we have reposed in you, according to the several powers, instructions, and authorities mentioned in these presents, or such further powers, instructions and authorities, as you shall herewith receive, or which shall at any time hereafter be granted or appointed you, under our Signet or Sign manual, or by order in our Privy Council, and according to such reasonable laws and statutes as are now in force, or such others as shall be hereafter made and established within that our territory and dominion aforesaid. And our will and pleasure is, that you, the said Sir Edmund Andros, having (after your arrival in New England, and publication of these our Letters Patents) first taken the oath of allegiance, together with the oath of duly executing the office of our Captain General and Governor in chief of our said territory and dominion (which our Council there, or any three of them, are hereby required, authorized and empowered to give and administer unto you), you shall administer unto each of the members of our Council, as well the oath of allegiance, as the oath of the due execution of their places and trust. And we do hereby give and grant unto you full power and authority, to suspend any member of our Council, from sitting, voting and assisting therein, as you shall find just cause for your so doing. And if it shall hereafter at any time happen, that by the death, departure out of our said territory, or suspension of any of our Councillors, or that otherwise there shall be a vacancy in our said Council (any five whereof we do hereby appoint to be a quorum), our will and pleasure is, that you signify the same unto us by the first opportunity, that we may, under our Signet and Sign manual, constitute and appoint others in their room : but that our affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there are less than seven of them residing upon the place, we do hereby give and grant unto you, full power and authority, to choose as many persons out of the principal inhabitants thereof, as will make up the full number of our Council to be seven, and no more ; which persons, by virtue of such choice, shall be to all intents and pur-

poses, our Councillors within our said territory, until they be confirmed by us, or that by the nomination of others by us, under our Sign manual and Signet, the said Council shall have seven persons in it. And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council, or the major part of them, to make, constitute, and ordain laws, statutes and ordinances, for the public peace, welfare and good government of our said territory and dominion, and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances, are to be as near as conveniently may be, agreeable to the laws and statutes of this our kingdom of England. Provided, that all such laws, statutes and ordinances, of what nature or duration soever, be within three months, or sooner, after the making of the same, transmitted unto us under our seal of New England, for our allowance or disapprobation of them; as also duplicates thereof by the next conveyance. And we do by these presents give and grant unto you, full power and authority, by and with the advice and consent of our said Council, or the major part of them, to impose and assess, and raise and levy such rates and taxes, as you shall find necessary for the support of the government within our territory and dominion of New England, to be collected and levied, and to be employed to the uses aforesaid, in such manner as to you and our said Council, or the major part of them, shall seem most equal and reasonable. And for the better supporting the charge of the government of our said territory and dominion, our will and pleasure is, and we do by these presents authorize and require you, the said Sir Edmund Andros, and our said Council, to continue such taxes and impositions as are now laid and imposed upon the inhabitants thereof, and to levy and distribute, or cause the same to be levied and distributed to those ends, in the best and most equal manner, until you shall, by and with the advice and consent of our Council, agree on, and settle such other taxes, as shall be sufficient for the support of our government thereof, which are to be applied to that use and no other. And our further will and pleasure is, that all public money raised or to be raised or appointed for the support of the government within our said territory and dominion, be issued out by warrant or order from you, by and with the advice and consent of our Council, as aforesaid. And our will and pleasure is, that you shall and may keep and use our Seal appointed or to be appointed by us for our said territory and dominion. And we do further give and grant unto you, the said Sir Edmund Andros, full power and authority, from time to time, at any time hereafter, by yourself, or by any other to be authorized by you, in that behalf, to administer and give the oath of allegiance now established within this our realm of England, to all and every such person as you shall think fit, or such as shall at any time or times pass into our said territory, or shall be resident or abiding there. And we do by these presents ordain, constitute and appoint our Governor and Council of our said territory and dominion for the time being, to be a constant and settled Court of Record for the administration of justice to all our subjects inhabiting within our said territory and dominion, in all causes as well civil as criminal, with full power and authority to hold pleas in all cases from time to time, as well in pleas for 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, or between us and any of our subjects there, whether the same do concern the realty, and relate to any right of freehold and inheritance, or whether the same do concern the personality, and relate to matter of debt, contract, damage, or other personal injury: and also in all mixed

actions, which may concern both realty and personalty ; and thereafter due and orderly proceeding and deliberate hearing of both sides, to give judgment, and to award execution, as well in criminal as in civil cases, as aforesaid : so always, that the forms of proceedings in such cases, and the judgments thereupon to be given, be as consonant and agreeable to the laws and statutes of this our realm of England, as the present state and condition of our subjects, inhabiting within our said territory and dominion, and circumstances of the place will admit. And we do further, hereby give and grant unto you, full power and authority, with the advice and consent of our said Council, to erect, constitute and establish, such and so many Courts of Judicature and public justice within our said territory and dominion, as you and they shall think fit and necessary for the determination of all causes, as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees and privileges, belonging unto them ; as also to appoint and commissionate fit persons in the several parts of our said territory, to administer the oath of allegiance unto such as shall be obliged to take the same. And we do hereby grant unto you full power and authority, to constitute and appoint Judges, and in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and all other necessary officers and ministers within our said territory, for the better administration of justice, and putting the laws in execution ; and to administer such oath and oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And our further will and pleasure is, and we do hereby declare, that all actings and proceedings at law or equity, heretofore had or done, or now depending within any of the Courts of our said territory, and all executions thereupon, be hereby confirmed and continued, so far forth as not to be avoided for want or defect of any legal power in the said Courts ; but that all and every such judicial actings, proceedings and executions, shall be of the same force, effect, and virtue, as if such Courts had acted by a just and legal authority. And we do further by these presents will and require you, to permit appeals to be made, in cases of error, from our Courts in our said territory and dominion of New England, unto our Governor and Council in civil causes ; provided the value appealed for, do exceed the sum of one hundred pounds sterling, and that security be first duly given by the appellant, to answer such charges as shall be awarded in case the first sentence shall be affirmed. And whereas we judge it necessary, that all our subjects may have liberty to appeal to our Royal person, in cases that may require the same, our will and pleasure is, that if either party shall not rest satisfied with the judgment or sentence of our Governor and Council, they may then appeal unto us in our Privy Council, provided the matter in difference exceed the real value and sum of three hundred pounds sterling ; and that such appeal be made within one fortnight after sentence ; and that security be likewise given by the appellant, to answer such charges as shall be awarded in case the sentence of the Governor and Council shall be confirmed, and provided also, that execution be not suspended by reason of any such appeal unto us. And we do hereby give and grant unto you, full power and authority, where you shall see cause, and shall judge any offender or offenders in capital and criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit such fines and forfeitures (treasons and wilful murder only excepted). In which cases, you shall likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until, and to the intent our pleasure may be fur-

ther known. And we do hereby give and grant unto you, the said Sir Edmund Andros, by yourself, your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command, or employ all persons whatsoever, residing within our said territory and dominion of New England, and as occasion shall serve them, to transfer from one place to another, for the resisting and withstanding all enemies, pirates and rebels, both at land and sea, and to transfer such forces to any of our plantations in America, as occasion shall require, for the defence of the same, against the invasion or attempts of any of our enemies, and them, if occasion shall require, to pursue and prosecute, in or out of the limits of our said territory and plantations, or any of them; and, if it shall so please God, them to vanquish, and being taken, either according to the law of arms, to put to death, or to keep and reserve alive at your discretion: as also to execute martial law in time of invasion, insurrection, or war, and during the continuance of the same, and upon souldiers in pay; and to do and execute all and every other thing which to a Captain General doth, or ought of right to belong, as fully and amply as any our Captain General doth, or hath usually done. And we do hereby give and grant unto you, full power and authority, to erect, raise and build, within our said territory and dominion aforesaid, such and so many forms, platforms, castles, cities, burroughs, towns and fortifications, as you shall judge necessary; and the same, or any of them, to fortify and furnish with ordinance, ammunition, and all sorts of arms fit and necessary for the security and defence of our said territory; and the same again, or any of them, to demolish or dismantle, as may be most convenient. And we do hereby give and grant unto you, the said Sir Edmund Andros, full power and authority, to erect one or more Court or Courts Admiral, within our said territory and dominion, for the hearing and determining of all marine and other causes and matters proper therein to be heard and determined, with all reasonable and necessary powers, authorities, fees and privileges. And you are to execute all powers belonging to the place and office of Vice Admiral of and in all the seas and coasts about your government, according to such commission, authority and instructions, as you shall receive from ourself under the seal of our admiralty, or from our High Admiral of our plantations, for the time being. And forasmuch as divers mutinies and disorders do happen by persons shipped and employed at sea, and to the end that such as shall be shipped or employed at sea, may be the better governed and ordered: we do hereby give and grant unto you, the said Sir Edmund Andros, our Captain General and Governor in Chief, full power and authority to constitute and appoint captains, masters of ships and other commanders, and to grant unto such captains, masters of ships and other commanders, commissions to execute the law martial, and to use such proceedings, authorities, punishments, correction and execution, upon any offender or offenders, that shall be mutinous, seditious, disorderly, or any way unruly, either at sea, or during the time of their abode or residence in any of the ports, harbors or bays of our said territory and dominion, as the cause shall be found to require, according to martial law. Provided, that nothing herein contained, shall be construed to the enabling you, or any by your authority, to hold plea or have jurisdiction of any offence, cause, matter or thing, committed or done upon the seas, or within any of the havens, rivers or creeks, of our said territory and dominion under your government, by any captain, commander, lieutenant, master, or other officer, seaman, souldier, or person whatsoever, who shall be in actual service and pay, in and on board any of ships of war, or other vessels acting by immediate commission or warrant from our-

self, under seal of our Admiralty, or from our High Admiral of the time being; but that such captain, commander, lieutenant, master, officer, seaman, souldier, and other person so offending, shall be left to be proceeded against and tried, as the merit of their offences shall require, either by commission under our great seal of England, as the statute of the twenty-eighth of Henry the Eighth directs, or by Commissioners from our High Court of Admiralty, according to the act of Parliament, passed in the thirteenth year of the reign of the late King, our most dear and most entirely beloved brother of ever blessed memory, entitled an act for the establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea, and not otherwise: saving only, that it shall and may be lawful for you, upon any such captain or commanders refusing or neglecting to execute, or upon his negligence or undue execution of any of the written orders he shall receive from you, for our service, and the service of our said territory and dominion, to suspend him the said captain or commander, from the exercise of his said office of commander, and commit him into safe custody, either on board his own ship, or elsewhere, at the discretion of you, in order to his being brought to answer for the same, by Commission either under our great seal of England, or from our said High Admiral, as is before expressed: in which case our will and pleasure is, that the captain or commander so by you suspended, shall during such his suspension and commitment, be succeeded in his said office by such Commission, or Warrant Officer of our said ship, appointed by ourself or our High Admiral of England, for the time being, as by the known practice and discipline of our navy doth and ought next to succeed him, as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships, and not otherwise; you standing also accountable to us, for the truth and importance of the crimes and misdemeanors, for which you shall so proceed to the suspending of such, our said captain and commander. Provided, that all disorders and misdemeanors committed on shore by any captain, lieutenant, master or other officer, seaman, souldier, or person whatsoever, belonging to any of our ships of war, or other vessels acting by immediate commission or warrant from ourself under the seal of our Admiralty, or from our High Admiral of England, for the time being, may be tried and punished according to the laws of the place, where any such disorders, offences and misdemeanors shall be so committed on shore, notwithstanding such offender be in our actual service, and born in our pay on board any such our ships of war, or other vessels acting by immediate commission or warrant from ourself or our High Admiral as aforesaid: so as he shall not receive any protection for the avoiding of justice, for such offences committed on shore, from any pretence of his being employed in our service at sea. And we do likewise give and grant unto you, full power and authority, by and with the advice and consent of our said Council, to agree with the planters and inhabitants of our said territory and dominion, concerning such lands, tenements and hereditaments, as now are, or hereafter shall be in our power to dispose of; and them to grant unto any person or person for such terms, and under such moderate quit-rents, services and acknowledgments, thereupon to be reserved unto us, as shall be appointed by us; which said grants are to pass and be sealed by our seal of New England, and (being entered upon record, by such officer and officers as you shall appoint thereunto), shall be good and effectual in law against us, our heirs and successors. And we give you full power and authority, to appoint so many fairs, marts and markets, as you, with

the advice of our said Council, shall think fit: as likewise to order and appoint within our said territory, such and so many ports, harbors, bays, havens and other places, for the convenience and security of shipping, and for the better loading and unloading of goods and merchandizes, as by you with the advice and consent of our Council, shall be thought fit and necessary; and in them or any of them, to erect, nominate and appoint, custom houses, ware houses, and officers relating thereunto; and them to alter, change, place or displace from time to time, as with the advice aforesaid, shall be thought fit. And above all things, we do by these presents will, require and command you, to take all possible care for the discountenance of vice and encouragement of virtue and good living, that by such example, the infidels may be invited, and desire to partake of the Christian religion. And for the greater ease and satisfaction of our loving subjects in matters of religion, we do hereby will and require, and command, that liberty of conscience be allowed to all persons, and that such especially as shall be conformable to the rites of the Church of England, be particularly countenanced and encouraged. And forasmuch as, pursuant to the laws and customs of our Colony of the Massachusetts Bay, and of our other Colonies and Provinces aforementioned, divers marriages have been made and performed by the magistrates of our said territory, our Royal will and pleasure is, hereby to confirm all the said marriages, and to direct, that they be held good and valid in the same manner to all intents and purposes whatsoever, as if they had been made and contracted according to the laws established within our kingdom of England. And we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said territory and dominion, to be obedient aiding and assisting to you, the said Sir Edmund Andros, in the execution of this our Commission, and of the powers and authorities herein mentioned; and upon your death, or absence out of our said territory, unto the Commander in chief: to whom we do therefore by these presents, give and grant all and singular, the powers and authorities aforesaid, to be exercised and enjoyed by him during our pleasure, or until your arrival within our said territory and dominion; and, if in case of such death or absence, there be no person upon the place appointed by us, to be Commander in chief; our will and pleasure is, that the then present Council of our territory aforesaid, do take upon them the administration of the government, and execute this Commission, and the several powers and authorities herein contained; and that the first Councillor, who shall be at the time of your death or absence, residing within the same, do preside in our said Council, with such powers and [preheminenences] as any former President hath used and enjoyed within our said territory, or any other our plantations in America, until our pleasure be further known, or your arrival as aforesaid. And lastly, our will and pleasure is, that our Commission bearing date the seven-and-twentieth day of September, in the first year of our reign, constituting our trusty and well beloved Joseph Dudley, Simon Bradstreet, and William Stoughton, Esq's, and others, to be our President and Council of our territory and dominion of New England, do, from the publication of these presents, cease and become void. And that you, the said Sir Edmund Andros, shall and may hold, execute and enjoy, the office and place of our Captain General and Governor in Chief in and over our territory and dominion aforesaid, with all its rights, members and appurtenances whatsoever; together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure.

In witness whereof, we have caused these our letters to be made patents. Wit-

ness ourself at Westminster, the 3d day of June, in the second year of our reign.*

Per bre de Privato Sigillo. BARKER.

Instructions to Andros concerning the Charter of Rhode Island.

JAMES R.

Additional powers and instructions for our trusty and well beloved Sir Edmund Andros, Knight, our Captain General and Governor in Chief in and over our territory and dominion in New England, in America, given at our Court at Windsor, this 13th day of September, in the second year of our reign, 1686.

Whereas, we have been presented with the humble address of our Governor and Company of our Collony of Rhode Island and Providence Plantation, within our territory and dominion of New England, bearing date the 3d day of June of last, wherein they take notice of our writ of Quo Warranto against their Charter, and thereupon declaring their resolution not to stand suit with us, have submitted themselves and their Charter to our Royal determination. Our will and pleasure is, and we do hereby authorize and empower you, upon your arrival in those parts, to demand, in our name, the surrender of their said Charter into your hands, in pursuance of their said declaration and address, and, taking our said Collony of Rhode Island and Providence Plantation under your government, to exercise the like powers and authorities in reference to the same, as we have given and granted unto you by our commission under the great seal of England, for the government of other Collonies, within our said territory and dominion of New England, assuring our good subjects of our Collony and Plantation aforesaid, of our Royal countenance and protection in all things, wherein our service and their welfare shall be concerned, and giving us by the first opportunity, an account of their behaviour and of your proceedings in obedience to these our commands. 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, in the same manner as before expressed. By his Majesty's command.†

SUNDERLAND P.

September 13, 1686.

Order for the first meeting of Andros's Council.

Sir: His Excellency, Sir Edmund Andros, Knight, Captain General and Governor in Chief, arrived here yesterday, at which time his Majesty's commission, bearing date the 3d of June last, was published, his Excellency has appointed a General Council, to be holden here on Thursday the 30th of this instant, December, and directed me to acquaint all the members thereof, that they may be present accordingly. His Excellency presents his humble service to you, and would be glad to see you at Boston ‡

I am, Sir, your humble servant,

EDWARD RANDOLPH.

* James the Second began to reign February 6, 1684-5, so that the date of this Commission is June 3d, 1686.—*Mass. Hist. Coll., 3d Series, Vol. VII., p. 130.*

† *Mass. Hist. Col. Vol. VII., p. 162.* ‡ *Do. p. 163.*

Letter of Andros to Rhode Island, concerning Rhode Island Charter.

Boston, December 22, 1686.

Sir: This is to acquaint you, that I arrived yesterday, at which time his Majesty's Commission, bearing date at Windsor, the 3d day of June last, in the second year of his reign, appointed me Captain General and Governor in Chief of his territory and dominion of New England, and his Majesty having, upon the address and submission of the Charter, accepted thereof, hath commanded and authorized me upon my arrival in these parts, to demand in his Majesty's name, the actual surrender of the said Charter, and to take the Colony of Rhode Island and Providence Plantation into my care, as part of the government, and to assure his good subjects in your parts of his Majesty's countenance and protection in all things, in which his Majesty's service and your welfare shall be concerned, and hath constituted and appointed you, Walter Clark, Jo. Sanford, John Coggeshall, Walter Newbury, John Greene, Richard Arnold, and John Alborough, Esq's, to be members of the Council for the said government. And I, having appointed a general Council to be held in this place on Thursday, the 30th of this instant December, you are to communicate this to the above named members of the Council, and, together with them, to give your attendance for his Majesty and country's service as above.

I am your very affectionate friend, and desiring to hear from you in the mean time.

Letter to Waller Clark, Governor of Rhode Island.

Boston, 22d December, 1686.

Sir: 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 to his Majesty's service: and his Majesty's letter patent to me for the said government, being then published, were received with suitable demonstrations.

I am commanded and authorized by his Majesty, at my arrival in these parts, to receive in his name the surrender of the Charter, if tendered by you, and to take you into my present care and charge, as other parts of the government, assuring his Majesty's 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 do my duty accordingly, and therefore desire to hear from you as soon as may be, and remain

Your very affectionate friend,

E. ANDROS.

Petition of Richard Smith to Andros.

December 22, 1686.

The humble petition of Richard Smith, of Rochester, within the Narragansett country, humbly sheweth:

That there having been long hanging in contest and suit between some of the inhabitants of Rhode Island and your petitioner, a claim and pretence of title made

by them, unto a small Island lying near the town of Bristol, commonly called Hog Island, alias Chesawanoch, which your petitioner many years since purchased of the Indian natives, and had confirmation thereof from the General Court of New Plymouth. But of later time hath been forcibly kept out, and interrupted in his peaceable possession and improvement thereof, by the Rhode Islanders, from which tiresome contest and unjust molestation, your petitioner hopeth, by your Excellency's happy access to the government, speedily to be relieved, and to have a just and final issue put thereto.

Meeting of the First Council of Andros.

At a Council held in Boston, New England, on Thursday, December 30th, 1686.
Present,

His Excellency, Sir Edmund Andros, Knight, Governor.	
Joseph Dudley,	Richard Wharton,
Thomas Hinckley,	Edward Tyng,
Wait Winthrop,	Jonathan Tyng,
Jno. Usher,	William Bradford,
Barnaby Lathrop,	Daniel Smith,
John Walley,	Nathaniel Clark,
*John Coggeshall,	*Walter Newbury,
*Richard Arnold,	*John Alborough,
*Walter Clark,	Edward Randolph, Secretary.
William Stoughton,	

Upon opening of the Council, his Excellency commanded the members to be called over by their names, and take their places, as set down in certain articles of instruction from his Majesty, to his Excellency the Governor.

The members of the Council, being accordingly seated, his Majesty's commission for government of this his territory and dominion of New England, was read, and also, the instructions under his Majesty's sign Manual, empowering his Excellency to receive the Charter of Rhode Island and Providence Plantation, was likewise read.

His Excellency proceeded to administer the oath of allegiance, and the oath, also, for the due administration of justice, and commanded such persons of the Council, as had not already taken the oaths, to stand up and answer to their names, viz.: Thomas Hinckley, Walter Clark,* Barnaby Lathrop, William Bradford, Daniel Smith, Jno. Walley, Nathaniel Clark, John Coggeshall, Walter Newbury, Richard Arnold, and John Alborough, who (all of them), Walter Clark and Walter Newbury excepted, did take the oaths, and showed assent thereto, by holding up their right hands.

Walter Clarke and Walter Newbury, gave also their express consent to the oath of allegiance, and the oath for the administration of justice in the government, according as directed in his Majesty's late commission to the President and Council,

* Members from Rhode Island. Walter Clark's name, although not in the original minutes, appears in another copy, printed in the VIIIth volume of the Mass. Hist. Coll. 2d series, p. 182.

professing themselves obliged in all good conscience before God so to do, and that, under the utmost penalties of perjury in all respects, the members of the Council being severally asked their opinion, did allow of their protestation. His Excellency in a short discourse, encouraged the members to freedom in debates. Walter Clark and Walter Newbury, acknowledge the surrender of the Charter made to his Majesty, at Windsor, but fearing that surrender was not effectual for avoiding all mistakes, they had presented another humble address to his Majesty, under the public seal of their Colony, and had sent over agents to pray his Majesty's favor towards them, and W. Clark further added, the Charter of Rhode Island was in his custody at Newport.

It was moved, that a Proclamation should be made through all the Colonies and Provinces of this government, that all officers both civil and military, should be continued in their places of trust, and that the laws not repugnant to the laws of England in the several Colonies, should be, and observed during his Excellency's pleasure.

Ordered, That the Proclamation be drawn up and presented to his Excellency in Council, to-morrow, by nine of the clock, in the morning.

On Friday, John Fitz Winthrop and John Jenks took their seats, as members of the preceding Council.*

Petition of John Greene to the King.

To the King's Most Excellent Majesty, James the Second. The humble petition of your Majesty's most humble subject and supplicant, John Greene, in behalf of the respective towns and places in your Majesty's Collony of Rhode Island and Providence Plantations, in New England, humbly sheweth :

That before your petitioner came from New England hither, with the said Collony's address, one Mr. Richard Wharton, with his associates, Capt'n Elisha Hutchinson, Mr. John Saffin, Capt'n Richard Smith, and Capt'n John Brown, had given interruption to severall towns within the limits of your Majesty's Collony and King's Province.

That since your petitioner's arrival here, I have received a letter from your Majesty's town of Warwick, in the Collony aforesaid, bearing date October the 9th, 1686, wherein they declare that the said Capt'n Brown still persists to interrupt them in their lands as well as the lands belonging to the town of Providence, but your petitioner doth the less admire at their boldness by interchanging on us your Majesty's subjects being they are so bold to endeavor to deprive your Majesty of your interest in the Narragansett and Niantick countries, called the King's Province. Your humble petitioner must needs acknowledge your Majesty's grace and favor to us in sending over his Honor, Sir Edmund Andros, Governor over us, being a person of good repute, and uninterested in the respective claimes, and by whom, next under your Majesty, we have great hopes to have justice done us, as in him layeth. Your petitioner humbly prayeth your Majesty for some speedy reliefe herein, either by committing the care thereof by your Royal letters to your Honored Governor, Sir Edmund Andros, or what other way your Majesty in your

* Mass. Hist. Coll. Vol. VII pp. 162, 164, 166, and Vol. VIII p. 180.

great wisdom shall see most meet, whereby your Majesty's subjects enjoying their own in peace, may be the better enabled to serve your Majesty. And your petitioner shall always pray for your Majesty's good success and long and prosperous reign.* Your most humble petitioner,

JOHN GREENE.

January the —, 1686-7.

Petition from Bristol to be excused from Tax Rate.

May it please your Excellency: Whereas, a warrant from the Treasurer has come to us, and another to the Constable, for a single country rate of one penny in the pound, to his Majesty for support of government, to be assessed and levied on our inhabitants, as per said warrant more fully expressed:—

We humbly offer to your consideration, this small isthmus or neck of land, on which our town is now settling, was purchased not long since by some of us, at a very dear rate, being a little spot, wanting many advantages of other plantations, our neighbors, of which our first purchasers and the Committee, appointed for the sale thereof, were very sensible. Our purchasers having therefore paid a considerable sum of money, and under strict obligation to settle a town in a short time, and so necessarily to conflict with many and great charges, and unavoidable difficulties, the ordinary and sure concomitants of young plantations, on these considerations, and to encourage us in our beginning, the aforesaid Committee by the order, and having the approbation of the General Court of New Plymouth, sold and warranted unto us, as far as they could, some privileges, of which this was one, and not the last, viz.: that we should be exempted from all public country rates, charges, levies or assessments for seven years, it being an exemption or privilege usual to be given, though by us bought, at the first settling of towns, which term is not yet expired, something more than a year yet to come. Sir, we humbly hope for, and beg your ratification of these our purchased privileges. Be pleased to look upon us, as we are, a poor, infantine place, struggling with many difficulties and discouragements, not only wanting your favor in this particular affair, but further begging your Excellency's benign goodness and gracious encouragement to be extended to us, as your wisdom shall direct for our increase, and that our plantation, though small at present, may grow up and thrive under the happy cherishing and enlivening influence of your good government. Sir, we dare not further trouble you at present, but humbly beg pardon for these rude lines, which we justly fear [will] divert you from much more weighty affairs.†

Your Excellency's unworthy servants,

BENJAMIN CHURCH,
JOHN RODGERS,
THOMAS WALKER,

Selectmen for the town of Bristol.

Bristol, New England, February 18, 1686-7.

* J. Carter Brown's Manuscripts, No. 223, Vol. IV.

† Mass. Hist. Col. Vol. VII, p. 174.

Sir Edmund Andros to Lord Sunderland.

Boston, in New England, the 30th March, 1687.

May it please your Lordships: Upon my arrival and reception here, having signified his Majesty's commands to New Plymouth and Rhode Island Colonys, and the Council summoned to meet the 30th of December, they readily complied and attended here accordingly, were all sworn and entered on business, and so proceeded as far as the severe winter weather and short warning for it would admit their sitting, and the General Council met again as adjourned the latter end of February; an account whereof, proceedings and acts passed, is prepared by Mr. Randolph, to be presented to your Lordships.

I have settled the militia and Commission of the Peace, in all parts of the government, and taken care that the Acts of Trade and Plantations be duly observed; some principal ports, being only allowed, in which officers, where all ships and vessels must enter and clear, and in no other port or place.

Connecticut has not yet submitted, notwithstanding another writ served upon them, and signification of his Majesty's pleasure and command to me for them, and their pretended loyalty and readiness to obey, acted the contrary, but have convened another Assembly and General Court, to meet again this day about it at Hartford.

The Act of Revenue, will not be sufficient to defray the ordinary charge of the government without Connecticut, but was all found to have been imposed a't was directed.

This country has sustained lately very great losses, by the Indian war, two great fevers in this town of Boston, some disasters at sea, and all their wheat blasted many years together, and are generally but poor; their fishery and lumber, their chiefest 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.

I have found here, and in several other places about eighty iron guns of all sorts most of the carriages bad, and few other materials, no magazines of powder or other stores of war, no store-houses or accommodation of lodging for officer or soldier, nor any good fortification, for such [are] very much wanted for his Majesty's service in this place.

The castle, on Castle Island, that commands the channel, hath four bastions, but very small and inconsiderable, the . . . interior, but towards the walls about ten foot high, and out of repair, and only guard rooms under the batteries of the curtains and a room over the gate.

The Indians in these parts, are very much diminished, and now none considerable, but a few Eastward, near Pemaquid, and towards the French.

The French settlements (our neighbors) in Nova Scotia are not many and far distant. Monsieur Perrott, the now French Governor, lives at Port Royal, on the other side of the Bay of Fundy.

Upon notice from Col. Dungan, I have sent an officer with a detachment of soldiers to receive Pemaquid, and keep a garrison in the Fort there.

Here having been no place for the service of the Church of England, but in the Town-house, no ways convenient for it afore Easter (as advised and ordered in

Councill), send to desire the use of the South Meeting-house, in Boston, on Sunday, at 11 o'clock, in the morning, and four in the afternoon; and on Easter day had the Liturgy of the Church of England, a sermon and a sacrament administered there, and to continue so till otherways provided, as also for prayers on the week days as occasion.

I do here, as commanded, send your Lordships the names of twelve men, the best qualified for supplying vacancies, or be of the Council of which not many, nor knowing in the laws or methods of England. All which is humbly submitted by

Your Lordships' most obedient and humble servant,

E. ANDROS.

Sir Edmund Andros to Lord Sunderland.

Boston, in New England, 30th of March, 1687.

Right Honorable: Since my account to your Lordship of my arrival and reception in this place, the Colonys of New Plymouth and Rhode Island have dutifully complied, upon the signification of his Majesty's pleasure, and the several members of the Council from thence attended here accordingly.

I have settled the militia and commissions of the peace, and proceeded in other matters of publick import as far as the extremity of the winter would admit.

Connecticut Colony, notwithstanding another writ of Quo Warranto served, and my intimation of his Majesty's command for them, do not resolve to submit, though in their several letters they express themselves ready to obey if commanded, and without them, we are neither able to defray our publick charges, nor our fishery be maintained without provisions, and particularly wheat from thence.

I find many old iron guns in several places, bad carriages and appurtenances, no magazines or stores of war or store-houses or any tolerably good fortification; the Castle is well seated, but small, inconsiderable, never finished, and out of repair.

I have upon notice from Col Dungan, sent an officer and garrison, to relieve and receive the Fort of Pemaquid.

The French in Nova Scotia have few settlements; but Monsieur Perrott, the now Governor at Port Royal is very active; our fishing ketches fear being disturbed in fishery off that coast, where they find plenty of fish, when very this way.

I have directed Mr. Randolph to prepare the proceedings and acts passed in Council, which by this opportunity will be presented to your Lordship and Lords of the Committee. I likewise send your Lordship, as commanded, the names of twelve men, the most eminent and best qualified, to supply vacancies, or be of the Council here.

I humbly pray the continuance of your Lordship's favor, being sensible how much I want it in this difficult station and place, where none do and few care to understand (if they could help it) the laws or methods of England. I shall encourage and get the best men I can for his Majesty's service, and I hope to his Majesty's satisfaction, and remain,

Your Lordship's most obedient humble servant,*

E. ANDROS.

Warrant to Survey the Land of Narragansett.

By his Excellency, Sir Edmund Andros :

To Mr. John Smith, Deputy Surveyor: You are with the first conveniency, to make a general survey and draft of the Narragansett country, or King's Province, and therein to observe and mark the several settlements, claims, and pretensions made by any person or persons to the same, or any part or parcells thereof, of which make return to me with all possible speed; and for the so doing, this shall be your warrant. Dated at Boston, the 22d day of June, 1687.

By his Excell. command.*

JNO. WEST, D. Sec'ry.

Patent of Land in Narragansett granted to Richard Wharton.

A Patent for three several parcells of Land, and a small Island in the King's Province, granted to Richard Wharton, Esq'r, containing seventeen hundred and twelve acres.

James the Second, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c., to all whom these presents shall come, greeting: Know ye, that of our special grace, we have given, granted, ratified, and confirmed, and by these presents do give, grant, ratify and confirm unto our trusty and loving subject Richard Wharton, Esq'r, of Boston, in our County of Suffolk, within our territory and dominion of New England, all that tract or parcel of land called and known by the name of Middlefield farm, lying and being in that part of our said territory and dominion called or known by the name of Narragansett or King's Province, upon a certain neck or point of land there called Namecock; also Boston Neck, beginning at a marked white oak tree, standing at the south end of a small hill on the north side of the Mill river, and near the south end of the great Pond; then running in length by a range of marked trees east fourteen degrees and an half, north; five hundred and forty rod, to the south end of a small beach to a heap of stones, being the north-east corner; and from thence in breadth by the Narragansett Bay, three hundred and five rods to a long stone set up upon the bank, being the south-east corner; and from thence in length by a range of marked trees west three degrees north, five hundred and thirty rod, to a small white oak saplin, abutting upon the nothermost end of the northermost salt water Pond below the mill; being the south-west corner; the whole being bounded westerly by the aforesaid Pond, and the Mill river; northerly by a range of marked trees, eastward by the Narragansett Bay, southerly by a range of marked trees, containing six hundred, sixty-and-one acres and a half. And also one other tract or parcel of land, now called by the name of Stoakehall Farm, being near adjacent to Boston Neck, aforesaid, bearing north six degrees west from the head of the Cove, below Mr. Coale's house, fifty-two rods, unto the line of said farm, which said line begins at the water side or harbor; and from thence is extended west three degrees north, three hundred and twenty-three rods, by a range of stakes and marked trees unto a stack standing in a heap of

* Potter's Narragansett, p. 220.

stones on a plain, and from thence south-west two degrees and an half, westerly three hundred and sixty-three rods, to a stake standing in a heap of stones four rods west of a little round swamp; from thence in breadth northwest two hundred and thirty-four rods to a staking on a plain, near several small walnuts, then marked from thence north east forty-five minutes, northerly three hundred and thirty-four rods, to a stake standing on a plain; from thence east south-east seven degrees and a half, southerly fifty-two rods and three quarters, to a stake standing in a heap of stones; from thence north-east four degrees easterly one hundred and eighty rods unto Annocotuckett's river; and so by the said River and cove or harbor, unto the first station, containing eight hundred forty-and-four acres. Likewise a small neck of land, near to the before-mentioned land, called Middle Port Neck, beginning two rods westward of a great split rock, on the edge of a bank at the head of a cove called Duck Cove, and from thence extending a line south eight degrees west, across said neck, unto Annocotuckett river, crossing the west end of a piece of meadow about four rods in breadth, which joins to the said river, so bounded by the river, coves and harbor round to the first station at the head of Duck Cove, aforesaid, containing two hundred acres; together with a small Island called Foxes Island, bearing eastward from the said Neck distant one hundred and twenty rods, containing about seven acres, together with all and singular the messinage, tenements, edifices, buildings, trees, timber, underwoods, fields, feedings, pastures, moors, marshes, swamps, meadows, ponds, pools, lakes, streams, rivers, runs, rivulets, waters, and water-courses, fishing, fowling, hawking and hunting, with the privilege of building and erecting any mills thereon, or on any part thereof, and to make dams and all other privileges, immunities, profits, advantages, hereditaments, appurtenances, whatsoever, to the said several tracts or parcels of land, Island or premises belonging, or in anywise appertaining (excepting and always reserving out of this grant the liberty from time to time to make and appoint needful highways, paths, and roads, in and through the premises, or any part thereof, for the publick accommodation of travellers, and general good and benefit of our subjects. inhabiting those parts. To have and to hold the said several tracts or parcels of land, Island, and premises, with their and every of their appurtenances (except before excepted) unto the said Richard Wharton, his heirs, and assigns, to the sole and only proper use and behoof of the said Richard Wharton, his heirs, and assigns for ever; yielding, rendering and paying therefor yearly and every year on the Feast of the Annunciation of the Blessed Virgin Mary, for ever unto us, our heirs, and successors, or unto our Captain Generall and Governor in Chief, for the time being, or to such other officer or officers, as by us, our heirs, and successors, as shall be from time to time empowered and appointed to receive the same, the annual rent or sum of ten shillings, current money in New England, aforesaid, in lieu and instead of all rents, services, dues, duties and demands whatsoever, for the said lands and premises. In testimony whereof, we have caused the great seal of our territory and dominion, aforesaid, to be herennto affixed.

Witness, Sir Edmund Andros, our Captain General, and Governor in Chief of our said territory and dominion, at Boston, aforesaid, the 29th day of June, in the third year of our reign, &c. Anno Domini 1687. Passed by order in Council, the date hereof, per John West, D. Secretary, and recorded in the Secretary's office in Boston, for his Majesty's territory and dominion of New England, the 30th day of June, 1687.

Per JOHN WEST, D. Sec'y.

Coginaquand's grant of Namcock Neck.

Know all men by these presents, that I, Coginaquand, Chief Sachem of Narragansett, in consideration of the great love and affection I do bear unto English men, especially Mr. John Winthrop, Governor of Connecticut, Major Humphrey Atherton, of Massachusetts, Rich'd Smith, Sen., and Rich'd Smith, Jun., of Cocumscosuck, traders; Lieutenant William Hudson, of Boston, Amos Richenson, of Boston, aforesaid, and John Tincker, of Nashua, trader, have given and granted, and do by these presents fully, clearly, voluntarily, absolutely, and effectually give, grant, confirm, and make over unto my said friends, one tract of land in my country of Narragansett, called by the name of Namcock Neck, be it more or less, Cocumscosutt Wannuchecomecuck, otherwise called Anochetuckett, Pawsachateow, Wannuskechucke, Mattaasset, bounded by the brook called Cocumscosutt, on the north-east; from thence running upon a west line as far as Anochetuckett River, and from on a west line to the north-west of a pond called Pawsacacow; on the south-west bounded by a river called Matatusset, and so to the sea, or Petaquamscutt, bounded by the sea or water, on the south-east. To have and hold the said tract of land, together with the privilege of summer feed, for their cattle, making of hay in all meadows, swamps, and low grounds, without the said bounds to the northward, and north-west, to them the said Governor Winthrop, Major Atherton, or Richard and Richard Smith, Lieutenant William Hudson, Amos Richenson, John Tincker, their and every of their friends, their heirs and assigns, for ever; only except the lands in possession of and belonging already to Richard Smith, Sen'r, and Richard Smith, Jun'r, together with James Smith, which was their proper right, and is expressed by lease or grant before this grant, to be them, their heirs and assigns, for ever; except a neck formerly granted to Mr. Holden, all which track, neck or necks, forementioned, I the aforesaid Coginaquand, do give and make over all and singular this my foresaid land to these my foresaid friends, to have and to hold, their heirs and assigns, with all manner of rights, titles, and privileges thereunto belonging; and do promise to defend the same from any manner of challenge or claim whatsoever. And I, the foresaid Coginaquand, by this my deed of gift, seal and deliver before the witnesses hereafter mentioned, do ratify and confirm the same, and do promise the same to defend from all other persons laying claim to the same. Dated this 4th of July, 1687.*

The mark of **T** COGINAQUAND.

Signed, sealed, and delivered in presence of Nath. Greene, John Vial, Thomas Stanton, John Stanton, and John Farnside.

French Protestants in Narragansett.

By his Excellency:

Whereas complaint hath been made unto me by several of the French Protestants, settled in the Narragansett country, that John Swett, Joseph Reynolds, Henry

* J. Carter Brown's Manuscripts, Nos. 232, 233, Vol. IV.

Reynolds, Thomas Bray and several others, have of late, without right or lawful authority mowed the meadows lying near to their settlements, and have forcibly carried away the grass and hay from thence, by means whereof, they are left destitute of any hay or fodder for their cattle in winter, and if not relieved therein, it will be to their utter ruin. These are therefore to authorize and require you, to call before you the persons above named, and such others as you shall find have been concerned in mowing of the said meadow, and what right or title they or either of them have to the said meadow; and unless some particular grant shall be shown to you for the same, you are to cause the said grass or hay, cut off the said meadow, as aforesaid, or the like quantity, as can be found in the possession of those that cut the same, to be seized and secured, and forthwith to make report to me of your proceedings herein, that such further order may be given, as shall be thought necessary.

Dated at Boston, the 14th day of July, 1687.

To Captain John Fones, Justice of Peace, at King's Province.

By his Excellency :

Upon hearing and examining of the matter in difference between the towns of Greenwich alias Deptford, Kingston alias Rochester, and the French families, lately settled in the Narragansett country, about a parcel of meadow lying near the settlements and appointed for their accommodation; but cut and mowed by several persons of both the said towns, which appears to be done in a violent, forcible manner; and the hay cut thereupon, being likewise by my order secured and stacked, I do, therefore, for the accommodation of the said parties for the present, till the right thereto can be determined and settled, order and appoint, that all hay cut and made upon the said meadows, as aforesaid, be by the direction of any two Justices of the Peace, forthwith divided into two equal shares or moieties, and that one moiety thereof, be given for the use of John Nicholes, Gyles Pierce and George Vaughan, of Greenwich, aforesaid; and James Reynolds, James Reynolds, Jun'r, Henry Reynolds, Joseph Reynolds, Francis Reynolds, John Swett, William Bentley, John Andrew, and George Haven, of Kingston, share and share alike, who, I am informed live remote and are most wanting thereof. And the other moiety to be left for the use and benefit of the said French families there, who, being strangers, and lately settled, and wholly destitute, and have no other way to supply themselves. And all persons therein concerned, are to take notice hereof, and conform themselves thereunto accordingly, until further orders shall be given in said matter.

Dated at Boston, the 5th day of August, 1687.

To Major Richard Smith, and Captain Fones, Justice of the Peace, who are to see this order forthwith executed.*

Letter to Andros respecting Court Houses.

To his Excellency, Sir Edmund Andros, Captain General and Governor in Chief of his Majesty's Territory of New England. These present.

May it please your Excellency :

Sir: In pursuance of the directions to us given us by the Judges in the late As-

sises at Newport, on Rhode Island, concerning our not having a convenient Court House, and our computation of the charges thereof, and our presentation thereof to your Excellency, and having in the Quarter Sessions computed the costs of two small houses for that use, suppose the charges thereof will be about one hundred and forty pounds; and also judge it convenient, that one of them be erected in the town of Newport, and the other in the town of Rochester; and humbly present the same to your Excellency for approbation and direction therein: and also nominate John Woodman of Newport, to be a fit person for a Treasurer of this Province, if your Excellency approve thereof. And remain your Excellency's most humble servants.*

FRANCIS BRINLEY,
PELEG SANFORD.

Newport, on Rhode Island, Dec. 15, 1687.

At the Generall Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name at Newport, on Rhode Island, Narragansett or King's Province, and Providence Plantations, the 14th day of June, 1687.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
Lieut. Collonell PELEG SANFORD,
Major RICHARD SMITH,
Capt'n JOHN FONES,
Mr. JOHN COGGESHALL,
Mr. CALEB CARR, Sen'r.
Capt'n ARTHUR FENNER,
Mr. SYMON RAY,
Capt'n JAMES PENDLETON.

GRAND JURYMEN SWORN.

Thomas Olney, Foreman. James Greene, Andrew Willet, Jeremiah Browne, John Whipple, Peleg Sherman, John Knowles, Joseph Mowry, Rouse Helmes, Thomas Fry, Nathaniel Niles. Thomas Burge, John Rice.

* Potter's Narragansett, p. 221.

CONSTABLES SWORN IN COURT.

Henry Briteman, George Sisson, Thomas Durfee, of Portsmouth; Jacob Mott, Robert Westgate, Jireh Bull, John Easton, Jun'r, John Headley, for Newport.

William Hancock, for New Shoreham.

Joseph Mowry, for Jamestown.

The Court adjourned till 7 o'clock, to-morrow morning.

June 15th.

The Court called and sat.

Ordered, That the Clerk write orders and deliver to the Constables, that appeared at sessions, to warn the persons appointed for Constables to serve the year ensuing, to appear in sessions, or before one of the Justices of the Peace, to give their oath to said office.

Upon the petition of Sarah Potter, of Warwick, it is ordered, that the consideration thereof, be referred to the Justices of the Peace, of Providence, Warwick, and Rochester, to inquire into, and take care concerning the premises therein contained.

James Herbert, prisoner, in his Majesty's jail in Newport, being indicted, was called in Court, and his indictment being read to him, and he demanded guilty or not, his answer was, that he would not say any thing; and so was remanded to jail.

June 16th.

The Court of Sessions called and sat.

James Herbert, prisoner, being indicted, called in Court, and his indictment being read to him, and demanded guilty or not, answered he would not answer, and so was remanded to jail.

The following overseers of the poor were appointed.

John Maxon, John Fairfield, for Haversham.

James Reynolds, Samuel Albro, for Rochester.

Capt'n Clement Weaver, John Heath, for Deptford.

Nathaniell Waterman, Pardon Tillinghast, Shadrack Manton, for Providence.

Samuel Stafford, Moses Lippitt, for Warwick.

Nicholas Carr, Oliver Arnold, for Jamestown.

Gideon Freeborne, John Borden, Mathew Borden, Portsmouth.

John Woodman, Benedict Arnold, Lawrence Turner, Peter Easton, for Newport.

Robert Guthridge, Nathaniel Niles, for New Shoreham.

Whereas, several persons being by their recognizances of good behaviour, and to appear at a Court at Rochester, in the King's Province, and the said Court being not held at the time appointed, and all the persons did there at that time and place appear, which said recognizances the Justices were by commission to hear and determine all things relating therunto at this Court, and the said persons being called, not appearing, this Sessions do order, that the said persons shall be summoned to appear at the next Generall Quarter Sessions, to answer.

Persons admitted to have licenses :

William Mayes, John Davis, Robert Little, Charles Beere, George Halsall, of Newport.

James Herbert, now prisoner in his Majesty's jail, being twice called in Court, and his indictment read to him, he was demanded guilty or not guilty, he said he would not answer.

The sentence of the Court is, that the said James Herbert pay five pounds in money, and give his own bonds of twenty pounds, to be of good behaviour and appearance at the next Quarter Sessions, and to remain in prison till he perform the sentence.

Ordered, That Edmund Calverly, late Generall Sergeant, Jailor, be allowed twenty shillings for his service.

Ordered, That the Clerke write Prohibitions to prohibit the selling of all sorts of strong drinks in the King's Province.

At a Generall Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name at Rochester, for Rhode Island, Narragansett, or King's Province, and Providence Plantations, the 14th day of September, 1687.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
 Lieut. Col. PELEG SANFORD,
 Major RICHARD SMITH,
 Capt'n JOHN FONES,
 RANDALL HOLDEN.

GRAND JURY SWORN.

Phillip Smith, Foreman. John Wood, John Greene, Samuel Gorton, Nicholas Carr, Ephraim Moss, Daniel Lawton, Benjamin Shearman, George Whitman, Thomas Mumford, Rouse Helmes, John Maxon, Samuel Winsor, William Cory.

Upon the request of the Overseers of the Poor, of Newport, in what way they should raise maintenance for the poor,

It is ordered, That the Overseer of the Poor of each town within this Province or County, shall have power to make and assess a rate or levy on all and every the estates of the inhabitants and others within their townships, according to the custom of England, for the relief of the poor of each of their respective towns.

John Whipple and William Turpin, both of Providence, are forbidden selling of any sort of strong drink by retail, by his Majesty's Justices of the Peace, sitting in Generall Quarter Sessions, at Rochester, September the 14th, 1687, except they or either of them, shall appear before two of his Majesty's Justices and give bond according to law.

At a Generall Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name at Newport, for Rhode Island, King's Province, &c., the 13th day of December, 1687.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
 Lieut. Col. PELEG SANFORD,
 Capt'n JOHN FONES,
 CALEB CARR, Sen'r,
 JOHN COGGESHALL.

GRAND JURY.

Capt'n Benjamin Gorton, Foreman. Capt'n James Barker, Henry Bull, Jun'r, Henry Tibbetts, Sen'r, Henry Hall, James Badcock, Sen'r, James Blackmore, Abiah Carpenter, Thomas Brookes, Charles Tillinghast, Robert Carr, George Cooke, Stephen Braiton.

William Allen, Thomas Cornell, John Albro, Jun'r, Jonathan Sprague, John Hawkins, all being returned by the Sheriff, to serve on the Grand Jury, and they refusing to take the oath in Court, when called thereunto, they and every of them, are for their said offences, sentenced to pay a fine of six shillings, and eight pence, in or as money, for each person.

Ordered, That all cord wood, put to sale in the town of Newport, on Rhode Island, shall be corded, except the parties concerned shall otherwise agree, and that the Justices of the Peace, living in the said town of Newport, or the major part of them, shall have power from time to time, to appoint a fit person to be a corder of wood in the said town, and the person by them appointed, shall be sworn to the true performance of his office, when called thereunto; and to be allowed for his services four pence a cord.

For preventing damage by fire, it is ordered, that if any chimney in any street or other parts of the town of Newport, on

Rhode Island, between the places commonly called and known by the name of the Pound, and the lands late the lands of Thomas Clifton, deceased, shall be foul and take fire and burn above the funnel, that the person using the said chimney shall forfeit for each time two shillings, six pence, in or as money.

And also it is further ordered, that every owner of a house or houses, in the said parts of the said town, shall provide for every dwelling house a ladder to stand against each the said houses, that shall reach up to or near the ridge of the said house, within nine months after the end of this Sessions, or pay a fine of five shillings for his or her default.

Upon the request of the Overseers of the Poor, of the town of Newport, it is ordered, that Lieut. Col. Peleg Sanford, and Thomas Ward, are added unto them, to help them in making a rate on the estates of the inhabitants, and others within the said township, for the relief of the poor of the said town of Newport.

December 14th.

Hannah Clarke, of Jamestown, widow, having in Court confessed that the male child in her arms was a bastard child, born of her body, on the 28th of August, last; for which fact of hers, the Court do sentence the said Hannah to be well whipped ten stripes, on her naked back, in the open street, in the town of Newport, or pay a fine of twenty shillings, in or as money.

This Court being informed that William Palmer and Daniel Mackinces, both of Rochester, victuallers, have misbehaved themselves, and otherwise not being fitly qualified for that employment, this Court do order, that the said William Palmer and Daniel Mackinces be suspended from keeping victualling houses, or selling ale, beer, cider, or any other strong drink, by retail, on penalty by law prescribed.

Samuel Stapleton and Christopher Hargall, both of Newport, being sent for, appeared in Court, and the reason demanded of them why they kept not their shops shut on the First day of this instant December; it being a day set apart by his Excellency,

the Governor and Council, for thanksgiving and praise to God.

Samuel Stapleton's answer was, that he was above the observation of days and times.

Christopher Hargall's answer was, that his boy opened the shop, and what work his son did, was on his own account; and that he was lame, or else he did not know but that himself might have wrought.

Ordered, That the Constable or Constables, or major part of them, in such the respective towns in this Province, being assisted with one or more Justices of the Peace, shall have power to appoint such and so many meet persons to be Surveyors of Highways, as by them shall be judged convenient, to take care for the repairing the ways in their respective townships; which said Surveyors are to be appointed in each town on or before the last Tuesday in February next; which said Surveyors are to attend their said service on penalty by law appointed.

William Turpin, of Providence, Victualler, not appearing in Sessions, according to his Excellency's order, for the taking of a license, it is ordered, that the said William Turpin be suspended from keeping a Victualling House, or selling ale, beer, liquor or other strong drink by retail, on penalty by law provided.

Ordered, That the Clerk to the Constables of Providence, do acquaint the said Wm. Turpin, of the aforesaid written order, and if he submit not, to make presentment in the case according to law.

Ordered, That if any person or persons shall entertain James Herbert in their dwelling house, or other place, day or night, except the persons who have him in keeping, or sell or give any sort of strong drink, ale, beer or cider, to the said James Herbert, shall for every his or her so doing, pay a fine of five shillings, in or as money.

Ordered, That there be a rate of one hundred and sixty pounds levied and raised on the several towns and places in this Province or County, for and towards the building of a

Court House in each of the towns of Newport and Rochester ; and repairing the Prison in Newport, and paying of debts lately contracted within this Province or County, and to be paid unto the Treasurer of this Province or County, on or before the 1st day of July, next ensuing, in the species hereinafter named : that is to say, in money or sheep's wool, at seven pence half penny a pound ; butter made in the spring, at four pence half penny a pound ; Indian corn at twenty pence the bushel ; rye at two shillings, sixpence a bushel ; pork at forty-two shillings a barrel ; all the said species to be good and merchantable.

The proportion that each town is levied and assessed to pay is as followeth :

Newport,	£38	Haversham,	£10
Portsmouth,	31	New Shoreham,	11
Providence,	27	Jamestown,	10
Warwick,	12		—
Deptford,	27		£160
Rochester,	18		

Ordered, That the Constables of each the respective towns within this Province or County of Rhode Island, or King's Province and Providence Plantations, shall warn the inhabitants of their town to meet together on or before the first Wednesday in April next, to choose three or five men of the inhabitants of their town, to assess and levy the rate assessed and levied on their town (by his Majesty's Justices sitting in General Quarter Session, held in Newport, the 13th day of December, 1687), on each of the estates of the inhabitants, and others within the precincts of their township ; which said rate is to be made, and the list thereof perfected under the hands of the said rate makers, or the major part of them, on or before the third Wednesday in the said month of April, and forthwith to be delivered to the Constables of each town ; who are hereby required to gather and collect the same, and the said rate by them gathered and collected, the said Constables shall send unto the Treasurer of this Province of Rhode Island, &c.,

on or before the 1st day of July next. And the better to enable the Constables to gather and collect the said rate, the said Constables are empowered, if any person or persons refuse to pay the rate so assessed on them, to distrain of the estate of the person or persons neglecting or refusing to pay the same.

It is also ordered, That Mr. Francis Brinley, Lieut. Col. Peleg Sanford and Capt'n John Fones, or the major part of them, are hereby empowered and requested to bargain and agree to and with such and so many workmen, artists and others, for the materials, building and erecting in the said towns of Newport and Rochester, the said two Court Houses, as in their discretion shall seem meet; and that an order under the hands of them, or the major part of them, to the Treasurer of this Province or County, to pay to any person or persons, either for materials to be used, or work done about the building the said houses, shall be a sufficient warrant for the said Treasurer to pay the same.

John Woodman, nominated to be Treasurer, and sworn.

Ordered, That the Clerk write a letter, to be sent to his Excellency, the Governor, to acquaint him that this Court have, in pursuance to the advice of the Judges to them given, considered the necessity and charge of two Court Houses; one to be built in the town of Newport, and the other in Rochester. And to give his Excellency an account what they have at present computed the charge may be.

Ordered, That if any person or persons shall sit tippling or drinking in any Victualling House, within this Province or County, on the First day of the week, or be found playing or sporting on the First day of the week, shall for every of the said offences, be prosecuted and punished as by law is appointed; and all masters of families are strictly required to take care of their servants and children, for whom they are to be accountable; and the Constables in each town are strictly required to take care that this order be duly observed.

Ordered, That the Clerk copy and send forth the orders concerning the rate, to the Constables of the several towns, and

all such other orders also as are to be published, according to the use they are intended.

The Quarter Sessions ended.

At a General Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name, at Rochester, for Rhode Island, King's Province and Providence Plantations, &c., the 6th day of March, 1687-8.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
 Lieut. Col. PELEG SANFORD,
 Major RICHARD SMITH,
 Capt'n JOHN FONES,
 JAMES PENDLETON,
 ARTHUR FENNER,
 RANDALL HOLDEN.

GRAND JURY.

Nathaniel Waterman, Foreman. Job Greene, Lodowick Uppdike, Henry Gardiner, William Knowles, Clement Weaver, Enoch Place, Ephraim Moss, John Clarke, John Maxson, Samuel Bennett, Thomas Mumford, Henry Bull.

Mary, the Indian squaw, formerly committed to Prison, on suspicion of felony, being called in Court, on proclamation being made, and no person appearing against her, the said Mary is discharged from her said imprisonment.

For the encouragement of fishing, if any person or persons inhabiting at or near the Pettaquamscutt, shall make a Wier this spring to take fish in Pettaquamscut River, for their encouragement therein, it is ordered, that no person or persons, shall disturb them in their fishing in their said Wier, when made, nor fish with them therein, except such persons as shall

help them to make the said Wier, or allow to them that make it. And it is also further ordered, that no person or persons shall presume to make any new Wier above the said Wier, thereby hindering the fishing in the said Wier; notwithstanding this order, it is not intended to hinder any of the neighbors, inhabitants, of fishing in the said River, above or below the said Wier.

William Palmer, of Rochester, being presented by the Grand Inquest, in this Court, for selling of rum by retail, and suffering the same to be drunk in his said house, being called in Court, and his presentment read to him, and he demanded guilty or not, answered (not guilty), and referred to trial.

The Jury's verdict is (guilty). The Court accept the verdict, and sentence the said William Palmer, for his said offence, to pay a fine of five pounds.

Ordered, That if any person or persons shall kill any wolf or wolves within this Province or County, and shall demand pay for the same, according to law, shall bring or cause to be brought, the wolf or wolves, by him or them so killed, within twenty-four hours after to a Justice of the Peace, who is keep record thereof, and certify the same to the Treasurer.

Ordered, That there shall be a rate levied and assessed on the several towns and places in this County or Province, of fifty-three pounds, six shillings and eight pence for and towards the paying for the killing of wolves in this Province; and to be assessed and proportioned on each the towns proportionably to the rate of one hundred and sixty pounds, is, and to be levied, collected and paid at the same time, and in the same manner and form as in and by the said order is directed and prescribed.

The proportion that each town is levied and assessed to pay is as followeth:

Newport,	£12 13s. 4d.	Haversham,	£03 06s. 8d.
Portsmouth,	10 06 8	New Shoreham,	03 13 4
Providence,	09 00 0	Jamestown,	03 06 8
Warwick,	04 00 0		<hr/>
Deptford,	01 00 0		£53 6s. 8d.
Rochester,	06 00 0		

Samuel Eldred being the informer against William Palmer, for selling rum by retail, in Court forgave his part of the fine, being the half thereof, to the said Palmer.

Upon the application of William Palmer to this Court, that he might have liberty to keep an Ordinary, Ale House, or Common Victualling House, the Court do permit him to keep an Ordinary, Ale House, or common Victualling House, untill one year be fully complete and ended, from and after the day of the date of his former license.

Upon complaint to this Court, made by Robert Spinke, and others, of the town of Rochester, that several highways in the said town are stopped up, to the great damage of the inhabitants of said town, it is ordered, that Mr. Daniel Vernon and Mr. Henry Tibbitts are empowered to take care that the highway which leads from George Whitman's, to the country road, and comes out to the said road between the land of Mr. James Reynolds, and John Briggs, be forthwith laid open for the use and benefit of the inhabitants.

At a General Quarter Session, holden in his Majesty's name at Newport, for Rhode Island, Narragansett, of King's Province, and Providence Plantations, the 12th day of June, 1688.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman.

PELEG SANFORD,	CALEB CARR, Sen'r.
RICHARD SMITH,	JAMES PENDLETON,
JOHN FOXES,	SIMON RAY,
JOHN COGGESHALL,	ARTHUR FENNER.

GRAND JURY.

Edward Greenman, Foreman. Francis Braiton, Sen'r. Sampson Shurman, John Lewis, William Gardiner, John Sheldon,

Peleg Mumford, John Heath, William Burton, John Sailes, Isaac Lawton, Joshua Raymond, Robert Guthridge, Oliver Arnold.

John Wells, of Haversham, being presented in the Assizes, or general Jail Delivery, holden in ——— last, for killing and slaying sundry swine, of George Denison. of the same place, and bearing them away, being called in Court, and his indictment being read to him, and he demanded guilty of the charge or not, answered not guilty; and referred to trial.

The Jury's verdict not guilty, and the Court accept the same.

The said John Wells cleared by proclamation.

CONSTABLES.

The following Constables were chosen :

For Providence: Samuel Whipple, Gideon Crawford and Ephraim Pierce.

For Haversham, Nicholas Cotterell and Joseph Stanton.

For Warwick, James Carder and John Rhodes.

For Portsmouth, Jeremiah Smith, Thomas Durfee and John Keas.

For Rochester, William Gardiner.

For Jamestown, George Cook.

For New Shoreham, William Rathbone.

For Newport, Nathaniel Coddington and Shubael Painter.

Alexander Gordon, of Newport, admitted to have a license.

Benjamin Sherman, appointed to serve in the office of Constable, sworn.

Whereas, the late Constables of the town of Providence, have neglected to call the inhabitants of the said town together to choose Rate-makers, to assess and levy the County rates assessed on their town, for and towards the erecting and building Court Houses, and for payment for killing of wolves, this Court order, that the said Constables, taking to their assistance two or three of their sufficient neighbors, shall assess and levy the said rates assessed and levied on their town, according as the former orders are appointed and directed on or before the first Monday in July next ensuing; and if none of their said

neighbors will assist them in making the said rates assessed on their said town, according to the said orders, the said Constables shall levy the said rates themselves; and are hereby also empowered to gather the said rates so assessed, by warrant from one Justice, are empowered to distrain for neglect or refusal of payment of the same, and shall forthwith return the said rate by them so gathered, to the Province or County Treasurer.

Ordered, That the Treasurer shall pay to Mr. West, Deputy Secretary, the sum of four pounds, one shilling and three pence, in money.

Ordered, That every town in this Province or County, in the next rate to be levied, shall be rated the sum of ten shillings, for and towards their re-paying into the Treasury the said money paid to the Deputy Secretary.

It is ordered, That the Constables of the towns of New Shoreham, Haversham, Rochester, Deptford, Warwick, and Providence, shall be allowed reasonable charge for the transportation by water, of the rates of their towns to the Treasurer, or so much thereof as shall be sent to him, to Newport, to be paid in the said species.

Whereas, John Eldred, of Rochester, his license being not fully expired, and he requesting that it may be continued until the next Quarter Sessions, it is ordered, that the license of the said John Eldred, shall continue in full force until the next Quarter Sessions; and also the license of Samuel Eldred of said Rochester, is continued to the next Quarter Sessions.

It is ordered, That the Selectmen, townsmen, and Overseers of the town of Newport, or any one of them, shall view all cattle transported from out of the said town by water, and shall have for their service therein the former, and allowed usual fees.

The Court, adjourned, until to-morrow morning eight of the clock.

June 13th.

The Court called and sat.

Whereas, the late Rate-makers chosen by the inhabitants of

the town of Newport, to assess and levy the rate assessed on their town by the Justices sitting in General Quarter Sessions, in Newport, December 13th, 1687, and Rochester, March 6th, 1687, have neglected to rate some persons having estates in the precincts of their town, that according to order ought to have been rated, it is ordered, that the said Rate-makers do and shall meet together on or before the one-and-twentieth of this instant June, to perfect and finish the list of the said rates, and to make return thereof forthwith, to the Constables of the said town.

At a General Quarter Sessions, holden at Rochester, for Rhode Island, Narragansett or King's Province, and Providence Plantations, the first Tuesday in September, 1688.

JUSTICES PRESENT.

FRANCIS BRINLEY,	CALEB CARR, Sen'r,
Capt'n JOHN FONES,	RANDALL HOLDEN.
JOHN COGGESHALL,	

GRAND JURY.

Edward Pelham, Henry Brightman, Robert Lawton, James Coggeshall, Robert Little, John Rathbone, James Reynolds, Thomas Gould, John Watson, Capt'n William Hopkins, John Low, Charles Hastleton, John Thomas, Henry Tibbitts.

PERSONS LICENSED.

William Mages, George Halsall, John Davis, Stephen Ta-
beer, Charles Beer, of Newport.

John Cook, of Portsmouth.

Samuel Albro, of Rochester.

Abraham Campanall.

Mary Sanford, Joseph Timberlake, of Portsmouth.

Benjamin Gorton.

John Eldred, Benjamin Mowry, Samuel Eldred, of Rochester.

The Court adjourned for an hour's time.

The Court called and sat.

Mary Cory, of Portsmouth, single woman, being called in Court, to answer to an indictment by the Grand Jury found against her for having a child born of her body, in June last past, appeared, and being demanded who was the father of the said child, she answered John Wickham.

The Court sentence the said Mary Cory for her offence to pay a fine of twenty shillings in money; and also that she bear the town of Portsmouth, free from all charges concerning, maintaining and bringing up the said child.

Martha Cook (alias) Cory, of Portsmouth, and Mary Blower, of Newport, on Rhode Island, single women, being summoned to appear at this Court, to answer to a presentment, each for having a child born of her body, found by the Grand Jury, in June last past, being called, did not answer, by the Court is ordered, that an attachment go forth against them, to appear at the next Quarter Sessions.

Francis Brayton, of Portsmouth, on Rhode Island, being summoned to appear at this Court, to answer to a presentment for selling drink to Indians on the First day of the week, being called in Court, appeared, and demanded guilty or not, confessed the fact; and referred himself to the judgment of the Court. The Court's sentence is, that the said Francis Brayton pay a fine of ten shillings in money for his offence.

Robert Lawton, of Portsmouth, on Rhode Island, sworn Scaler of the said town.

At a Generall Quarter Sessions, held in Newport, for Rhode Island, King's Province, and Providence Plantations, the 11th day of December, 1688.

JUSTICES PRESENT.

FRANCIS BRINLEY,	JOHN COGGESHALL,
PELEG SANFORD,	CALEB CARR, Sen'r,
RICHARD SMITH,	ARTHUR FENNER.
JOHN FOXES,	

GRAND JURY.

Lawrence Turner, Foreman. Thomas Paine, Daniel Stanton, Thomas Brookes, George Sisson, Stephen Cornell, Enoch Plaise, Lodowick Updike, William Palmer, John Warner, Joseph Woodward, George Vaughan, Stephen Remington.

PERSONS LICENSED.

Samuel Wilson, of Rochester.
 Job Card, of New Shoreham.
 James Sweet, of Prudence.

Whereas, there was an order made in the Quarter Sessions, held in Newport, the 12th day of December, 1687, for the prevention of damage by fire, in the town of Newport, that if any chimney in the said town shall be foul and take fire, and burn above the funnel thereof, that the persons using the said chimney, shall pay two shillings, sixpence; and by the said order there was no means provided for the collecting and receiving the same, it is ordered, that if any person or persons shall give notice of any chimney taking fire and burning above the funnel, to the next Justice of the Peace, shall have six pence for the same, out of the fine.

And it is further ordered, That one of the said Constables of the said town shall demand and receive the same: and if the

person offending refuse on demand to pay the same, that then by warrant from one Justice of the Peace to a Constable, he shall levy the same, by distress on the goods of the offender, together with the charge thereof, and the said fine (except the sixpence aforesaid), to deliver to the Selectmen and Overseers of the Poor of the said town of Newport, for the use of the poor. And also at the time aforesaid, it was ordered, that the owner of every dwelling house in the parts of the said town, the places called the Pond, and the land of Thomas Clifton, deceased, should provide a ladder to stand against the houses that would conveniently reach to near the ridge of the said house, within nine months, on the forfeiture of five shillings; and the said order having been hitherto generally neglected, it is ordered, that all and every person or persons, owners of houses as aforesaid, shall within three months after the end of this Sessions, provide a ladder or ladders, according as is directed by the said order (except such persons as have already provided ladders accordingly); or shall forfeit the sum of five shillings, to be to the use of the poor of the said town of Newport.

And it is further ordered, that the Constables of Newport shall take care to see this order be performed; and if any shall neglect their duty herein, to receive and collect the said fine, and if any person or persons offending shall refuse to pay the same on demand, the said Constables or any of them, by warrant from one Justice of the Peace, shall levy the same by distress, together with the charge for the levying the same.

Whereas, the Treasurer of this Province or County, hath made report to this Sessions that several of the Constables have neglected to collect and gather the several rates levied on the estates within their respective towns, it is ordered, that the Constables and each of them, that have neglected to gather and collect any the said assessments, shall forthwith collect and gather the same, or else for the neglect of their said duty, they and every of them, shall be lyable to pay the sum or sums by them neglected to be collected and gathered, as by the said orders are provided and directed. And if all or any of the Constables shall neglect to pay the said assessments and finish their ac-

counts with the said Treasurer, it shall and may be lawful for any two Justices of the Peace of this Province, &c., to grant forth a warrant to the Sheriff, or to any other person as to them shall seem meet, to distrain the same of the goods and chattels of all and every the Constables that shall neglect their duty herein.

Whereas, by the order of Sessions, held at Rochester, the 6th day of March, 1687, it was ordered, that if any person or persons shall kill any wolf or wolves, within this Province or County, and shall demand pay for the same, according to law shall within twenty-four hours bring the body of the said wolves to a Justice of the Peace, which order is found difficult to perform.

It is therefore ordered, That for the head and skin of any wolf by any person so killed, shall be brought to a Justice of the Peace in the time, it shall be sufficient for the Justice of the Peace to make record of the killing of the said wolf, and to certify the same to the Treasurer.

Ordered, That there shall be a rate of one hundred and twenty pounds levied and raised on the several towms in this Province or County, for defraying of the public charge thereof, and to be paid unto the Treasurer of this Province or County, on or before the first day of July, next ensuing, in the species hereinafter named, and at the prices hereafter appointed. That is to say, sheep's wool at eight pence the pound, butter at four pence a pound, Indian corn at fourteen pence the bushel. And if any person or persons shall pay money, he or they shall be abated the one sixth part; all which species shall be good and merchantable.

The proportion that each town is levied and assessed to pay, is as followeth :

Newport,	£28 10s.	Haversham,	£7 00s.
Portsmouth,	23 05	New Shoreham,	8 15
Providence,	20 05	Jamestown,	7 10
Warwick,	09 00		<hr/>
Deptford,	02 05		£120 00
Rochester,	13 10		

Ordered, That the Selectmen in each the respective towns within this Province or County, shall meet together on or before the first Wednesday in April next, to assess and levy the rate assessed and levied on their town by his Majesty's Justices, sitting in Generall Quarter Sessions, held in Newport, the 11th day of December, 1688, on each of the estates of the inhabitants, and others within the precincts of their townships, which said rate made, and the list thereof perfected, under the hands of the said Selectmen, or the major part of them, on or before the third Wednesday in the said month of April, and forthwith to be delivered to the Constables of each town, who are hereby required to gather and collect the same; and the said rate by them so gathered and collected, the said Constables shall send unto the Treasurer of this Province or County, of Rhode Island, &c. on or before the 1st day of July, next. And the better to enable the Constables to gather and collect the said rate, the said Constables are empowered, if any person or persons shall neglect or refuse to pay the rate so assessed on them, to distrain of the estate of the person or persons neglecting or refusing to pay their rate.

Instructions for Sir Edmund Andros.

Instructions to our trusty and well-beloved Sir Edmund Andros, Knight, our Captain Generall and Governor in Chief in and over our territory and dominion of New England, in America.

With these our Instructions, you will receive our commission, under our great Seal of England, constituting you our Captain Generall and Governor in Chief in and over our Colonies of the Massachusetts Bay and New Plymouth, our Province of New Hampshire and Maine, the Narragansett country or King's Province, our Colonies of Rhode Island and Connecticut, our Province of New York, and East and West New Jersey, and of all that tract of land, circuit, continent, precincts and limits in America, lying and being in breadth from forty degrees of northern latitude, from the Equinoctial line, to the river St. Croix, eastward, and from thence directly northward to the river of Canada; and in length and longitude by all the breadth aforesaid, throughout the main land, from the Atlantic or Western Sea, and ocean on the east part, to the South Sea on the west part; with all the islands, seas, rivers, waters, rites, members, and appurtenances thereunto belonging (our Province of Pennsylvania and country of Delaware only excepted), to be called and known as formerly, by the name and title of our territory and dominion of New England, in America.

And you are accordingly forthwith to take upon you the execution of the place

and trust, we have reposed in you, and with all convenient speed to call together the members of the Council by name, Joseph Dudley, William Stoughton, Robert Mason, Anthony Brockoll, Thomas Hinckley, *Walter Clark, Robert Treat, John Fitz Winthrop, John Nicholson, Frederick Philips, Jervis Baxster, John Pinchon, Peter Buckley, Wait Winthrop, Richard Wharton, Stephen Courtland, John Usher, Bartholomew Gidney, Jonathan Ting, John Hincks, Edward Ting, Barnaby Lathrop, John Sanford, William Bradford, Daniel Smith, Edward Randolph, John Spragg, John Walley, Nathaniel Clerke, John Coxhill [*Coggeshall], Walter Newbury, *John Greene, *Richard Arnold, John Alborough, Samuel Shrimpton, John Young, Nicholas Bayard, John Palmer, William Brown, Jun'r, Simon Linds, *Richard Smith, and John Allen, Esquires. At which meeting, after having published our said commission, or letters patents, constituting you our Captain General and Governor in Chief of our said territory and dominion, you shall (after first taking the like oath yourself) administer to the members of our Council, the oath for the due execution of their places and trusts.

And you are to communicate unto our said Council from time to time such and so many of our Instructions as you shall find convenient for our service, to be imparted unto them.

And you are to permit the members of our Council to have and enjoy the freedom of debate and votes, in all things to be debated by them.

And although by our commission, aforesaid, we have thought fit to direct that any five of our Councillors make a quorum; it is nevertheless our will and pleasure, that you do not act with a quorum of less than seven members, unless upon extraordinary emergencies.

And that we may always be informed of the names of persons fit to supply the vacancies of our Council, you are to transmit unto one of our Principal Secretaries of State, and to the Lords of our Privy Council appointed a Committee for Trade and Foreign Plantations, with all convenient speed, the names and characters of twelve persons, inhabitants of our said territory, whom you shall esteem the best qualified for that trust; and so from time to time when any of them shall die, depart out of our said territory, or upon any other occasion, you are to supply the first number of twelve persons, by nominating others to us in their stead.

And our will and pleasure is, that you do not suspend any of the members of our said Council, without good and sufficient cause; and in case of suspension of any of them, you are forthwith to transmit unto us, as aforesaid, and to our Committee for Trade and Foreign Plantations, your reasons for so doing, together with the charge and proof against the said persons, and their answer thereunto.

And in the nomination of any members of our said Council unto us, upon any vacancy, as also in the choice of the Chief Officers, Judges, Assistants, Justices, and Sheriffs, you are always to take special care that they be men of estate and abilities, and not necessitous people, or much in debt, and that they be persons well affected to the government.

Our will and pleasure is, that all laws, statutes, and ordinances within our territory and dominion of New England, aforesaid, shall continue and be in full force and vigor, so far forth, as they do not in any wise contradict, impeach, or derogate from our said commission, orders, or instructions, until such time as with the advice and consent of the Council, you shall pass other laws for the good government of our said territory and dominion, which you are to do with all convenient speed.

And we do further charge and require you to transmit authentick copies, under

the publick seal, of all laws, statutes, and ordinances, which at any time shall be made and enacted within our said territory and dominion, unto us, as aforesaid, and to our Committee for Trade and Plantations, within three monthis, or sooner, after their being enacted, together with duplicates thereof, by the next conveyance, upon of the pain of our highest displeasure, and forfeiture of that year's salary wherein you shall at any time or upon any pretence whatsoever, omit to send over the said laws and ordinances, as aforesaid, within the time above limited; as also of such other penalty as we shall please to inflict.

And if any laws, statutes, and ordinances, made and enacted by you and our Councill, or by the Commander in Chief, and Councill of New England, for the time being, shall at any time be disallowed, and not approved, and so signified by us, our heirs, or successors, under our or their sign manual and signet, or by order of our or their Privy Council unto you, the said Sir Edmund Andros, or the Commander in Chief of our said teirritory and dominion for the time being: then such and so many of them as shall be so disallowed and not approved, shall from thenceforth cease, determine and become void.

And you are to observe in the passing of laws, that the style of enacting the same by the Governor and Councill, be henceforth used, and no other.

And we do hereby signify unto you our express commands, that all writs be issued in our Royal name, throughout our said territory and dominion. You are to take especial care that no act or order be passed within our said territory in any case for levying fines, and inflicting penalties whereby the same shall not be reserved to us for the publick uses of the government; as by the said act or order shall be directed.

Whereas, by our commission aforesaid, we have given unto you full power and authority, with the advice and consent of our Councill, or the major part of them, to impose, assess, raise, and levy such rates, and taxes as you shall find necessary for the support of the government of our said territory: our will and pleasure is, that you continue to raise and levy such rates, taxes, and impositions as are now or have lately been laid and imposed within our said territory, until upon further examination and inquiry, you shall represent unto us the nature and quality of such rates, taxes, and impositions; how the same are raised, and levied, and what other taxes may be raised and levied, and to what value yearly, as also what shall be necessary for the support of the annual charge of our government there.

You shall not permit any publick money whatsoever, to be issued or disposed of, otherwise than by your order or warrant, under your hand. And you are to cause the accounts of all such money or value of money, attested by you, to be transmitted every half year to our Committe of Trade and Plantations, and to our High Treasurer, or Commissioners of our Treasury, for the time being; wherein shall be specified every partienlar sum received or disposed of; together with the names of the persons, to whom any payments shall be made, and for what uses, with sufficient vouchers for every payment; to the end we may be satisfied of the due application of the revenue raised or to be raised, within our said territory.

You shall not remit any fines or forfeitures whatsoever, above the sum of ten pounds, before or after sentence given, nor dispose of any escheats, until you shall have first signified unto us, to the Commissioners of our Treasury, or High Treasurer for the time being, and to our Committee of Plantations, the nature of the offence or occasion of such fines, forfeitures, or escheats, with the particular sums or value thereof, and shall have received our directions therein.

And whereas there are great tracts of land within our said territory and dominion, yet undisposed of, and other lands, tenements, hereditaments, for which our Royal confirmation may be wanting; we do hereby authorize you to dispose of such lands for a moderate quit rent, not under two shillings sixpence, for every hundred acres; and to reserve such acknowledgments unto us for the confirmation of other lands, tenements, and hereditaments as you shall think most equitable and conducing to our service.

And whereas we are willing to provide for the support of our government in our said territory, by setting apart sufficient allowances to the Commanders in Chief, residing for the time being within the same; our pleasure is, that when it shall happen that you shall be absent from that our territory, one full moiety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall during the time of your absence be paid and satisfied unto such Commander in Chief, who shall be resident upon the place; which we do hereby order and allot unto him for his better maintenance, and for the support of the dignity of that our government.

You are to require the Secretary of our said territory, for the time being, to furnish you with transcripts of all such acts and publick orders as shall be made from time to time, together with a copy of the journal of the Council, to the end the same may be transmitted unto us, as aforesaid, and to our Committee for Trade and Plantations, which he is duly to perform upon pain of incurring a forfeiture of his place.

You shall not displace or suspend any of the Judges, Justices, Sheriffs, or other chief officer within our said territory, without good and sufficient cause; which you are thereupon to signify to us, and to our Committee of Plantations.

All military officers upon misbehavior and unfaithfulness in the execution of their trusts, you shall and may suspend or discharge, as shall appear upon due examination thereof, most agreeable to justice.

You are to transmit unto us, with all convenient speed, a particular account of all establishments, of jurisdictions, courts, offices, and officers, powers, authorities, fees, and privileges, which shall be granted or settled within our said territory; to the end you may receive our approbation and directions therein.

And whereas since our accession to the crown, we have appointed a new seal for our Colonies of New England, as also another seal for our Province of New York, which being now united under one government, we do hereby direct and require that the seal appointed for the said Collony of New England, be henceforth made use of for all of that our territory and dominion, in its largest extent and boundaries aforementioned; and that the seal for our Province of New York, be forthwith broken and defaced in your presence.

You shall take especial care, with the advice and consent of our said Council, to regulate all salaries, and fees belonging to places or paid upon emergencies, that they may be within the bounds of moderation, and that no exaction be made upon any occasion whatsoever.

You are to take care that drunkenness, and debauchery, and swearing, and blasphemy, be severely punished; and that none be admitted to publick trusts and employments, whose ill fame and conversation may bring scandal thereupon.

You are to permit a liberty of conscience in matters of religion to all persons, so they be contented with a quiet and peaceable enjoyment of it, pursuant to our gra-

cious declarations, bearing date the 4th day of April, in the third year of our reign ; which you are to cause to be duly observed and put in execution.

And we do hereby require and command, that no man's life, member, freehold, or goods be taken away, but by established and known laws not repugnant to, but as much as conveniently may be, agreeable to the laws of our kingdom of England.

You shall take care that all planters, merchants and Christian servants shall be well and fitly provided with arms, and that they be listed under officers, and when and as often as you shall think fit, mustered, and trained, whereby they may be in better readiness for the defence of our territory and dominion, aforesaid ; or in any other of our Plantations, in case of distress, wherein you shall, upon the application of the respective Governors, assist them with what aid the condition and safety of your government may permit.

You are nevertheless to take especial care that neither the frequency nor unreasonableness of remote marches, musters, and trainings be an unnecessary impediment to the affairs of the inhabitants or planters under your government.

You shall take an inventory of all arms, ammunition and stores remaining in any of our magazines and garrisons, within our said territory, and send an account of them yearly to us, by one of our principal Secretaries of State, and to our Committee for Trade and Plantations.

And you are also to demand an account of what other arms and ammunition have been formerly bought with publick money there, for the security of our said territory, and the same to transmit unto us by one of our principal Secretaries of State, and to our Committee for Trade and Foreign Plantations.

You are to take especial care that fit store houses be settled throughout our said territory, for receiving and keeping of arms, and ammunition and other publick stores.

And you shall transmit unto us by the first opportunity, a map with the exact description of all the whole country as far as any discovery shall be made thereof, and of the several fortifications you shall find or erect there.

And that we may be the better informed of the trade of our said territory, you are with the advice and consent of our Councill, to take care that due entries be made in all ports, of all goods and commodities imported or exported from thence, and from and to what places they come and go ; and that a yearly account thereof be transmitted by you unto us, by our High Treasurer, or Commissioners of our Treasury for the time being, and to our Committee for Trade and Foreign Plantations.

Our will and pleasure is, that you do from time to time give us an account of what strength your bordering neighbors are, be they Indians or others, by sea and land, and what correspondency you keep with them.

And when any opportunity shall offer for purchasing great tracts of land for us, from the Indians for small sums, you are to use your discretion therein, as you shall judge of the convenience, prejudice, or advantage that may arise unto us, by the same.

Whereas Joseph Dudley, Esq'r, and others, by their petition have humbly prayed our Royal grant and confirmation to certain lands lying upon the river Merrimack, and to the lake Wenepesioco, in New England, together with the fishing of the said river and lake, you are to examine the said petition, and to report unto us, your opinion what may be fit for us to do therein.

You are to suppress the engrossing of commodities tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein with the advice of our Council, as may be most acceptable to the generality of the inhabitants.

You are to give all due encouragement and invitation to merchants and others, who shall bring trade unto our said territory, and in particular to the Royal African Company of England.

And you are to take care that there be no trading from our said territory, to any place or port in Africa, within the Charter of the Royal African Company; and you are not to suffer any ships to be sent thither, without their leave and authority.

And we do hereby strictly command and enjoin you carefully to observe the treaties concluded by us with any foreign Prince or State; and in case any private injury or damage shall be offered or done to any of our subjects in those parts by the subjects of any such Prince or State, you shall take care to give us an account thereof, with all convenient speed, and not to permit or encourage reparations thereof to be sought in any other way than such as shall be agreeable to the said treaties and the instruction herewith given you.

And whereas we are informed of great disorders and depredations daily committed by pirates and others, to the prejudice of our allies, contrary to the treaties between us, to the good correspondency which ought to be maintained between Christian Princes and States; and there being a law passed in our Island of Jamaica against such unwarrantable proceedings; our will and pleasure is, that such a law (a copy whereof is herewith delivered unto you) be passed within our territory and dominion of New England, which you are to transmit unto us, as aforesaid, by the first opportunity.

And whereas we think it fit for the better administration of justice, that a law be passed, wherein shall be set the value of mens' estates, either in goods or lands, under which they shall not be capable of serving as Jurors; you are therefore, by the first opportunity of transmitting any laws hither for our approbation, to send one for that purpose.

You shall pass a law for the restraining of inhuman severity, which by ill masters or overseers may be used towards the Christian servants or slaves; wherein provision is to be made that the willful killing of Indians and negroes be punished with death, and a fit penalty imposed for the maiming of them.

And you are also with the assistance of our Council, to find out the best means to facilitate and encourage the conversion of negroes and Indians, to the Christian religion.

You are to endeavor, with the assistance of the Council, to provide for the raising of stocks and building publick work houses in convenient places, for the employing of poor and indigent people.

You are likewise from time to time, to give us by one of our principal Secretaries of State, and our Committee for Trade and Foreign Plantations, an account of the wants and defects of our said territory, what are the chief products thereof, what new improvements the industry or invention of the planters hath afforded, what probable advantages may be gained by trade, and which way you conceive we may contribute towards them.

And forasmuch as great inconveniences may arise by the liberty of printing within our said territory, under your government, you are to provide by all necessary

orders that no person keep any printing press for printing, nor that any book, pamphlet, or other matter whatsoever, be printed without your special leave and license first obtained.

You are to encourage all you can the several Indians on the Continent, upon all occasions, that they may apply themselves to the English trade and nation, rather than any other in Europe.*

And to the end the said limits and boundaries may be settled before the 11th day of January next, and that our Commissioners may be well informed of the full extent of our territory and dominion of New England, and its dependencies; you are forthwith to give us an exact account and full information of the boundaries and limits thereof, and of the Indians and territories depending thereon; which you are to do with all convenient speed.

Lastly. If any thing shall happen, that may be of advantage, and security to our said territory, which is not herein or by our commission provided for; we do hereby allow unto you with the advice and consent of our Council, to take order for the present therein; giving us speedy notice thereof, that you may receive our ratification, if we shall approve the same.

Provided, always, and our will and pleasure is, that you do not by color of any power or authority hereby given you, commence or declare war without our knowledge and command therein; except it be against Indians, upon emergencies, wherein the consent of our Council shall be had. And you are to give a particular account thereof, with all speed, unto us, by one of our principal Secretaries of State, and to the Lords of our Privy Council, appointed a Committee for Trade and Foreign Plantations; as in the general of all publick proceedings from time to time, and of the condition of affairs within your government.

Given at at our Coart, at Whitehall, the 16th day of April, 1688, in the fourth year of our reign.* By his Majesty's command, SUNDERLAND P.

[To complete the history of the revolt of the English Colonies, which grew out of the arbitrary government of Sir Edmund Andros, we quote the particulars of the closing scenes from Mr. Bancroft's History.]

"The great news of the invasion of England, and the declaration of the Prince of Orange, reached Boston on 4th day April, 1689. The messenger was immediately imprisoned; but his message could not be suppressed; and "the preachers had already matured the evil design" of a revolution. For the events that followed, were "not a violent passion of the rabble, but a long-contrived piece of wickedness."

About nine o'clock of the morning of the 18th, just as George, the commander of the *Rose* frigate, stopped on shore, Green and the Boston ship-carpenters gathered about him, and made him a prisoner. The town took the alarm. The royalist sheriff hastened to quiet the multitude; and the multitude secured him as their prisoner. From him they hastened to the major of the regiment, and demanded

* A portion relating to the five rations of Indians, is omitted.

* New York Documents, p. 513, Vol. III.

colors and drums. He resisted; they threatened. The crowd increased; companies form under Nelson, Foster, Waterhouse, their old officers; and already at ten they seize Bullivant, Foxcroft, and Ravenscraft. Boys ran along the streets with clubs; the drums beat; the Governor, with his creatures resisted in Council, withdrew to the fort to desire a conference with the ministers and two or three more. The conference was declined. All the companies soon rallied at the town-house. Just then, the last Governor of the Colony, in office when the Charter was abrogated, Simon Bradstreet, glorious with the dignity of four score years and seven, one of the early emigrants, a magistrate in 1630, whose experience connected the oldest generation with the new, drew near the town-house, and was received by a great shout from the freemen. The old magistrates were re-instated, as a council of safety; the whole town rose in arms, "with the most unanimous resolution that ever inspired a people;" and a Declaration, read from the balcony, defended the insurrection as a duty to God and the country. "We commit our enterprise," it was added, "to Him who hears the cry of the oppressed, and advise all our neighbors, for whom we have thus ventured ourselves, to joyn with us in prayers and all just actions for the defence of the land."

On Charlestown side, a thousand soldiers crowded together; and the multitude would have been larger if needed. The Governor, vainly attempting to escape to the frigate, was, with his creatures, compelled to seek protection by submission; through the streets where he had first displayed his scarlet coat and arbitrary commission, he and his fellows were marched to the town-house, and thence to prison.

On the next day, the country came swarming across the Charlestown and Chelsea ferries, headed by Shepherd, a schoolmaster of Lynn. All the cry was against Andros and Randolph. The castle was taken; the frigate was mastered; the fortifications occupied.

How should a new government be instituted? Town-meetings, before news had arrived of the proclamation of William and Mary, were held throughout the Colony. Of fifty-four towns, forty, certainly, probably more, voted to re-assume the old Charter. Representatives were chosen; and once more Massachusetts assembled in General Court.

The royalists had pretended that "the Quaker grandees" of Rhode Island had imbibed nothing of Quakerism but its indifference to forms, and did not even desire a restoration of the Charter. On May-day, their usual Election-day, the inhabitants and freemen poured into Newport; and the whole "democracie" published to the world their gratitude "to the good providence of God, which had wonderfully supported their predecessors and themselves through more than ordinary difficulties and hardships."—"We take it to be our duty"—thus they continue—"to lay hold of our former gracious privileges, in our Charter contained." And by a unanimous vote, the officers, whom Andros had displaced, were confirmed. But Walter Clarke wavered. For nine months there was no acknowledged Chief Magistrate. The Assembly, accepting Clarke's disclaimer, elected Almy. Again excuse was made. Did no one dare to assume responsibility? All eyes were turned to one of the old Antinomian exiles, the more than octogenarian, Henry Bull; and the fearless Quaker, true to the light within, employed the last glimmerings of life to restore the democratic Charter of Rhode Island. Once more, its free government is organized: its seal is renewed; the symbol, an anchor; the motto, HOPE.

Thus did a popular insurrection, beginning at Boston, extend to the Chesapeake, and to the wilderness. This New England revolution "made a great noise in the world." Its object was Protestant liberty; and William and Mary, the Protestant sovereigns, were proclaimed with rejoicings such as America had never before known in its intercourse with England.*

Summons to Sir Edmund Andros to Surrender the Government.

At the Town House in Boston, April 18, 1689.

Sir:—Ourselves as well as many others, the inhabitants of this town and places adjacent, being surprised with the people's sudden taking to arms, in the first motion whereof, we were wholly ignorant, are driven by the present exigence and necessity to acquaint your Excellency, that for the quieting and security of the people inhabiting this country, from the imminent dangers they many ways lie open and exposed unto, and for your own safety; we judge it necessary that you forthwith surrender up and deliver the government and fortifications to be preserved, to be disposed according to order and direction for the Crown of England, which is suddenly expected may arrive, promising all security from violence to yourself, or any other of your gentlemen and soldiers in person or estate; or else we are assured they will endeavor the taking of the fortifications by storm, if any opposition be made.

To Sir Edmund Andros, Knight.†

William Stoughton,
Thomas Danforth,
Simon Bradstreet,
John Richards,
Elisha Cook,
Isaac Addington,
John Foster,
Peter Sergeant,

David Waterhouse,
Adam Winthrop,
John Nelson,
Wait Winthrop,
Samuel Shrimpton,
William Brown,
Bartholomew Gidney.

Order for sending Sir Edmund Andros to England.

To such as for the time being, take care for preserving the peace and administering the laws of our Colony of the Massachusetts Bay, in New England, in America.

WILLIAM R.

Whereas, Sir Edmund Andros, Kn't, late Governor of our dominion of New England, has been seized by some people in Boston, and is detained under close confinement there, together with Edward Randolph, John Trefrey, and divers others, our subjects; who have humbly requested us that they may be either set at liberty, or sent in safe custody into England, to answer before us what may be objected against them; we do hereby will and require, that the said Sir Edmund Andros,

* Bancroft's Hist. U. S., vol. II. p. 147.

† J. Carter Brown's Manuscripts, No. 213, Vol. IV.

Edward Randolph, John Trefrey, and others our subjects, that have been in like manner seized by the said people of Boston, and shall be at the receipt of these our commands, detained there under confinement, be forthwith sent on board the first ship bound hither, to answer before us what may be objected against them: and that you take care that they be civilly used in their passage from New England, and safely conveyed to our Royal presence.

Given at our Court at Whitehall, this 30th day of July, 1689, in the first year of our reign. By his Majesty's command.*

NOTTINGHAM.

(With the Royal seal.)†

Call to the people of Rhode Island to assume their former government.

Whereas, we have seen a printed paper, dated from Boston, the 18th of April last, which signifieth that Sir Edmund Andros, our late Governor, with several others, are seized and confined, so that many of the free people of this place are bent to lay hold of their former privileges:

Neighbors and Friends, we therefore, cannot omit to recommend unto you, our present grievance, to wit, that we are sufficiently informed, that our late government under which we were subservient, is now silenced and eclipsed, we, under a sense of our deplorable and unsettled condition, do offer to you, whether it may not be expedient for the several towns of this late Colony, the several principal persons therein, to make their personal appearance at Newport, before the day of usual Election by Charter, which will be the 1st day of May next, there to consult and agree of some suitable way in this present juncture, and whether our ancient privileges and former methods may not be best to insist upon, which we leave to your judicious consideration, and that you may not say, you were ignorant, but had the most timely notice that could be given at so little warning, is all at present from your real friends and neighbors.‡

W. C.

Newport, this 23d April, 1689.

J. C.

* Names of those imprisoned with Sir Edmund Andros. Jos. Dudley, Judge Palmer, Mr. Randolph, Lt. Col. Lydgett, Lt. Col. Maegregry, Capt'n George, Major Brockholes, Mr. Graham, Mr. West, Capt'n Trefrey, Mr. Justice Bullivant, Mr. Justice Foxcroft, Capt'n White, Capt'n Raveneroft, Ensign Pipin, Dr. Roberts, Mr. Farewell, Mr. Jameson, Mr. Kane, Mr. Broadbent, Mr. James Sherlock, Sheriff, Mr. Larkin, Capt'n Manning, Lt. Jordaine, Mr. Cuttler.—*J. Carter Brown's Manuscripts, No. 264, Vol. V.*

† *Mass. Hist. Coll., Vol. VII., p. 191.*

‡ The paper from which the foregoing copy is made, was received at Providence from Newport; it appears to be the original, and is in the hand writing of Walter Clarke. The letter itself is very cautiously drawn, and there is no notice of its reception upon the town records.

During the existence of Gov. Andros's administration, little transpired in the concerns of Providence, that can now be gathered from the records. There appear to have been elections of some town officers in 1687 and 8, but none in 1689.—*Staples's Annals of Providence, p. 176.*

*Petition from the Governor and Council of Rhode Island, to their
Majesties William and Mary, of England.*

Most dread Sovereign: We your Majesties' most humble subjects and supplicants of your Collony of Rhode Island and Providence Plantations, in New England, having received the joyful tidings of both your Majesties' safe arrival in England, after your your so great and hazardous undertaking, for the good of the nation, to relieve them from Popery and arbitrary power; as also concerning your accessions to the Crown.

The Governor of this your Majesties' Collony, by the advice of his Council, gave order for the proclaiming both your Majesties in each respective town in this your Collony; which accordingly was done in most solemn manner, with all alacrity, beseeching the God of heaven to continue your Majesties with a long and prosperous reign, not at all doubting but your Majesties will take care of all your subjects in this your dominion of New England, as opportunity shall present, that they may be not only freed from arbitrary power, but also may enjoy their lands and other ancient rights and privileges; and therefore we humbly petition your Most Excellent Majesties' grace and favor towards us your most humble subjects and supplicants, that you would please, being Pater Patrio nostro, to extend your fatherly care in the granting a confirmation to our Charter, which although it was submitted to his late Majesty, nevertheless it was not condemned nor taken from us; and therefore since the late Revolution, concerning Sir Edmund Andros, his being deposed from the government, we your Majesties' subjects, being destitute of government, saw cause under grace and favor, to re-assume the government according to our Charter, the 1st of May last past, being the Election day appointed by our said Charter, in which Assembly it was ordered, that the former Governor, Deputy Governor, and Assistants that were in place in the year of our Lord 1686, before the coming over of Sir Edmund Andros, our late Governor, should be established in their respective places for the year ensuing, or further order from England; since which time Sir Edmund Andros made his escape from his confinement in your Majesties' Collony of the Massachusetts, unto Rhode Island, where he was speedily seized and secured until the Governor and Council of the Massachusetts Collony demanded him, by Commissioners sent for that purpose. And accordingly we, the Deputy Governor, and some of the Assistants, gave special order for his return, taking care that all moderation should be used in the conveyance of him; and we humbly conceive it hath been a great providence of God, in this Revolution, to prevent New England from partaking in Ireland's miseries.

May it please your Excellent Majesties, your transcendent love and favor extended towards us, hath so radicated itself in our hearts never to be forgotten, that it obliges us to offer up ourselves, lives and fortunes to be at your Majesties' service beyond the power of any command. And we beg the God of Heaven to give both your Majesties a long and prosperous reign over us, and we humbly desire that your Majesties will be pleased to cause us to be enrolled amongst your loving subjects.

Dated at Newport, on Rhode Island, your Majesty's Collony of Rhode Island,

and Providence Plantations, in New England, January the 30th, 1689-90. Subscribed by us, your loyal subjects, and most humble supplicants.*

JOHN COGGESHALL, Deputy Governor,
 JOHN EASTON, Assistant,
 EDWARD THURSTON, "
 JOHN GREENE, "
 GEORGE LAWTON, "
 JOSEPH JENCKS, "
 BENJAMIN SMITH, "

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 26th day of February, 1689-90.

Major John Coggeshall, Deputy Governor.

ASSISTANTS.

Mr. John Easton,	Mr. George Lawton,
Mr. Edward Thurston,	Major John Greene,
Mr. Joseph Jencks,	Mr. Benjamin Smith,

RECORDER.

Mr. Weston Clarke.

GENERAL SERGEANT.

Mr. Thomas Frye.

* An abstract of a letter from Mr. Francis Brinley, Merchant, dated the 22d Februrary, 1689-90, to his son, Mr. Thos. Brinley, Merchant, in London.

At New York, Jacob Liesler rules at his will and pleasure, puts in prison whom he pleases, and there keeps them ; we are here in great confusion. John Coggeshall styles himself Deputy Governor, and John Greene, of Warwick, calls himself Assistant (both being of the Governor's Councill), intend next week to call a Generall Assembly, and to rule by the sword. It is high time his Majesty would settle a government over New England. We can never govern ourselves with justice nor impartiality, unless there be a good government established here, as in the other Plantations. I must remove.

27th Do.—This day our Deputy Governor and Assistant within mentioned, with their Assembly sat, and because Walter Clarke (their Governor) refused to act, they chose another Governor, which was Chr. Almy : who refusing, they chose Henry Bull, who accepts and serves. Three days since, we heard that a town above Albany was cut off by the French and Indians, where seventy persons were killed ; the rest carried captives.—*J. Carter Brown's Manuscripts, Vol. V. No. 268.*

DEPUTIES.

Mr. James Barker,	Mr. James Greene,
Mr. Benedict Arnold,	Mr. Peter Greene,
Mr. John Wood,	Mr. John Warner,
Mr. Henry Bull,	Mr. Israel Arnold,
Mr. Jonathan Holmes,	Capt'n Clement Weaver,
Mr. Edward Thurston, Jun'r,	Mr. Thomas Nichols,
Mr. Christopher Almy,	Mr. John Maxon,
Mr. Latham Clarke,	Mr. Joseph Clarke.
Mr. Ichabod Sheffield,	

Mr. John Easton chosen Moderator of the Assembly.

Major John Greene, chosen Clerk of the Assembly.

Ordered by the Assembly, That Mr. James Greene, Mr. Benedict Arnold, and Mr. Edward Thurston, Jun'r, are nominated and appointed to go to Mr. Walter Clarke, Governor, and to Mr. Walter Newbury, Assistant, and desire them to come to the Court to-morrow, by eight of the clock, which will be the 27th instant, at William Make's house; or else give in their positive answer, whether they will serve in their respective places or no.

The Assembly is adjourned till to-morrow, eight of the clock in the morning.

February 27th.

Mr. Walter Clarke, and Mr. Walter Newbury, having made their appearance, read a paper, wherein it evidently appears they disclaim the government, as also through their neglect in disappearing at the last Assembly appointed by the Patent, and called by virtue of a warrant, subscribed Walter Clarke, Governor, to be held the last Wednesday in October last past, the said Court failed, the Assistants of the main being prevented by stormy weather, from appearing that day.

Therefore, for the preventing such inconvenience for the future, it is enacted by this Assembly, unanimously, to proceed to election of a Governor and Assistants, in the room of those that refuse to serve.

The Governor elected, was Mr. Christopher Almy, who being required, refused to serve in the place of a Governor; giving satisfactory reasons to the Assembly; whereupon the Assembly went to election of another, and chose Mr. Henry Bull, Governor, and elected Mr. Benedict Arnold, Assistant, in the room of Walter Newbury; and Mr. John Coggeshall, Assistant, being sent for, appeared, and refused to serve. Whereupon the Court proceeded to election of an Assistant in his room, and chose Mr. Christopher Almy, Assistant. And then proceeded to engage the Governor, Deputy Governor; and all the aforesaid Assistants, who accordingly received the same; as also elected a Generall Treasurer, viz.: Mr. John Hulmes, who was also engaged.

Ordered. That Mr. Joseph Jencks, Assistant. Mr. Benedict Arnold, Assistant. Mr. Christopher Almy, Assistant. Mr. James Greene. Mr. Jonathan Holmes. and Mr. Joseph Clarke, Deputies, the Generall Recorder, the Generall Sergeant, and his Deputy, are by this Assembly appointed and empowered to go to the late Governor, Walter Clarke, Esquire, and demand and receive the Charter, and all other papers and things in his custody, belonging to this Collony, and in behalf of this Assembly to give a discharge for what they receive, and return the premises unto this Assembly.

The return of the Committee is, that Walter Clarke, above-said, refuseth to deliver the Charter and writings, but declared that it was in a chest, and he would give leave to take it. Whereupon the Committee were ordered and empowered to take it accordingly: but their return was, that he refused to let the Charter go unless the Committee would forcibly open the chest and take it.

This Assembly taking into serious consideration the trouble that this Collony is put unto for want of effects to carry on the government, and to maintain their Majesties' interest against a foreign enemy, which is much to be feared in this juncture; and understanding by the former Treasurer, Mr. John Woodman, that there is a considerable sum of money, to the sum of about thirty pounds in money or upwards, in the custo-

dy of Major Roger Holden; as also about three hundred weight of wool, &c. Therefore, for the perfecting of the Colony's house in Newport, for which end said moneys were raised, as also for any other concerns that are for the maintenance of their Majesties' government, we nominate, appoint and empower Mr. Edward Thurston, Assistant, Mr. Joseph Jencks, Assistant, Mr. Jonathan Holmes, Mr. James Greene, and Capt'n Clement Weaver, to go to Major Roger Holden's and demand and receive the said moneys, and wool, and give receipt; and upon refusal of delivery, they may take it by distraint, giving a receipt for what they take.

This 1st of March, 1689-90.

JOHN GREENE,

Clerk of the Assembly.

The return of the Committee is according to the receipt given, as followeth, viz.:

Newport, on Rhode Island, March the 1st, 1689-90.

By virtue of an order, given by the Generall Assembly, we whose names are under-written, have taken thirty-two pounds, eight shillings and eight pence, out of Major Holden's custody, being left there by John Woodman, General Treasurer, for the Collony's use, as witness our hands, the day and year above-written. This money is by tale, weight not known.

EDWARD THURSTON, Assistant,

JOSEPH JENCKS, "

JONATHAN HOLMES,

JAMES GREENE,

CLEMENT WEAVER.

And accordingly the said Committee have tendered and delivered the said money, viz.: thirty-two pounds, eight shillings and eight pence, to this Assembly; and therefore are discharged thereof by this Assembly.

Ordered, That the Deputy Governor, Major John Coggeshall, and Mr. Benedict Arnold, Assistant, are appointed to tell and weigh the said money, and count it with the Treasurer Mr. John Holmes, and deliver it unto him; he giving a receipt

to this Generall Assembly for what he receives, for the Collony's use.

Voted, to adjourn this Assembly until Monday next, eight of the clock, in the morning.

March the 3d.

The Assembly met accordingly.

Ordered, That whereas, this Assembly having had a letter presented to them by Capt'n Arthur Fenner, subscribed by Benjamin Church, signifying that Capt'n Andrew Edmunds had done very good service in the late Eastern wars, and received twelve pounds; being but two-thirds of a Captain's pay. And forasmuch as he belonged to this Collony, for his encouragement for future service, this Assembly doe order, that the said Capt'n Andrew Edmunds be paid six pounds by the Generall Treasurer, out of the monies that can be raised out of the first levy.

Mr. Henry Bull, Jun'r, Mr. John Watson, Mr. James Reynolds, and Mr. Henry Tibbitts, are chosen Conservators of the Peace for Kingstown; and it is ordered, that Major John Greene, Assistant, and Mr. Benjamin Smith, Assistant, do speedily send for the said Conservators, to meet them at such place as they shall appoint, to tender and receive their engagements to their respective places, in the Governor's behalf.

Mr. Nicholas Carr is chosen Deputy Warden, for Conanicut, Jamestown.

Mr. Joseph Clarke is chosen Conservator for Westerly, and engaged.

The Deputy Governor, Major John Coggeshall, Mr. Benedict Arnold, and the Treasurer, Ensign John Hulmes, being returned, they declare that there is delivered twenty-seven pounds, twelve shillings and ten pence, to Ensign John Hulmes, Treasurer, for the Collony's use, and he in Court hath owned the receipt thereof, accordingly.

It is ordered by this Assembly, Major John Coggeshall, Major John Greene, and Mr. Christopher Almy, are appointed a Committee to draw up a letter in answer to the gentlemen of

Boston, relating to the wars at the Eastward, and present it to the Assembly.

The said Committee being returned, have brought in a letter, which being read, was approved on, and ordered to be transcribed by the Clerk of this Assembly, and signed in their behalfe.

Ordered. That the seal brought in by Mr. Arnold Collins, being the Anchor. with the motto "Hope," is appointed to be the Seal of the Collony, he having been employed by this Assembly to make it.

Ordered. That the said Collony's Seal be in the Governor's custody, for the Collony's use.

Ordered, Forasmuch as there is great cause of suspicion of an invasion by a foreign enemy, and assault by Indians, that therefore a military watch and ward be forthwith appointed in each respective town in the Collony.

And it is ordered, That if any persons refuse or neglect, the party or parties deficient, shall pay one shilling, sixpence per night, and one shilling, sixpence per day, for defect within three days after such neglect, or else it shall be taken by distraint, with satisfaction for distraining, as in other cases of like nature.

Ordered, That the King's Proclamation for war, be forthwith published by beat of drum, by the Clerk of this Assembly in solemn manner, being against the French; and is accordingly proclaimed by beat of drum.

Ordered. That the Frenchmen that reside at Narragansett, be sent for by Major John Greene, to what place in Warwick he shall appoint, to signify unto them the King's pleasure in his Proclamation of war, and his indulgence to such Frenchmen as behave themselves well, and require their engagement thereunto.

Ordered. That a duplicate of the Address sent to their Majesties by the Deputy Governor and Councill, be transcribed and sent to their Majesties, from this Assembly, and subscribed by the Clerk of this Assembly, in their behalf.

Ordered, That Mr. Weston Clarke, Recorder, draw forth and

fix the Seal of the Collony to the respective commissions of the Majors and all commissioned officers throughout the Collony, and shall be paid three shillings for each commission, out of the Generall Treasury.

Ordered, That Major John Greene, Clerk of this Assembly for writing two Addresses to their Majesties, and a letter to the Governor of Boston, and attending and writing the original copy of the Acts of this Court, be forthwith paid out of the Treasury, by Ensign John Hulmes, Treasurer, twenty shillings; and that the Clerk do with all expedition he can, send copies to each respective town, and shall have ten shillings a town, of each town of this Collony, the seal affixed.

Ordered, That the Acts of this Court be forthwith proclaimed by beat of drum, and so to return to the house again, the Seal being fixed.

The Court is dissolved.

By the Assembly, JOHN GREENE, Clerk.

A true copy, compared with the original, with the Collony Seal affixed. As attest, JOHN GREENE, Clerk.

To the Honored Governor, Deputy Governor and Assistants, being the Generall Councill assembled at Newport, March 3d day, 1689-90.

The humble petition of Phillip Carr, widow, and Executrix of Caleb Carr, of Jamestown, late deceased, humbly sheweth: That there being no Town Councill in the town of Jamestown, cannot therefore have my husband's will proved, and letters of administration given, without making application to your Honors. And therefore do humbly petition you that you will be pleased to give order to the Recorder to perfect the matter. And what is necessary to be done on my part, I shall be ready to perform; and your petitioner shall pray for your prosperity.

PHILLIP CARR.

Ordered, That the said Will having been proved in the Councill, that the Recorder do take the said Will and Inventory, and place them to record in the General Councill Book, for the rea-

sons before [stated], and grant letters of administration unto the said Phillip Carr, as Executrix.

By order of the Governor and Council.

JOHN GREENE, Clerk.

Declaration of the Colony of Rhode Island.

We, the Assembly of freemen of the Colony of Rhode Island and Providence Plantations, in New England, being assembled this first day of May, 1689, do with all due and humble submission make our humble address to the present supreme power of England, declaring that the late government of the dominion of New England, whereof Sir Edmund Andros was Governor in Chief, as we are certainly informed, is now silenced by reason his person as well as some of his Council are seized and confined within the limits of Boston, in New England, for what cause best known to themselves. By which overture, we, the freemen aforesaid, were void of government, the consequence whereof appearing dangerous, we have thought it most safe for the keeping of the peace of our Colony to lay hold of our Charter privileges, establishing our officers according to their former station, hoping and not questioning but through grace and favor, our said Charter according to the extent of it may be confirmed unto us, we being a small Colony, distinct from the other Colonies, which our predecessors through much difficulty procured, having been a poor distressed and persecuted people, as can largely be demonstrated, if need require. Further, we humbly pray, if any ill affected person should endeavor to suggest any complaint against us, it may be so favorably constructed and suspended, so that we may make our defence. Thus humbly prostrating ourselves at your feet, humbly praying, that forasmuch as we are not only ignorant of what titles should be given in this overture, but also not so rhetorical as becomes such personages. Therefore, we humbly beg pardon, and remain your humble supplicants and servants.

Signed in behalf of the Assembly, abovesaid.

WALTER CLARKE,

JOHN GREENE,

WALTER NEWBURY.

From Newport, on Rhode Island, in the Colony of Rhode Island and Providence Plantations, in New England, the 1st of May, 1689.*

* J. Carter Brown's Manuscripts, No. 14, Vol. III.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 1st of May, 1690.

Mr. John Easton, chosen Moderator.

John Greene, chosen Clerk of the Assembly.

The Charter being sent for from our late Governor, Walter Clarke, was produced by gentlemen appointed, to the open view of the Assembly, and as carefully returned to his custody again.

Voted, It is ordered by a unanimous vote of the Assembly, that Mr. Joseph Jencks, Mr. Benediet Arnold, Mr. Ihale Lawton, Mr. James Greene, are appointed a Committee to go to Mr. Thomas Ward, and demand and receive all the Records belonging to this Collony of Rhode Island and Providence Plantations, and upon receipt thereof, to give him a discharge for what they receive.

They being returned, do declare, that they have demanded the said Records, and Mr. Thomas Ward refuseth to deliver them without they be taken out of his hand by distraint.

Voted, It is ordered by a unanimous vote of the Assembly, nemine contradicente, that our former Governor, Walter Clarke, our former Deputy Governor, and all the former Assistants of this Collony that were in place in the year of our Lord 1686, at the coming over of Sir Edmund Andros, our late Governor, that the said Governor, Deputy Governor and Assistants, are confirmed and established in their respective places for the year ensuing, or further order from England.

Voted, That a Recorder and Sergeant be elected; our former Recorder being deceased.

Mr. Weston Clarke, chosen Recorder.

Mr. Thomas Fry, chosen Generall Sergeant.

Voted, It is ordered, that all other officers of this Collony, both civil and military, throughout the respective towns, Is-

lands or places, are established and confirmed in their respective places, which they were invested in, in the year 1686, as aforesaid, until the Collony, towns or places at their former appointed times for election, choose others. And that all the present Constables are established in their respective places until others be chosen, as aforesaid, and engaged according to our former method.

Voted, It is ordered that all former acts and orders which were our former method, concerning matters civil or military, are hereby revised, ratified and established, that we may not only be in a capacity for administration of justice, but also for defence from any intestine commotion or foreign invasion.

Voted, That the Court of Election is dissolved.

A true copy, compared with the original, as attest,

JOHN GREENE,

Clerk of the Assembly.

Declaration on the resumption of the Charter.

We, the inhabitants and freemen of Rhode Island and Providence Plantations and King's Province, assembled at Newport, this 1st of May, Anno Domini 1690.

Do declare, that through the good providence of God, our predecessors and ourselves, have been preserved and wonderfully supported through more than ordinary difficulties and hardships for fifty years and upwards, in which time, although there were many revolutions and changes in our native land, yet we were so assisted by the good providence, aforesaid, that we, by humbly addressing ourselves to the supreme power of England, obtained such favor that we had that granted by letters patents, by which we carried on our government to the general satisfaction of said inhabitants and freemen, until of late through the evil disposition of some disaffected persons, to our well being, whose restless suits occasioned writs of quo warranto to be served upon us, by which we were commanded to make our appearance in England, to show by what authority we held our government and privileges. And being under the

said arrest, there appeared a necessity to convene an Assembly to consult about that affair, which was of weighty concern; and upon the serious consideration of the matter, found a disability to defray so great a charge as the standing suit might amount unto; as also being credibly informed that several other Corporations and Collonys were under condemnation, we thought it better to submit ourselves by an humble address to his Majesty, praying that he would be graciously pleased, notwithstanding our submission, to grant the continuance of our privileges in statu quo prius, which he was pleased to do in great measure, as can more plainly appear. But it was so ordered that when Sir Edmund Andros came over Governor, we were included in his Government, to which we peaceably submitted, and have partook and suffered with others several hard and severe impositions, which his Majesty intended not to be imposed on us; as his gracious letter, bearing date from Whitehall, March the 11th, 1686-7, makes to appear.

But forasmuch as we understand that our late Governor, Sir Edmund Andros, is seized and confined with others of his Councill, as appears by a paper printed by Samuel Greene, which late authority being silenced and deposed, we can do no less but to declare that we take it to be our duty to lay hold of our former gracious privileges in our Charter contained, and so to continue the government, always yielding obedience to the Crown of England, and manifesting our allegiance thereunto.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 6th of May, 1690.

Mr. Henry Bull, Governor.

Major John Coggeshall, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Benedict Arnold,

ASSISTANTS.

Mr. Edward Thurston,	Mr. George Lawton,
Capt'n Arthur Fenner,	Mr. Christopher Almy,
Mr. Joseph Jencks,	Major John Greene.
Mr. Richard Arnold,	Mr. Benjamin Smith.

DEPUTIES.

<i>For Newport.</i>	<i>For Warwick.</i>
Mr. James Barker,	Mr. Benjamin Barton,
Mr. Jonathan Holmes,	Mr. Samuel Stafford.
Mr. Phillip Smith,	Mr. Roger Burlingham,
Mr. Caleb Carr,	Mr. Moses Lippitt.
Mr. John Tillinghast,	<i>For Westerly.</i>
Mr. John Wood.	Mr. Tobias Sanders,
<i>For Providence.</i>	Mr. William Champlin.
Mr. Stephen Arnold,	<i>For Kings Town.</i>
Mr. Pardon Tillinghast,	Mr. Thomas Gould,
Lieut. John Dexter,	Mr. John Watson.
Mr. Giddian Crofford.	<i>For New Shoreham.</i>
<i>For Portsmouth.</i>	Capt'n John Sands.
Mr. George Sisson,	<i>For East Greenwich.</i>
Mr. Giddian Freeborn,	Mr. Giles Pearce,
Mr. Henry Brightman,	Lieut. Samuel Bennett.
Mr. Robert Lawton.	

The Governor, Mr. Henry Bull, chosen Moderator of the Assembly.

Weston Clarke, chosen Clerk of the Assembly.

Voted, Mr. Giddian Crofford, John Thurston, Nathaniel Jencks, Thomas Fry, Jun'r, John Spencer, John Nichols, John Wood, Pasco Whittford, Micall Spencer, William Bennett, Clement Weaver, Jun'r, Richard Dunn, Jun'r, Lawrence Turner, Jr., Mr. Stephen Arnold, Jun'r, John Hull, admitted freemen of the Colony.

The Assembly dissolved.

At the Generall Assembly and Election held at Newport, at the house of William Mayes, the 7th day of May, 1690.

The Assembly consisting of the Magistrates and Deputies above named.

Mr. Henry Bull, Governor, chosen Moderator of the Assembly.

Weston Clarke, chosen Clerk of the Assembly.

Voted, That the copy of the Charter, be openly read.

Voted, That the Recorder write the names of all those that vote for Governor.

Voted, That Mr. John Tillinghast, and Mr. Henry Brightman, shall receive the votes from each man's hand, and see that there be no deceit used and put them in the hat.

Voted, That the Deputy Governor and Mr. Benedict Arnold, Assistant, are to open the proxies as the Election proceeds, and put them into the hat.

Mr. Henry Bull chosen Governor, who positively refused to serve. Mr. John Coggeshall was chosen, who also positively refused to engage.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Mr. John Easton,
DEPUTY GOVERNOR.
Major John Greene.
ASSISTANTS.
Mr. Edward Thurston,
Mr. Benedict Arnold,
Mr. Joseph Jencks,
Mr. Stephen Arnold,
Lieut. John Dexter.
Mr. Caleb Carr,
Mr. John Coggeshall,

Mr. George Lawton,
Mr. Isaac Lawton,
Mr. Benjamin Smith,
RECORDER.
Weston Clarke.
GENERAL SERGEANT.
Thomas Fry.
GENERAL TREASURER.
John Hulmes.
GENERAL ATTORNEY.
John Pocock.

MAJOR FOR THE ISLAND.
Major Roger Goulding.

MAJOR FOR THE MAIN.
Major John Greene.

Voted, Mr. Joseph Jencks, Assistant, Mr. Benedict Arnold, Assistant, Mr. Benjamin Smith, Assistant, Mr. James Barker, Mr. Jonathan Holmes, with the Recorder, are by the Assembly appointed to go to Mr. Walter Clarke, former Governor of this Collony, and from him receive the Charter, and other papers, and things belonging to this Collony, and in the behalf of the Assembly, to give him a full discharge for what they receive.

Voted, Ordered by the Assembly, that the Charter and other writing, received of Mr. Walter Clarke, former Governor, was delivered to the Assembly by the persons appointed to receive them, and have given a receipt for the same; and that the Charter and papers be put in the Governor's keeping for the Collony, according to former custom.

Voted, Ordered, that Mr. Edward Thurston, Jun'r, and Mr. John Tillinghast, being appointed to receive the duplicate of the Charter, of the Deputy Governor, Mr. John Coggeshall, and return the same to the Assembly, have accordingly done and given a receipt for the same. it was in the Assembly delivered to the Deputy Governor, Major John Greene, to be kept for the use of the Collony.

Voted, Whereas the late Governor, Mr. Henry Bull, was by this Assembly chosen Moderator in their first sitting, and he neglecting to sit in the Assembly, the present Governor, Mr. John Easton, is by the Assembly appointed Moderator.

Received in the Assembly, of the late Governor, Mr. Henry Bull, the Seal of the Collony; a letter from the Governor and Councill of Boston; two letters from the Lieutenant Governor of New York; a copy of a letter sent to the Governor and Councill of Boston; a copy of a letter sent to Governor Liesler, to New York; a copy of a letter sent to Major Walley; all which, with the Seal of the Collony, was delivered to the keeping of the Governor, Mr. John Easton.

Voted, The Committee that were sent forth concerning an answer to the Governor of New York's propositions about as-

sistance, with the respective Collonies, against the French and Indian enemies, is that this Collony being small, and the port of Newport being the principal port, but weakly fitted to oppose an enemy, therefore it is concluded upon, that necessity requires, for the preserving of their Majesties' interest here, that we cannot assist by men, but nevertheless we are willing to assist by raising money according to reasonable proportion.

Voted, Ordered by this Assembly, that there be a rate levied and raised in this Collony of three hundred pounds for the support of their Majesties' interest against the French and Indian enemies, and not to be disposed of for any other use, but by a Generall Assembly's order.

The several towns to be taxed as followeth, and to be payd unto the Generall Treasurer of this Collony, by the 20th day of July next; and to be gathered by the Constables of each town according to an Act of a Generall Assembly made in Newport, the 7th day of May, 1684.

The town of Newport, eighty pounds; the town of Providence, forty pounds; the town of Portsmouth, sixty pounds; the town of Warwick, thirty pounds; the town of Westerly, fifteen pounds; Jamestown, eighteen pounds, ten shillings; New Shoreham, seventeen pounds and ten shillings; Kings Town, twenty-seven pounds; Greenwich, twelve pounds.

The pay and prices to be paid in is, wool, at seven and a half pence per pound; butter, at four pence per pound; Indian corn, at two shillings per bushel; rye, at two shillings, three pence per bushel; pork, at one pound, eighteen shillings per barrel.

Voted, Ordered by this Assembly, that the Treasurer, Mr. John Holmes, and Mr. Caleb Carr, are appointed to agree with a carpenter or carpenters, to finish the Town House forthwith, and to provide boards and nails, and to pay for the finishing the said House out of the money and wool now in the Treasurer's hands, taken out of the custody of Mr. John Woodman, late Treasurer.

Voted, Ordered that the Treasurer, John Holmes, his receipt to Robert Little, for two hundred and sixty-nine pounds of

sheep's wool, taken out of the custody of John Woodman, late Treasurer, be put on record.

Voted, Ordered, that eight pounds shall be kept in the Treasurer's hands of that money received of the late Treasurer, John Woodman, to defray the charge of killing of wolves, in Sir Edmund Andros, his time, for the townsmen of Providence, to whom it doth belong.

Voted, Ordered, that whereas the Assembly hath been made sensible of the great charge the Magistrates of this Collony are at in tending the Court, and lying at their own charge, and no allowance from the Collony, the Assembly do order, that the Governor, Deputy Governor, and Assistants of this Collony, shall for the future pay no Collony rates.

Ordered, That the Clerk of this Assembly shall have ten shillings from each town for the copies of the Assembly's Acts, with the seal of the Collony.

The Assembly dissolved.

Copy, per WESTON CLARKE, Recorder.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Portsmouth, the 16th day of September, 1690. Called by the Governor's warrant on special occasion, for their Majesties' service.

Mr. John Easton. Governor.

Major John Greene, Deputy Governor.

ASSISTANTS.

Mr. Edward Thurston,

Mr. Joseph Jencks.

Mr. Caleb Carr,

Mr. John Coggeshall.

Mr. Benedict Arnold.

Mr. Isaac Lawton.

Mr. Edward Thurston, Jun'r,

Mr. Benjamin Smith.

Mr. Stephen Arnold,

DEPUTIES.

For Newport.

Mr. James Barker,
 Mr. Phillip Smith,
 Mr. Jonathan Holmes,
 Mr. John Wood.

For Portsmouth.

Mr. George Sisson.
For East Greenwich.
 Mr. Thomas Nicolls.
 Mr. Thomas Fry.

For Providence.

Mr. Gideon Crofford,

The Governor chosen Moderator of the Assembly.

The Recorder chosen Clerke of the Assembly.

Voted, That Mr. Roger Burlingham being returned to this Assembly as a Deputy for the town of Warwick, there being much debate concerning the legality thereof, the Assembly do order, that he is not accepted in this Assembly as a Deputy.

Voted, Whereas by order and Act of the Generall Assembly held in Newport, the 7th day of May, 1690, there was by said Assembly concluded a necessity of raising of moneys in this their Majesties' Collony, for the supply of soldiers and other necessary charges, against their Majesties' enemies; and in order thereunto, by the free vote of the Representatives of this Collony Assembly, as aforesaid, there was a rate assessed on the severall towns, as may appear in said Acts, which said assessment was to be by said order paid into the Generall Treasury, by the 20th day of July last past; but several towns have neglected to assess the said rates on their several inhabitants, which hath been much damage to the Collony for want of performance of the Assembly's Acts, having been at great charge in defence against the French in this Collony by sea, and have been delivered by a great providence of God, out of their hands, and other charges still arising in the defence aforesaid.

This Assembly taking the premises into their serious consideration, for want of moneys, as aforesaid, and finding that the town of Providence, the town of Portsmouth, the town of Warwick, the town of Westerly, Jamestown, Kings Town, and

Greenwich, have not proportioned their rates according to order; and still neglect and refuse to perform the Acts as aforesaid, it is ordered by this Assembly, that three men in each town, to wit: Mr. Pardon Tillinghast, Mr. Edward Smith, Mr. Gideon Crofford, for the town of Providence; Mr. Christopher Almy, Mr. Geo. Sisson, Mr. Geo. Lawton, Jun'r, for the town of Portsmouth; Mr. Esreall Arnold, Mr. Peter Greene, Mr. Samuel Stafford, for the town of Warwick; Capt'n Clement Weaver, Mr. John Heth, Mr. Thomas Fry, Jun'r, for Greenwich; Capt'n Jeffrey Champlin, Mr. Samuel Albrow, Mr. Jeremiah Brown, for Kings Town; Mr. Joseph Clarke, Capt'n William Champlin, Mr. John Maxson, for Westerly; Capt'n Nicholas Carr, Capt'n Thomas Paine, Mr. Caleb Carr, for Jamestown, or the major part of any three in each town, are ordered and empowered by this Assembly, to proportion the said sums levied on each town by the Assembly's Acts, as aforesaid.

But the Assembly being concerned for the ancient privileges of every town in this Collony, that if they will proceed according to former custom forthwith, it will be accepted; otherwise, it is required to be performed by the persons appointed as aforesaid, for each town to be proportioned; and return thereof made to the Generall Treasurer of this Collony, by the 20th day of October next. And each person that is appointed to proportion the said assessments, to have three shillings per day for their pains, to be paid by the towns defective. And the neglect of the persons performing this Act, it is the resolve of this Assembly, that they and every of them so appointed as aforesaid, to proportion the said levy, neglecting the due performance thereof, shall pay out of their own estates the levy on each town to be proportioned by them, by warrant of distraint from authority.

Voted, Whereas the Governor and Council jointly and severally have commissioned Capt'n Thos. Paine, Capt'n Godfrey, and others, in the expedition for Block Island against the enemy; as also have been at charge to supply the men of war that came from Boston, in pursuit of the enemies. and from New York, and for relief of captives, healing the wounded men, and

all other necessary charges concerning Capt'n Andrew Edmonds, that have been disbursed or engaged by any of the Magistrates repairing of vessel, and any other necessary charge concerning the war, it is ordered, being approved of by this Assembly, that all and every the said charges be paid out of the Generall Treasury, with all expedition, out of the levy made by this Assembly in May last past, upon the several towns in this Collony.

Voted, In answer to the petition of the town of Warwick, complaining that they are over-rated, but are willing to pay their equal proportions, the Court having seriously considered the matter, do find that the manner of rating of towns by guess is no suitable nor certain rule, but may prove very prejudicial; and therefore do determine that for the future, all rates that shall be made in this Collony, shall be made according to so much on the pound as the estates of persons are valued at.

And for the better effecting of the premises, it is desired, that betwixt this and the next Court in October next, to be held at Providence, that any of the members of this Court would draw up some rule for appraising of lands or cattle, to be valued, to know mens' estates by, and in order for the Court to give their determination, and in case upon examination of the matter, it doth appear that any town in this Collony hath been by guess over-rated, at the meeting of the Commissioners then it shall be abated out of the next proportionally.

Voted and ordered by this Assembly, Upon the petition of several free inhabitants of this Collony, that any one Magistrate of the Collony is authorized to send his warrant to a Constable to bring before him and another Magistrate, any debtor to the value of forty shillings, to answer the complaint of any person for debt or trespass as aforesaid, and it shall be in the power of two Magistrates to hear, issue and determine the same; only it shall be in the liberty of the party defective, to have his appeal to the Court of Tryall, paying the charge, and the Magistrate's charge in hearing and determining the cause or causes.

Voted, Ordered by this Assembly, and by the authority

thereof, that all ships and other vessels of what sort soever, above ten tons, that shall belong to any of their Majesties' Colonies, or Plantations whatsoever, except such ship or vessel belonging to this their Majesties' Collony of Rhode Island and Providence Plantations, shall pay for each and every ton that they shall measure, according to the tonnage of shipping, one shilling per ton; or one pound of powder to be paid to the Deputy Collector of this Collony; to be to the disposing of the Major of the Islands, or his order, for the support of a magazine for the Island's use, if they unlade or break bulk in this harbor of Newport.

Ordered, That the Clerk of the Assembly shall have five shillings of each town for copys of the Assembly's Acts, with the Seal of the Collony affixed.

Copy, per record. WESTON CLARKE, Recorder.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Providence, 29th of October, 1690.

The Governor chosen Moderator of this Assembly.

Major John Greene chosen Clerke of this Assembly.

Voted by the Assembly, That he shall have power to make a Deputy therein; and he made choice of Ephraim Turner, he being then there present.

And whereas, this Assembly being met, had determined to have a copy of the Charter read, but the Recorder and several of his family being sick of the small pox, whereby the Assembly is prevented from reading of it; no copy attested being present, therefore have thought meet to make record wherefore they cannot now do it.

The Court adjourned till to-morrow morning, eight of the clock, and then to meet at the house of John Whipple, aforesaid.

30th October.

The Court met, and was called over, and after some agitation, adjourned in the afternoon for one hour; where, when met again and called over.

Ordered by this Court, That forasmuch as the town of Providence, Greenwich, and Kingstown, by reason of sickness of the Recorder, and other more than ordinary occasion, have not had the orders of the last Court published so timely as the orders did require, that notwithstanding they shall stand good still; only allowing twenty days more after this present Court for performance thereof, either by the men nominated and appointed by said Court, at Portsmouth, or by the towns, if they please to choose; and that return of the same be made to the Generall Treasurer within twenty days after this Court.

And it is further ordered, That whereas Mr. Jeremiah Brown is dead, that Mr. William Knowles and Thomas Mumford are chosen to be in his room, to join with Capt'n Jeoffrey Champlin and Mr. Samuel Alsborough, to make the rate for the town of Kingstown, in case they neglect to choose rate-makers in time; and to return it to the Treasurer, according to time prefixed; and they, or the major part of them, to do it.

Whereas, there was a rate of three hundred pounds assessed upon the Collony at a Court of Election in May last; and whereas the men of Warwick have levied and proportioned the said rate upon the people, dwelling at and about the place called Mashantotat, and several other persons dwelling on the north side of Pawtuxet river.

It is ordered, That what part of the said rate was levied on the said people dwelling at and about the place called Mashantotat, and all other persons also dwelling on the north side of Pawtuxet river, shall be and by this Act is remitted; and all the said persons to be levied upon by and to the town of Providence; and what was levied upon them by the town of Warwick. The said sum to be abated out of the said town of Warwick's rates by the said Assembly assessed.

The Court adjourned till to-morrow morning, eight of the clock.

31st of October.

The Assembly met and called over.

Upon a desire of Mary Edmonds, wife of Andrew Edmonds, that she may have six pounds allowed her in the absence of her husband, more than the six pounds formerly allowed her husband to have out of the rate of the town of Providence; her husband being now gone out in the wars for their Majesties' interest. The Court orders she shall have the said six pounds paid her out of the rate of the town of Providence, with the greatest expedition as the said rate can be gathered in.

Voted, That the Captains and commissioned officers of each Trained Band in this Collony have power to appoint their training days in their severall towns upon each working day as they see cause, the Election day only excepted; and not omitting the number of days appointed by law for training days.

Voted, That there be a Committee chosen for the inspecting a way for the regular collecting of rates in the severall towns in this Collony.

Voted, That the Committee above mentioned, be as followeth, viz.: of the town of Newport, Mr. Phillip Smith, Mr. Jonathan Holmes; of Providence, Mr. Gideon Crofford, Mr. Nathaniel Waterman; of Greenwich, Capt'n Clement Weaver, Mr. Giles Peirce; of Westerly, Capt'n William Champlin, Mr. Joshua Holmes.

The said Committee's return was, that they conceive that there is law already sufficient for gathering of rates; leaving it to the Governor and Magistrates for the execution of the same; therefore it is enacted, the Magistrates, or any two of them, have full power to regulate any thing appearing defective therein; as by the law further it is enacted, that the Treasurer of each town in this Collony shall be a Deputy to the Generall Treasurer of this Collony. All these Acts are allowed of and approved by the Generall Assembly; and ordered, this be immediately published under the Seal of this Collony by beat of drum, and returned back to this Assembly; who hereby order, that Ephraim Turner, the Deputy Clerk of

this Assembly shall have five shillings paid unto him or his order, for a copy hereof, under the Seal of the Collony, by each town in the Collony, and he to send a copy thereof to each town, as soon as may be. JOHN GREENE, Clerk.

Sir Edmund Andros's account of his administration and imprisonment.

To the Right Honorable, the Lords of the Committee for Trade and Plantations :

The state of New England and the government of Sir Edmund Andros.

That in the year 1686, Sir Edmund Andros was by commission under the great seal of England, appointed to succeed the President Dudley and Council in the government of the Massachusetts Collony, the Provinces of New Hampshire and Maine, and the Narragansett Country, to which were annexed the Collonies of Rhode Island, New Plymouth, and the County of Cornwall.

In the year 1687, the Collony of Connecticut was also annexed; and in the year 1688, he received a new commission, for all New England, including the Province of New York, and East and West Jersey, with particular order and directions to assert and protect the five war-like nations or cantons of Indians lying west from Albany, above the heads of our rivers, as far beyond Maryland, viz. : Maquaes, Oneydes, Onondages, Caiuges, and Sennekes, as the King's subjects; upon whom the French had made severall incursions, and to demand the setting at liberty severall of them surprised and detained by the French, and reparation for sundry goods taken from severall Christians, his Majesty's subjects, in the lawfull prosecution of their trade. Sir Edmund Andros, upon the receipt of his commission, went to New York, and Albany, of which the Indians having notice (although they were then met in Council about going to Canada), came thither, and were settled and confirmed under his government.

He forthwith signified to the Governor of Canada his Majesty's pleasure relating to the Indians, and made demand from him pursuant to the above orders, and also to quit a considerable Fort, which by encroachment he had built at Oniagra, in the Senneka's country, southward of the Lake, within his Majesty's dominion, about one thousand miles from Quebeck, in Canada (notwithstanding all the endeavors and opposition made by the Governor of New York, before the annexation), upon an advantageous pass near the Indians' hunting places, capable greatly to annoy and awe the Indians and obstruct and hinder the trade with them. That thereupon, the Governor of Canada did accordingly withdraw the garrison and forces from the said Oniagra, and those parts, and did further signify that the Indians by him taken were sent to France, but would write to the King, his master, about their releasement.

The severall Provinces and Collonys in New England, being so united, the revenue continued and settled in those parts, for the support of the government, amounted to about twelve thousand pounds per annum, and all places were well and quietly settled and in good posture.

The Church of England being unprovided of a place for their public worship, he did by advice of the Council, borrow the new Meeting House in Boston, at such times as the same was unused, until they could provide otherwise. And accordingly on Sundays, went in between eleven and twelve in the morning, and in the after-

noon about four; but understanding it gave offence, hastened the building of a Church, which was effected at the charge of those of the Church of England, where the chaplain of the souldiers performed divine service and preaching.

He was always ready to give grants of vacant lands, and confirm defective titles as authorized (the late Corporation not having passed or conveyed any, pursuant to the directions in their Charter), but not above twenty have passed the seal in the time of his government.

Courts of judicature were settled in the severall parts, so, as might be most convenient for the ease and benefit of the subject, and Judges appointed to hold the terms, and go the circuit throughout the dominion to administer justice in the like manner and form, and according to the laws, customs and statutes of the realm of England, and some peculiar local prudential laws of the country, not repugnant thereto; and fees regulated for all officers.

That particular care was taken for the due observance of the severall acts made for the encouragement of navigation, and regulating the Plantation trade, whereby the lawful trade and his Majesty's revenue of customs was considerably increased.

The Indians throughout the government continued in good order and subjection, until towards the latter end of theyear 1688. By some unadvised proceedings of the inhabitants in the eastern parts of New England, the late rupture with the Indians there commenced, severall being taken, and some killed. When Sir Edmund Andros was at New York, more than three hundred miles distant from that place, and upon his speedy return to Boston (having viewed and settled all parts to the westward), great part of the garrison, souldiers with stores, and other necessarys were immediately sent eastward to re-inforce those parts, and vessels to secure the coast and fishery; and further forces raised and appointed to be under the command of Major General Winthrop; who falling sick and declining the service, by advice of the Councill, he went with them in person, and by the settlement of severall garrisons, frequent partys, marches and pursuits after the enemy, sometimes above one hundred miles into the desert further than any Christian settlement (in which the officers and souldiers of the standing forces always employed), taking and destroying their forts and settlements, corn, provision, ammunition, and canoes, dispersed and reduced them to the utmost wants and necessitys, and so secured the country.

That from the said forces going out, untill the time of the late revolution there, and disorderly calling the forces from those parts, not the least loss, damage or, spoyl happened to the inhabitants or fishery; and the Indians were ready to submit at merey.

About the latter end of March, 1688, Sir Edmund Andros returned for Boston, leaving the garrisons and souldiers in the eastern parts in good condition, and sufficiently furnished with provisions, and all stores, and implements of war, and vessels for defence of the coast and fishery.

On the 18th of April, 1689, severall of his Majesty's Councill in New England having combined and conspired together with those who were Magistrates and officers in the late Charter government, annually chosen by the people, and severall other persons, to subvert and overthrow the government, and instead thereof, to introduce their former Commonwealth. And having by their false reports and aspersions, got to their assistance the greatest part of the people, whereof appeared in arms at Boston, under the command of those who were officers in the said former popular government, to the number of about two thousand horse and foot, which strange and sudden appearance being wholly a surprise to Sir Edmund Andros,

as knowing no cause or occasion for the same. But understanding that severall of the Councill were at the Councill Chamber, where (it being the ordinary Councill day) they were to meet, and some particularly by him sent for from distant parts also there, he and those with him, went thither; and though (as he passed) the streets were full of armed men, yet none offered him, or those that were with him the least rudeness or incivility; but on the contrary, usual respect. But when he came to the Councill Chamber, he found severall of the said former popular Magistrates and other chief persons then present, with those of the Councill, who had no suitable regard to him, nor the peace and quiet of the country. But instead of giving any assistance to support the government, made him a prisoner, and also imprisoned some members of the Councill and other officers, who in pursuance of their respective duties and stations, attended on him, and kept them for the space of ten months under severe and close confinement, untill by his Majesty's commands they were sent for England, to answer what might be objected to them; where, after summons given to the pretended agents of New England, and their twice appearance at the Councill Board, nothing being objected by them or others, they were discharged.

In the time of his confinement, being denyed the liberty of discourse, or conversation with any person, his own servants to attend him, or any communication or correspondence with any by letters, he had no particular knowledge of their further proceedings, but hath heard and understands:

That soon after the confinement of his person, the confederates forced the fort and castle from the officers that had the command of them, whom they also imprisoned, and dispersed the few souldiers belonging to the two standing companys then there, as they did the rest, when they recalled the forces employed against the Indians eastward, which two companys are upon his Majesty's establishment in England, in which service half a Company of the standing forces at New York being also employed. the officers were surpris'd and brought prisoners to Boston, and the souldiers dispersed, as the remaining part of them at New York were afterwards upon the revolution there. The other Company was and remained at Fort Albany, and are both upon establishment, to be paid out of his Majesty's revenue there.

And the confederates at Boston possessed themselves of all his Majesties' stores, arms, ammunition and other implements of war, and disabled their Majesties' man of war, the *Rose* frigate, by securing the Commander, and bringing her sails on shore; and at the same time having imprison'd the Secretary and some other officers, they broke open the Secretary's office and seized and convey'd away all records, papers and writings.

Those members of his Majesties' Councill that were in confederacy with the before mentioned popular Magistrates, and other chief actors in this revolution, took upon them the government by the name of a Councill, who not content with the inconveniency they had brought on themselves in the Massachusetts Collony, but to the ruin of the poor neighbors, on the 20th of April gave orders for the drawing off the forces from Pemyquid, and other garrisons and places in the eastern parts, far without the limits of their Collony, and where the seat of war with the Indians was, and to seize severall of the officers, and for calling home the vessells appointed to guard the sea coast and fishery, which was done accordingly; and the forces disbanded, when most of the souldiers belonging to the standing Companys there, were dispersed; of which, and their actings at Boston, the Indians having notice (and being supplied with ammunition and provision out of a vessell sent from Bos-

ton by some of the chief conspirators before the insurrection, to trade with them), they were encouraged and enabled to renew and pursue the war; and by the assistance of some French, who have been seen amongst them, and engaging of severall other Indians before unconcerned, increased their number, that in a very short time severall hundreds of their Majesties' subjects were killed and carried away captive.

The fort at Pemyquid taken, the whole county of Cornwall, the greatest part of the Province of Maine, and part of the Province of New Hampshire destroyed and deserted, and the principall trade of that country, which consisted of a considerable fishery, the getting of masts, yards, &c., for the supply of his Majesty's navy Royall, and boards, and other lumber for the supply of the other West India Plantations, is almost wholly ruined.

By the encouragement and persuasion of those of the Massachusetts, the severall other Provinces and Collonys in New England, as far as New York, have disunited themselves, and set up their former separate Charter or popular governments without Charter, and by that means the whole revenue of the Crown continued and settled in the severall parts for the support of the government, is lost and destroyed.

The usual time for Election of new Magistrates at Boston coming on, in the beginning of May, 1689, great controversy arose about the settling of civill government; some being for a new Election, and others, that the Magistrates chosen and sworn in 1686, before the alteration, should re-assume; the latter of which was concluded on by them, and the pretended representatives of the severall towns of the Massachusetts, and assumed by the said Magistrates accordingly; and thereupon, the old Charter government, though vacated in Westminster Hall, was re-assumed without any regard to the Crown of England, and they revived and confirmed their former laws contrary and repugnant to the laws and statutes of England; settled their Courts of judicature, and appointed new officers; and have presumed to try and judge all cases, civill and criminall, and to pass sentence of death on severall of their Majesties' subjects, some of whom they have caused to be executed.

Although in the revenue continued on the Crown for the support of the government, during his time, the country paid but the old established rate of a penny in the pound per annum, as given and practised for about fifty years past; the present administrators have, of their own authority, for not above six months, raised and exacted from the people of the Massachusetts Collony seven rates and a half.

Since this insurrection and alteration in New England, they do tolerate an unlimited irregular trade, contrary to the severall Acts of Plantations, Trade and Navigation, now as little regarded as in the time of their former Charter governments; they esteeming no laws to be binding on them, but what are made by themselves, nor admit English laws to be pleaded there or appeals to his Majesty, and many ships and vessels have since arrived from Scotland, Holland, Newfoundland and other places, prohibited; they having imprisoned his Majesty's Collector, Surveyor and Searcher, and displaced other Custom House officers.

That they sent to Albany to treat with the Indians in those parts, particularly with the Five Nations, Maques, &c., and invited them to Boston; which is of ill and dangerous consequence, by making the said Indians particularly acquainted with the disunion and separate governments; and showing them the country and disorders thereof, as far as Boston, giving thereby the greatest advantage to the French, of gaining or subduing the said Indians, and attempting Fort Albany (the most ad-

vanced frontier into the country and great mart of the Beaver and Peltry trade), and of infesting other parts.

The forces raised and sent out by them the last summer, notwithstanding the great encouragement they promised of eight pounds per head, for every Indian that should be killed, besides their pay, proved neither effectual to suppress the enemy, or secure the country from further damage and murder; and upon the winter's approaching, the forces were recalled, and the country left exposed to the enemy, who have already overrun and destroyed so great a part thereof; and now by the assistance of the French of Canada, may probably proceed further into the heart of the country; being so divided and out of order, unless it shall please his Majesty by his own authority to redress the same, and put a stop to the French and Indians, and thereby prevent the ruin or loss of that whole dominion of New England, and consequently of their Majesties' other American Plantations, endangered not only by the want of provisions, but by the many ships, vessels, scamen and other necessarys in New England, capable to supply and transport any force which may annoy or attempt those Plantations, but may be by his Majesty's authority and commands effectually settled and preserved, and of service against the French or any other their Majesties' enemies in those parts, with no greater land force than is necessary to be continued there; and a sufficient revenue raised to defray the charge thereof by duties and rates as heretofore hath been practised amongst them, and is usual in other their Majesties' Plantations. Humbly submitted by E. ANDROS.

At a General Assembly of this their Majesty's Collony of Rhode Island and Providence Plantations, being convened on adjournment, this 2d of August, 1692.

Upon debate of matters, do find that the principal occasion of our Honored Governor's calling the Assembly at this juncture of time, is by reason that the militia of this Collony is about to be brought into a great measure of confusion, if not timely prevented, so as to make way for the inlet of their Majesties' enemies; and upon the scrutiny of the matter, we find the beginning of it to arise from a letter sent to our Governor and Councill from his Excellency, Sir William Phips, some time after his arrival at Boston; said letter being dated June the 2d, last past, wherein his Excellency declared himself to be commissioned from their Majesties with the power of

Lieftenant and Commander in Chief of the militia, and of all the forces by sea and land, within their Majesties' several Colonies of Connecticut, Rhode Island and Providence Plantation, the Narragansett Country or King's Province, and the Province of New Hampshire; and further signifying his willingness to intrust the same in the hands of persons faithful to their Majesties, as may most conduce to their service and satisfaction of their good subjects: signifying also, that he desires and expects that some fit persons be instructed and speedily sent to attend him at Boston, with an account of the militia, and what further might appear necessary for their Majesties' service. And whereupon the Governor and Council being convened, saw cause to commissionate Major John Greene, Deputy Governor, and Mr. Henry Brightman, Assistant, to treat with his Excellency concerning his commission, as also concerning the settling of a post office for intelligence, which said Commissioners attended about five days before they could have any treaty; and at length when they gave in their proposals, his Excellency said he would not give any answer without further advice, and then he would write to the Governor.

Whereupon, the said Commissioners returned, not obtaining a sight of his Excellency's commission, nor of an attested copy, neither hath our Governor received any letter from his Excellency since. But instead thereof, as we are credibly informed, his Excellency hath sent up severall commissions unto Major Peleg Sanford, endeavoring thereby to put the militia into the hands of most of them that disclaim their Majesties' authority here; thereby to depose great part of those commissioned officers that have stood up to support their Majesties' government and interest in this their Collony.

Therefore, this Assembly taking the premises into their serious consideration, and forasmuch as they have neither received so much as an attested copy from his Excellency, nor any Royal letters from their Majesties, but are in daily expectation thereof in answer to our last address, sent by Major Roger Holden,

and that their Majesties' militia in this their Collony and King's Province, be kept in a suitable posture of defence against their enemies.

Be it enacted by this Assembly and the authority thereof, that all the commissioned officers of the Trained Bands chosen on the Election days last past, throughout the whole Collony, do apply themselves to take special care that their several companies be kept in a suitable posture of defence against their Majesties's enemies, and that none of them do decline their places upon any pretence whatsoever, except by order of the Assembly of this their Majesties' Collony.

And whereas the town of Kingstown neglected to choose their commissioned officers the Election day last past, therefore, it is hereby ordered, that Capt'n Jeffrey Champlin, Lieut. Thomas Eldridge and Ensign John Eldridge being the officers last chosen by the people, do by virtue of their former commissions officiate for the ensuing year; as also whereas the town of Jamestown have neglected to choose their commissioned officers, it is further ordered, that Capt'n Thomas Paine be Captain for the ensuing year, and Mr. Nicholas Carr, Lieftenant, and George Cooke, Ensign; and for Block Island, forasmuch as Capt'n John Saunders is removed off the Island, we give them power to choose their officers speedily, and return their names to be commissioned.

It is further ordered, That all the commissions formerly granted to the respective commissioned officers throughout the Collony, or King's Province, remain and be as effectual to all intents and purposes as if now granted; and that forthwith commissions be given forth to such as are now elected, that so this Collony may be kept in a suitable posture of defence against their Majesties' enemies.

It is further ordered, That the Address drawn up to be sent to their Majesties, be signed by the Governor and sent away with what expedition may be.

Ordered, That these acts be forthwith published, under the Seal of the Collon., in the town of Newport, by beat of drum.

and be published in each town of the Collony and King's Province, with all convenient speed.

By order of the General Assembly, nemine contradicente.

JOHN EASTON, Recorder.

[There are no records among the public archives of the State, of the meetings of the General Assembly from this time to July, 1695.]

Address from Rhode Island to their Majesties William and Mary.

The humble address, remonstrance and petition of the Governor and Company of your Majesties' Collony of Rhode Island and Providence Plantations, or King's Province, in New England, sitting in Generall Assembly upon adjournment, August the 2d, 1692. Humbly sheweth:

That your petitioners have sent severall addresses to your Majesties, an answer whereunto, we have not as yet received.

That for want of some immediate answer from your Majesties, some male-discontented persons take occasion thereby to endeavor the subversion of your Majesties' government here, presuming to affirm that those persons commissioned by Sir Edmund Andros ought to continue untill some immediate order from the Crown of England.

That upon the coming over of his Excellency, Sir William Phipps, he writ a letter directed to your Majesties' Governor and Council here, a copy whereof is herein enclosed, declaring himself to be empowered with the militia of this your Majesties' Collony, sending no copy of his commission, desiring us to send some persons to him, and to propose men, faithfull to their Majesties, to be commissioned, &c. Whereupon, your Majesties' Governor and Council being convened, and perusing the letter, found that the grant was with respect to a statute made in the thirteenth year of the reign of King Charles the Second, of blessed memory; and upon perusal of our Patent granted by his then Majesty, bearing date from Westminster, July the 8th, in the fifteenth year of his reign, he gave the Governor and Company of his said Collony throughout the bounds and limits thereof, the sole power of the militia therein from him and successors, to them and their successors.

That nevertheless, we your Majesties' Governor and Council, taking notice of your Majesties' good intentions towards us in the time of war for our better defence against the enemies, were willing to submit to your Majesties' commands when made to appear, and thereupon chose and commissioned Major John Greene, Deputy Governor, and Mr. Henry Britemen, Assistant, to treat with his Excellency, concerning his commission, who carried with them a list of the commissioned officers of the trained bands, chosen by the order of the Collony, which they delivered; as also gave in a list of some of the principal persons, who together with some other their adherents were disobedient, and disclaimed this your Majesties' government, the copy of the return whereof* is also herewith sent. But his Excellency, instead of sending an answer to the Governor, which he promised to do, he

sent up commissions to Major Peleg Sanford, endeavoring thereby to commissionate the most of them objected against, and thereby endeavoring to depose those severall of them that have stood up hitherto to support your Majesties' government here; but the most of either of them do refuse to take such commissions, so that your Majesties' good intentions towards this your poor distressed Collony, in this time of war, is like to be subverted, and that which was proposed for better defence against the enemy, is like to make way for an inlet to the enemy if not timely prevented. Whereupon, your Majesties' Governor and Council saw cause to order the General Assembly to be convened for the re-settling the militia, and to make application to your Majesties for redress herein, and the rather because our Commissioners, aforesaid, obtained not a sight of his Excellency's commission, nor of an attested copy.

That we humbly conceive the principall ground of these matters are occasioned by private interest; some of the principall persons of his Excellency, Sir William Phipps, his Councillors, claiming interest to all the Narragansett country, by virtue of a mortgage made to Major Humphrey Atherton and associates, by the Narragansett Sachins severall years after their submission of themselves and lands to his Royall Majesty, King Charles the First: which purchase and mortgage was condemned upon a hearing by his Majesty's Honorable Commissioners, in the year 1664, and since declared against by his then Majesty, King Charles the Second, of blessed memory, by his Royall letters to all the Collonies, bearing date from Whitehall, the 12th of February, 1678-9.

That by reason of these overtures in the militia, as aforesaid, severall persons of Kingstown, in the Narragansett Country, have in a riotous manner, rescued a prisoner (that was arrested for breach of your Majesties' peace), giving opprobrious speeches concerning the warrant granted forth by the Deputy Governor, and saying that they would answer for what they had done before Mr. Francis Brinley and Capt'n John Foanes; both which were Justices commissioned by Sir Edmund Andros, under the late King James; so that we are in great doubt, that if some speedy return come not immediate from your Majesties, what will be the issue; but in the mean time shall endeavor what we can to reform such enormities.

That by reason of these overtures, we are discapacitated to raise monies for the support of your Majesties' government and interest against your enemies; as also for sending a messenger to wait upon your Majesties, and to give a more ample relation of these matters.

That by reason hereof, a great part of the Narragansett Country and Niantick, unpurchased by the inhabitants of this your Majesties' Collony, remaina wilderness, unpossessed and unimproved, for want of settling. Whereof many of the inhabitants of this your Majesties' Collony, have been forced to remove to other Collonies for accomodation, and the said wilderness, which might accomodate Plantations, lay waste.

And lastly, we, your Majesties' most humble petitioners, do most humbly beseech your most Excellent Majesties' grace and favor, that you would please to send an immediate confirmation of your Majesties' government here, according to the limits and boundaries of our Patent and decision of the Commissioners, aforesaid, which may be a means not only to stop the mouths of your Majesties' disaffected subjects, but also to encourage your loyall subjects, to go on with more alacrity to support your Majesties' government here; and we shall pray to God, by whom Kings do reign, to give your Majesty a long and prosperous reign over us, and a happy and speedy victory over your enemies.



JAN 83

**N. MANCHESTER,
INDIANA 46962**



