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RECORDS
OF
MASSACHUSETTS.

VOL. IV.—PART I.

1650—1660.

RECORDS
OF
THE GOVERNOR AND COMPANY
OF THE
MASSACHUSETTS BAY
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY
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ACADEMY OF ARTS AND SCIENCES, AND MEMBER OF THE
AMERICAN ANTIQUARIAN SOCIETY.

VOL. IV.—PART I.

1650—1660.



BOSTON:
FROM THE PRESS OF WILLIAM WHITE,
PRINTER TO THE COMMONWEALTH.

1854.

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MASSACHUSETTS**

AMHERST, MASS.

REMARKS.

THIS volume, whose natural position in the series is next to the second, is divided into two parts, on account of its large size. Each part is perfect in itself, having the names of those who took the free-man's oath printed separately at the end, and also the proper indexes. The original manuscript volume corresponding with these two parts is known as Volume IV.; in order, therefore, that the printed copy may bear the same volume number, it is designated as Volume IV., Parts I. and II.

Part I. embraces the period commencing on the twenty-second of May, 1650, and terminating with a session of the General Court held on the nineteenth of December, 1660.

Part II. commences with the record of the proceedings of the General Court of Election held on the twenty-second of May, 1661, and ends with that of the session of March, 1673-4.

The Introductory Remarks of a general character which are printed in connection with the first and third volumes are strictly applicable to this.

N. B. S.

DECEMBER, 1854.

MARKS AND CONTRACTIONS.

A Dash $\bar{\quad}$ (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line \sim indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret \wedge indicates an omission in the original record.

A Cross \times indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, []

Some redundancies in the original record are printed in Italics.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Several characters have special significations, namely:—

| | |
|---|--|
| <p>@, — annum, anno.</p> <p>ā, — an, am, — curiā, curiam.</p> <p>ā, — mātrate, magistrate.</p> <p>ĥ, — ber, — numĥ, number; Robt, Robert.</p> <p>č, — ei, ti, — acčon, action.</p> <p>čó, — tio, — jurisdicčón, jurisdiction.</p> <p>č, — cre, cer, — ačs, acres.</p> <p>đ, — đđ, delivered.</p> <p>č, — Trēr, Treasurer.</p> <p>č, — committē, committee.</p> <p>ġ, — ġġal, general.</p> <p>h, — chr, charter.</p> <p>ĩ, — begĩġ, beginĩġ, beginning.</p> <p>ł, — łre, letter.</p> <p>ñ, — mm, mm, — comĩttee, committee.</p> <p>ñ, — recoñdačón, recommendation.</p> <p>ñl, — mer, — formly, formerly.</p> <p>ñ, — month.</p> <p>ñ, — m, — Peñ, Penn; año, anno.</p> <p>ñ, — Dñi, Domini.</p> <p>ñ, — ner, — manñ, manner.</p> <p>õ, — on, — mentiõ, mention.</p> | <p>õ, — mõ, month.</p> <p>ř, — par, por, — řt, part; řtion, portion.</p> <p>p, — per, — pson, person.</p> <p>p, — pro, — pporčón, proportion.</p> <p>ř, — pre, — řsent, present.</p> <p>q, — qstion, question.</p> <p>ř, — esř, esquire.</p> <p>ř, — Aprř, April.</p> <p>ř, — ř, session; řd, said.</p> <p>ř, — ser, — řvaunts, servants.</p> <p>ř, — ter, — neuf, neuter.</p> <p>ř, — capř, captain.</p> <p>ũ, — ner, — seũal, seueral.</p> <p>ũ, — aboũ, aboue, above.</p> <p>ř, — ver, — seřal, several.</p> <p>ř, — řn, when.</p> <p>y^c, the; y^m, them; yⁿ, then; y^r, their; y^s, this; y^t, that.</p> <p>z, — us, — vilibz, vilibus.</p> <p>ç, — es, et, — statutç, statutes.</p> <p>çç, &ç, &ç^a, — et cætera.</p> <p>viz^ç, — videlicet, namcly.</p> <p>/ — full point.</p> |
|---|--|



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THE COLONY RECORDS.

1650—1660.

MASSACHUSETTS RECORDS.

THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[The fourth volume of the Massachusetts Records commences here. The original is in the handwriting of Secretary Rawson, and embraces a period of twenty-five years, extending from the commencement of the May session in 1650 to the end of the session in March, 1673-4. For convenience, the volume is printed in two parts; and, as in the preceding volumes, the names of the freemen are taken from the margins, and transferred to the end of each part, where they may be found in chronological order.]

**At a Generall Court of Elec̄cōns, held at Boston, 22th of May,* 1650.
1650.

22 May.

THOMAS DUDLEY, Esq̄, was chosen Goſno^r, & tooke the oath to that place appertayning. [*1.]

John Endecott, Esq̄, was chosen Dep^t Goſno^r, & tooke his oath.

| | | |
|--|---|--|
| Rich Bellingham, Esq̄, Increase Nowell, Gen ^t , Simon Bradstreete, Gen ^t , Thomas Flint, Gen ^t , W ^m Hibbens, Gen ^t , Samuell Simons, Gen ^t , W ^m Pinchon, Gen ^t , Cap ^t Robert Bridges, Frauncis Willoughby, Gen ^t , Cap ^t Thomas Wigger, | } | were chosen Asistants, & tooke their oathes. |
|--|---|--|

Edward Gibbons, Gen^t, was chosen Asistant and Major Generall.

Simon Bradstreet, Gen^t, & } were chosen Com̄ission^{rs} for the Vnited Collonjes.
Cap^t W^m Hawthorne, }

Richard Bellingham, Esq̄, 3, & } were nextly chosen Com̄ission^{rs} to supply,
John Endecott, Esq̄, 4, } in case of their failing.

Edward Rawson, Gen^t, was then chosen Secretary.

Richard Russell, Gen^t, was chosen Treasurer.

1650.

22 May.

The names of the Deput^s returned from the seuerall townes to serve at this Generall Court were, —

Salem : Cap^t W^m Hathorn & M^r Henry Bartholmew.
 Charles Toune : M^r Rich Russell & Lef^t Frauncis Norton.
 Dorchester : M^r John Glouer & Cap^t Humphry Atherton.
 Boston : M^r Anthony Stoddard & M^r Thomas Marshall.
 Roxbury : M^r John Johnson & M^r W^m Parkes.
 Water Toune : M^r Rich Broune & M^r Ephrajm Child.
 Cambridg : M^r Edward Jackson & M^r Edward Goffe.
 Lynne : M^r Thomas Laughton.
 Ipswich : M^r John Whiple & M^r W^m Bartholomew.
 Newbery : Lef^t W^m Gerish.
 Weimouth : Thom^s Dyer.
 Hingham : M^r Bozoun Allen & M^r Joshua Hubbard.
 Concord : Cap^t Simon Willard.
 Dedham : Cap^t Eleazer Lusher.
 Salisbury : M^r Christopher Batt.
 Hampton : Jeoffery Mingay.
 Rowley : Cap^t Sebastian Brigham, M^r Mathew Boyes.
 Sudbury : M^r Peeter Noyes, Ensigne Edmond Goodenow.
 Douer : Lef^t John Baker, Cap^t W^m Tyng.
 Brajntree : Stephen Kingsly.
 Gloucester : Hugh Caulkin.
 Woobourne : Cap^t Edward Johnson.
 Wenham : W^m Fiske.
 Haverill : M^r Rob^t Cleoments.
 Redding : Lef^t Richard Walker.
 Springfeild : M^r Edward Holiocke.
 Malden : M^r Joseph Hills.

[*2.]

Debts made by
 saylors not re-
 cofitable by
 lawe vnless y^e
 m^r or owner of
 such vessell be
 their securitje.

*Whereas many and great miscariages are committed by saylors by their imoderate drinking of wine, beere, and strong liquors, to the great dishonor of God, and reproach of religion and gouernment heere established, which also oftentimes occasions much prejudice and damage to the masters and owners of such shippes and vessells to which they belong, their men oftentimes being arrested for debts so made when their shippes or other vessells are ready to sett saile for their voyage ; for prevention whereof, itt is ordered by this Court and authoritje thereof, that no inkeeper, victualler, or other seller of wjne, beere, or strong liquors, shall, after publication heereof, arrest, attach, or recouer by

lawe any debt or debts so made by any sajlor or sajlor^s aforementioned, except the master or owner of such shippe or vessell to whom such sajlor or sajlor^s belong have given under his hand to discharge the same, any law, custome, or vsage to the contrary in any wise notwithstanding.

1650.

22 May.

The Court finding great inconveniencies arising by that clause, in the order which prescribes the secretary and clarkes duty and imployment, that appoints what is past amongst the deputjes should remajne with the speaker till the whole Court shall meete together, or a comittee of the Magis^ts and Deputjes, to consider, &c, and at the end of the Court deliuer the same to the secretary, so that the Court cannot tell what is passed, nor cann the secretary give any true coppye to such as long waite, to their great prejudice, for the same, itt is therefore ordered that from henceforth the clarke to the Howse of Deputjes shall forthwth, from time to time, send vp such bills as are passed both howses, and last wth them, to the secretary, and the secretary is to send doune to the clarke such bills or orders as last past amongst the Magistrates, that he may take notice thereof.

Order for the clarkes sending vp what is past both howses to the secre^t.

Whereas wee finde by experience that notwithstanding any provision formerly made to prevent chardge and trouble wth respect vnto Courts called vppon slender grounds, at the requests of private persons, in which sundry men are draune from their imployments to attend the same, wthout any considerable satisfac^ōn, this Court, being willing to remoove occasions of complaint in this kind, doe order, that from henceforth, in all perticuler and speciall Courts called vppon the request of private men, every juror shall be allowed for their attendance on that service fower shillings a day, to be pajd by them vppon whose motion it is graunted, provided the sajd jurymen shall beare their oune chardges in dyett.

Juro^rs recom-
pence.

Itt is ordered, that the gallowes be taken doune from the place where it now stands, and forthwth remooved into a convenient place of com^ōn wthin the precincts of Boston, and be sett vp againe forthwith, at the com^ōn chardge, in the place the select men of Boston shall appointe.

Remooval of
the gallowes.

*Whereas it was ordered in a former Courte, that some course should be taken for the renewing of the cuntryes stocke of powder, which yett, notwithstanding, hath not proved effectuell for the attainement of our desires therein, so that the cuntryes store is not so augmented as was then intended, that a more ample supply thereof may be made, itt is ordered by this Court and the authoritie thereof, that the countrje rates of Roxbury, Dorchester, and Dedham, for this yeere ensewing, shall be assigned to the surveyor generall and Cap^t Humphry Atherton to buy powder wthall the first oppertunity that p^rsents.

[*3.]

Cap^t Atherton
& survejour
genn^l com^ōn-
sion to pur-
chase powder.

1650.

22 May.
Penalty for
plaint. or de-
fend^{ts} not ap-
pearance or
ans^r at their
call.

Whereas, in suites and actions brought into Courts betweene party and party, sometimes the plaintiffe, and sometimes the defendant, and sometimes neither of them, doe attend to answer when they are called to prosecute or answer, which hath bin to long connived at by the magistrates, and much time lost in sending to seeke them out, or waite their coming in, whereby the countryes chardge is encreased, and the magistrates, jurors, wittnesses, and others abused, contrary to the laudable, reasonable practize and custome of all Courts in our native countrje, and other countrjes knoune vnto vs, itt is therefore hereby ordered and enacted, that if any plaintife, he or shee, have entered any action to be trjed in any Courte, or which comes orderly into any Courte by replevin, appeale, or by the disagreement betweene the magistrates and jury in an inferior Courte, and doe not by him or hirsself, or by their attorney, make their appearance, and prosecute their action j̄mediately after they have bin three times called in the Courte by name, after the first forenoone of the Courte, that then they shall be nonsuited; and if plaintife or defendant appeare vppon such call, they shall have their costs graunted by the Courte against him that doth not appeare; and if afterwards both partjes doe agree to trye their case the same Courte, they shall be allowed so to doe, the plaintif paying halfe so much for a new entry as he did before; and if any person presented by the grandjury for any offence, or sōmōned by a magistrate to answer any crime, doe not, vppon sōmons, appeare at the time appointed vppon the third call, as aforesajd, he or shee shall be proceeded against for contempt, except he or shee be restrajned or prevented by the hand of God.

This order to
take place the
first Court in
September
next.

Goũno^r gratu-
jtje.

The Court doth wth all thankfulness acknowledge the good service of John Endecott, Esq̄, our late honored Gouvernor, in respect of his great care and faithfullnes in the dischargd of that trust w^{ch} was comitted to him, and doe, in the behalfe of the countrje, render him hartly thanks therefore, and doe heereby order the Treasurer to pay vnto him one hundred markes, as a slender manifestaçõn of their dew respects vnto him, vntill they shall be better able to declare it, & this to be out of this next country levy, not doubting of his kind acceptance thereof.

[*4.]

Harmes not
veiwed in
fenced grounds
no barr ag^{nst}
any mans ac-
tion.

*Whereas the lawe concerning fencing against great cattell, fol̄ 7, Harmes donne by Great Cattle in Fenced Ground shall be viewed and judged, ffor ex-
planaçõn whereof this Courte declareth and ordereth, that notwthstanding the
sajd provision in the said lawe, in case any trespassed donne in fenced grounds,
by what occasion soeuer, the partie trespassed shall not be barred afterwards of
his action, albeit the harmes be not viewed and judged according to the direc-
tion of the sajd recited lawe. And it is further ordered by this Courte, that
in case of involuntary trespasses, where such trespasser shall pay, or legally

tender, full recompence for all the damages donne by him, before any suite comēced, the plaintiffe shall recouer no costs in the suite.

Whereas the Countje Court at Boston, by order of the Generall Court, have begunn to be kept vpon the last Thirsday in July, October, January, and Aprill, itt is now for some reasons by this Court ordered and appointed, that from henceforth they shall always begin vpon the last Twesdayes of eily of the sajd moneths, as all other Courts doe, except the Court of Eleccōn, which, by pattent, is appointed to be kept on the Wendsday, and except all other Courts w^{ch}, vpon extraordinary occasions, shall be appointed on other dajes; and because the comēcement this yeere falls out on the last Tuesday in July, the County Court for Suffolke is referred to the last Wendsday in July next, for this yeere only, and afterwards as in this order is provided.

M^r James Cary is appointed to be clarke of the writts for Charles Towne, in the place of M^r Edward Mellowes, lately deceased.

Ensigne Howlett, Cap^t Sebastian Brigham, Mathew Boyes, and Robert Hazeltine, or any three of them, are appointed comīssioners to lay out the bounds of Haverill betweene Haverill and Salisbury, and all the bounds of Haverill, and make retourne thereof vnto the next session of the Generall Courte.

Whereas by experience it is found that the day of the artilliry company meeting in Boston, being vpon the second day of the weeke, is inconvenient in divers respects, itt is therefore ordered by this Court, that it shall be in the libertje of the sajd company to alter the day of their meeting to any other day of the weeke w^{ch} they shall make choyce of.

For explanaçōn of that part of the printed lawe intituled Milit^r Affaires, S: 10, conce^ring the surveyo^r generall, touching the comōn armes of the countrje, itt is ordered and heereby declared, that his power neither doth nor shall extend to the selling or alienating any of the ordinance, or the great artilliry, or any the appurtenances thereof, vpon any pretence whatsoeuer, wthout speciall order of the Generall Court, any lawe, comīssion, custome, or vsage to the contrary notwthstanding.

*Whereas, by an order of Court heretofore made, all plaintifes were restrajned from taking out of attachments against any defendant, (except in some cases in the sajd order expressed, some of which cases were also of doubtfull interpretaçōn,) whereby many plaintiffes have bin sometimes delajd, and at other times frustrated in obtayning their just debts, the defendants rather choosing to pay some smale costs for non apearauce vpon a su^mons, and so wyne time, or convey away their goods, or sell their estates, itt is therefore hereby ordered and enacted, that from this time forwards it shall be

1650.

22 May.

County Court
dayes for Suff
folke.M^r James Cary
clarke of ye
writts for
Charlstowne.
Comīssion^{rs} to
lay out Haver
ill boundsLiberty to alter
ye day for mil-
litary compa-
nyes meeting.Ordinance not
to be sold.

[*5.]

Plaintiffes lib-
erty to take
out su^mons or
attachments
ag^t any defend^t.

1650.

22 May.
Since renewed
for pviçon of
pouder.

at every plaintives chojce to take out other sumons or attachments against any defendant, any thing in the former order notwithstanding.

To the end the powder, bullets, and match charged upon each towne to provide be not neglected, and all ground of excuse, on pretence of ignorance of the lawe, removed and prevented, itt is ordered, that the secretary shall forthwith send a coppie of the former order to each towne in this jurisdiction, putting the sixth month for the ffowerth month, and requiring the counstable and cheife military officer, where no select men are, to execute the said order for assessing their inhabitants, and providing souldiers in nnumber more or lesse than fifty souldjers, and that they deliver it vnto the two cheife officers of each company, safely to bestowe and order, for the best advantage of the countrje.

Coमितtee to
take the Treas-
urers accompt.

Whereas there hath bin an order formerly made in which severall persons have bin authorized as a comittee to take the treasurers accompt, which yett hath neuer bin donne, although a thing much desired by the country, this Court, being unwilling to suffer such great accompts to lye any longer as now they doe, doe order, that Mr Nowell, Cap̄ Robt Keajne, Mr Anthony Stoddard, and Mr Joseph Hills, or any three of them, shall have power, and are hereby authorized, to heare and examine accompts which concerne the country, either betweene the auditor generall and the Treasurer, or any others in which the country is interested; and doe hereby further give power to acquitt and discharge the Treasurer either in full, or in so farr as he shall be able to give a satisfactory accompt, provided our said comittee shallbe accomptable to this Generall Courte at their next session, and the Treasurer to call vpon the auditor generall and the comittee to hasten the accomplishment thereof.

Haverill com-
issionrs to end
smale causes.

John Cleoments, Henry Palmer, and Thomas Davies, of Haverill, are appointed and authorised to end smale causes there for this next yeare, according to lawe.

Maldens towne
like.

At the request of the towne of Malden, the Court approoves of this m̄ke, **M**, to be their towne marke for the marking of their cattle.

Meadfeild
bonnds.

Cap̄ Robert Keajne and Mr Edward Jackson, comissioners appointed by the Generall Court to lay out the bounds of the new village issuing out of Dedham, according to the graunt the last Court made to them, as therein more largely appears, made their retourne to this Court, that they had laid it out thus, viz.: that it begins at a smale hill or iland in the meadow, on the west side of Charles River, and running from thence about full west three mil[es], and thence turning a south line, ended at Charles River at three miles and a q[uar]ter, this line being there shorter then by the graunt it was allowed to

be ; but aꝑted by the grauntees, the sajd river is aꝑointed to be the bounds from that place × the place where the first line beganne. This returne was accepted. Approved.

1650.

22 May,

*Att the request of the inhabitants of Dedham, the village there is by this Courte named Meadfeild.

[*6.]

Dedham vil-
lage called
Meadfeild.

Whereas the Generall Court, in answer to a petiçõn of Capṫ Robṫ Keajne, Richard Broune, of Watertoune, and Richard Parker, of Boston, for the laying out of their seuerall proporçõns of land, in such place as they should find out, did, in the ycere 1649, graunt comiſsion to M^r Edward Jackson to see the same donne in the place in that order mençõned next to Dedham village, as in that order, dated 23^d of October, 1649, more amply appeareth, w^{ch} accordingly, wth M^r Danforth, of Cambridge, a surveyor, was donne, and by the sajd commissioners hand retourned into this Court, w^{ch} at their request was graunted to be recorded amongst the Court records, provided the just right of any Indian to any part of these lands was to be and is excepted.

Capt. Keine,
Rich. Broune,
& Ric. Parkers
lands.

Lajd vnto Capṫ Robṫ Keajne, vpon Pacussett Hill, beyond the new vil-
lage of Dedham, called Meadfeild, and wthout the line thereof, one thousand and seventy fower ackers of meadow and vpland, being bounded by M^r John Allens farme on the south, Charles Riuer south and by east, east and north-
east, M^r Richard Brounes farme on the north and northwest, comõn land north and by west, west and northwest.

Item. Laid out to M^r Richard Broune two hundred ackers of meadow and vpland, being bounded by Capṫ Robṫ Keaines on the south and southwest, Charles River east, and M^r Richard Parker northwest, comõn land northwest and west.

Item. Lajd out M^r Richard Parker fower hundred thirty-six ackers, being bounded by M^r Richard Broune on the south, Charles River southeast, the vpland on the riverett running into Charles River on the east and by southeast, and northeast, comõn land west, to continew so farr vpon the riuerett, taking in the meadow on both sides, as lyeth on the east side of the path going from Pacussitt to Naticke, wth one hundred ackers more added thereto, w^{ch} was sold vnto him by John Johnson, surveyor gennerall.

In ans^r to a petiçõn of the inhabitants of Haverill, for the graunt of an iland to them, which lyeth against some part of their toune, contajning about twenty or thirty ackers, the Court graunts their request, provided M^r Ward make not a cleere title to him from this Court appeare wthin three yeres to the sajd iland.

Land graunted
Haverill con-
ditionally.300 ackers of
land, laid to
Thomas Dud-
ly, Encrease
Nowell, exec-
utors to M^r
Johnson.

In ans^r to the petiçõn of Thomas Dudley, Esq^r, and Increase Nowell, genṫ, as executo^{rs} to the last will of M^r Isacke Johnson, for three thousand

1650.

22 May.

and two hundred ac^{rs} of land out of the bounds of this jurisdiction, as his proportion for fower hundred pounds adventured & lajd out in the comon stock w^{ch} should have bin lajd out in the first dividnt, the Court graunts their request for threesousand and two hundred ackers of land, to be lajd out any where in this jurisdiction not disposed of, so as they take it together, in one place.

Pounds granted to Major Edw. Gibbons from the collonjes.

The comissioners of the Vnited Collonjes, at their meeting at Boston in the yeere 1647, agreed that Major Edward Gibbons should have twenty pounds paid vnto him from all the collonjes for his expenses when the last warr should have bin made against the Narragansetts, which, by their submission, was stayed, and that this collony should pay the same, and they would accompt to this collony for their proporçons out of the wampam peage to be receaved from the Narragansetts. This Court doth order the auditor to signe a bill to the Treasurer for the payment of the sajd Major Edward Gibbons the sajd twenty pounds acordingly.

[*7.]

Major Genn^d Gibbons discharged.
30 May.

*Whereas there hath bin for some space of time diuers accompts depending betweene the country and Edward Gibbons, Esq̄, major generall, and that vpon examinaçõn no great matter of diffirence appears in the accompt betwixt him and the audito^r generall, itt is therefore ordered by this Court, that Major Gibbons shall be, & heereby is, fully acquitted and discharged of and from all debts and demands respecting the country, from the begining of the world to the day of the date hereof, he requiring nothing from the country to this date. 30th 3^d, 1650.

Ans^r to Jane Hawkins pet.

In ans^r to the petiçõn of Jane Hawkins, p̄sented to the Generall Court by hir sonns in hir behalf for liberty to come into the jurisdiction of the Massachusetts, &c, itt is ordred that the sajd Jane Hawkins shall have liberty to come and stay in this jurisdiction one month anytime this som̄er, and shee is left to her libertje to give satisfacçõn to the next Courte of Asistants, which if they accept of, they shall have libertje to admitt her into this jurisdiction.

Ans^r to Mrs Elizabeth Coles petiç.

In ans^r to the petiçõn of Mrs Elizabeth Cole, the Court conceaves they have seuerall times formerly (in ans^r to petiçõns of like nature) donne what they conceave fully just, vnder which the petiçõner ought to rest herself satisfied.

Ans^r to Jo. Pullin petiç.

In ans^r to a petiçõn of John Pullin, the Court leaves him to his remedy in an ordinary Court of justice.

Ans^r to John Shermans petiç.

In ans^r to the petiçõn of John Sherman, for the remittment of the forfeiture of his band for Robt Palmer, or respecting the execution thereof, for some further time, he being allowed liberty till the end of June next by the County Courte, this Courte seeth no eawse to graunt any remittment of the

fine, his offence being of so high a nature, as so great a contempt of authority, (as it was,) but conceive it meet to graunt the petiçion^{rs} request to respitt the execution, or levying of that fine or forfeiture, for three months from the end of June next.

1650.

30 May.

In ans^r to the petiçon of George Munings, the Court doth order that M^r Anthony Stoddard and Thomas Marshall, of Boston, shall take care for the needfull repajration of the prison keepers howse, and other things about the prison, wth all convenjent speed; and what shall be expended in the accomplishment thereof shall be allowed them by the Treasurer out of the country rate of Boston.

Ans^r to George Munning petiç.

In ans^r to the petiçon of Thomas Clarke, the Court, wth the consent of the officer for custome, doe graunt & order the deliery of the eighty four mose skins forfeited by him, the sajd Thomas Clarke, he paying only custome for the same.

Ans^r to Thomas Clarke petiç.

In ans^r to the petiçon of W^m Phillips, the Court doth order and appointe the Treasurer to satisfy and pay the petiçoner his full proportion dew to him from the country, as other creditors doe receive.

Ans^r to W^m Phillips petiç.

In ans^r to the petiçon of the inhabitants of Sudbury, the Court graunts their petiçō, and that the inhabitants of Sudbury should have their bounds recorded, as it was graunted by the Court to Watertoune bounds.

Ans^r to Sudbury petiçon.

*In ans^r to the petiçon of Edmond Frost, Edmond Augier, John Cooper, and Nathaniell Sparauhauke, ffeoffees of the estate of M^r Nathaniell Sparauhauke, of Cambridge, lately deceased, the Court graunts their request, and, in referenç thereto, doth order that the sajd ffeoffees in trust shall have power to dispose of the estate mentioned in the petiçon, provided they give caution to be responsall vnto this Courte for the disposing of it to the vse of the children.

[*8.]

Ans^r to the petiçon of the ffeoffees of M^r Sparauhauks estate.

In ans^r to a petiçon from the inhabitants of Boston, the Court is willing to graunt the petiçoners a corporaçon, if the artickles or termes, priviledges and imunitjes, thereof were so p^rsented as rationally should appeare, respecting the meane condiçon of the countrje, fitt for the Court to graunt; p^rsenting their propositions to the next sessions.

Ans^r to Boston petiçon.

In ans^r to the petiçon of Mary Woody, of Roxbury, widdow, for power to act as an executrix to the last will of John Woodey, hir late husband, the Court graunts hir request.

Ans^r to Mary Woodey petiçon.

In ans^r to the petiçon of M^r Adam Winthrop, on the behalf of Cap^t Stephen Winthrop, the Court doth appoint Cap^t W^m Hawthorn, M^r Thomas Laughton, and Leſt Richard Walker as commissioners to view the plan therein mençoned, to examine all matters concerning the petiçon, to compare it wth the graunt, and make their retourne to this Courte.

Ans^r to M^r Adam Winthrops petiçon.

1650.

30 May.
Ansr to John
Gedneys pe-
tiçõ.
Ansr to Henry
Shorts petiçõn.

In ansr to the petiçõn of John Gedney, of Salem, the Court doth graunt that the petiçõner paying twenty pounds for his last yeeres rent for drawing wine, he shall pay but flifftene pounds for his rent for this next yeere.

In ansr to the petiçõn of Henry Short, of Newberry, the Court doth order, that the petiçõner shall have liberty, and is hereby impowred, to sue any person for any rents or arrears dew to Mr Stephen Domner, now in England, and vpon receipt thereof to acquitt and dischardge the same.

Ansr to Henry
Waltons pe-
tiçõ.

In ansr to the petiçõn of Henry Walton, the Court doth remitt the one halfe of the penalty w^{ch} the petiçõne^r is liable to pay, being the countryes dew, which is seven pounds three shillings & sevenpence halfpenny.

Ansr to ffrec-
men of Exeter
petiçõn.

In ansr to the petiçõn of the ffremen of Exeter, the Court doth graunt that they shall have liberty to choose on for constable that hath taken the oath of fidelity as is desired, provided the County Court approve of the person as fitt for the place.

Ansr to Andey
Palmers pe-
tiçõn.

In ansr to the petiçõn of Andey Palmer, widdow, the Court graunts hir request.

Ansr to Elizab.
Peeks petiçõn.

In ansr to the petiçõn of Elizabeth Peck, the Court thinks meete to remitt the petiçõn^rs fine of ten shillings for hir lying, but order the security given for hir husbands fine of thirty shillings remajue in force still, and that only is respited till he come againe.

[*9.]

Ansr to Mr
Makepeas
petiçõ.

*In ansr to the petition of Thomas Makepeas, of Boston, the Court doth remitt the one halfe of the forfeiture of certaine boards mençõned in the petition, w^{ch} is the countryes right, but cannot give away the other halfe of the forfeiture, which is the officers right.

Comittee to
pvse Lex Mer-
catorja.

Mr Bellingham, Mr Nowell, Mr Willoughby, Cap^t W^m Hawthorne, Mr Auditor Generall, and Mr John Allen are appointed a comittee to pvse and duly consider of the booke intituled Lex Mercatorja, and make retourne of what they conceave therein maybe necessarily, vsefully, and beneficjally improved, for the dividing of maritjne affajres in this jurisdicçõn, to the next session of this Court, and they are desired to meete thereabouts the third day of the sixth month next.

Ansr to Bassats
petiçõn.

In ansr to the petition of W^m Bassatt, of Sandwich, for the release of nyne bushells of pease, forfeited for not entring the same as the lawe requires, the Court judgeth the whole forfeiture should be taken.

Sampson
Shore fined
40^s.

Sampson Shore, of Boston, being to give testimony in the ease of the sajd Bassat about the nyne bushells of pease, for saying wee had as good have taken so many pease out from his howse, for his offence therein was fined fforty shillings.

Gowings fine
of vth.

In ansr to the petiçõn of Robert Gouing, for remittment of the fine of

tenne pounds for selling a gunne to the Indjans, the Court remitts the on halfe thereof. 1650.

In ans^r to the petiçõn of M^r Simon Bradstreet, desiring eight hundred ac^s of land, dew to him from the country, might be lajd out next or nere to the farmes graunted to Cap^t Keajne, M^r Broune, and M^r Parker, if it be there to be had, not p^rjudicing the village propounded for to this Court by M^r Eliott, in the behalfe of the Indjans, the Court graunts his request.

30 May.
Ans^r to M^r
Bradstreet pe
tiçõn.

In ans^r to the petiçõn of M^r John Wilson, Señ, of Boston, for liberty ^ lay out the thousand ac^s of land formerly graunted him by this Court next or nere to the eight hundred ac^s graunted to M^r Bradstreet by this Court, if it be there to be had, the Court doth graunt his request, and if it be not there to be had, doe graunt him liberty to lay it out in any place wthin this jurisdicçõn, not hindering a plantaçõn.

Ans^r to M^r
Wilson's pe
tiçõn.

In ans^r to the petiçõn of Robert Saltonstall, for certajne lands dew to his ffather, S^r Richard Saltonstall, for ffower hundred pounds lajd out by him in the co^mon stocke, the Court doth graunt the petiçõner threesousand ac^s of land in any part of this jurisdicçõn, so as he p^rsent the place where he would have it, befor the 20th of October next, to this Court; and his former graunt of this land mençõned in his petiçõn is heereby made voyde.

Ans^r to M^r
Robt. Salton-
stalls petiçõn.
3000 ac^s
granted him.

In ans^r to the petiçõn of John Bartlett, of Newbery, the Court, being satisfactorily informed of the truth of the petiçõners endeavor to satisfy the end of the law in providing weights and measures, doe release him of his fine of forty shillings.

John Bartletts
fine remitted.

In ans^r to the petiçõn of Destauriers, a French marchant, for the remitting his fine of fiffy pounds, imposed on him by a County Court for his abuse of authority, the Court thinks meete to remitt to him twenty and five pounds thereof.

Ans^r to De-
stauriers, a
French mar-
chant, petiçõn.

*In ans^r to the petiçõn of the inhabitants of Boston for the repealing the law requiring custome from the inhabitants of the seuerall collonjes ffor goods exported or imported by them into this of ours, the Court (being credibly informed that the Court at Conecticott will, for the p^rsent, suspend the taking of any custome of vs, and at their next Generall Courte intend to repeale their order that requires it) doe hereby order the suspension of that law of ours that requires any custome of the other confederate coloujes, vntill they shall know that Conecticott doe take custome of vs. [*10.]

Law requiring
customs of the
seu^l collonjes
suspended.

In ans^r to the petiçõn of Danjell Gookin, Edward Collins, wth the rest of the ouerseers and executo^s of the estate of M^r Thomas Shepheard, deceased, late pastor to the church at Cambrjdge, for power to sell certaine wood lands therein mençõned, the Court finding the wyddlow to allow & approve of the

Ouerseers &
executors of y^e
estate of M^r
Shep^eds pe
tiçõn ans^rd.

1650. petiçõn^{rs} request, doe graunt the petiçõne^{rs} libertje & power to sell the land mençõned, they giving caution to be responsall to this Gemerall Court, before the end of this session.

31 May.

Ans^r to Rachell Cookes petiçõn.

In ans^r to the petiçõn of Rachell Cooke, wyddow, for the abatement and remittment of a fine of five pounds, imposed by Ipswich Courte on Thomas Cooke, hir late husband, for his abusive speeches against authority, the Court, being informed of the miserable estate the widdow is left in, doth graunt hir request, and remitts the whole fine to hir.

Courts resolution of M^r Nelsons lett^r of attor. to M^r Duñier.

Vpon survey of a certaine writing p^rsented vnto the Courte, wherein Thomas Nelson, late of Rowley, hath constituted M^r Richard Duñier and impowred him as his lawfull attourney, for the disposing of his estate, as by the said writing more fully apeares, this Courte, for the satisfacõn of John Palmer, of Rowley, and at his request, doth declare, that the power soe given and comitted vnto M^r Duñier afforesajd is good and according to lawe, and that he may act therein wthout any further confirmaçõn of the same.

Ans^r to M^r Dunsters petiçõn.

In ans^r to the petiçõn of Henry Dunster, p^rsident of Harvard Colledge, the Court doth graunt and appoint M^r Danforth, the surveyor, of Cambridge, shall have power, wth one as the executo^rs of M^r Israell Stoughton shall nominat, & wth such another as they two shall agree vpon as a third person, to lay out vnto Harvard Colledge the land given by the sajd M^r Stoughton to the sajd Harvard Colledge as a legacy; and the Court doth redily graunt the Colledge exemption from all customes in the petiçõn mençõned; and that the hundred pounds the country oweth the colledge should be pajd into them, as it was formerly appointed; and that they cannot finde a way to alter the agreements wth the ferry men wthout their consent. And in ans^r to his desires for a corporaçõn, the Court doth graunt his request, in these termes: Whereas, through the good hand of God, many well devoted persons have bin, and dajly are, mooved and stirred vp to give and bestowe sundry gifts, legacies, lands, and reueneues for the advancement of all good litterature, arts, and sciences in Harvard Colledge, in Cambridge, in the county of Middlesex, and to the maintenance of the p^rsident and ffellowes, and for all accomodaçõns of buildings, and all other necessary provisions that may conduce to the education of the English and Indjan youth of this country in knowledge and godliness, itt is therefore ordered and enacted by this Court and the authoritje thereof, that for the furthering of so good a worke, *and for the purposes aforesaid, ffrom henceforth that the sajd Colledge in Cambridge, in Middlesex, in New England, shall be a corporaçõn consisting of seven persons, viz., a p^rsident, five ffellowes, and a treasurer or burser; and that Henry Dunster shall be the first p^rsident, Samuell Mather, Samuell Danford,

[*11.]

m^s of art, Jonathan Michell, Comfort Starr, and Samuëll Eaton, (batchelors of art.) shall be the five fellowes, and Thomas Danford to be present treasurer, all of them being inhabitants in the Bay, and shall be the first seven persons of which the sajd corporaçõn shall consist ; and that the sajd seven persons, or the greater nnumber of them, procuring the presenee of the ouerseers of the Colledge, and by their counsell and consent, shall have power, and are hereby authorised, at any time or times, to elect a new præident, ffellowes, or treasurer, so oft and from time to time as any of the sajd persons shall dye or be removed, which sajd præident and fellowes for the time being shall foreuer heereafter, in name and fact, be one body polliticke and corporate, in lawe, to all intents and purposes, and shall have perpetuall succession, and shall be called by the name of Præident and Fellowes of Harvard Colledge, and shall from time to time be eligible as aforesajd, and by that name they and their successors shall and may purchase and acquire to themselves, or take and receive, vpon free giuft and donaçõn, any lands, tenements, or hæredittaments, wthin this jurisdicçõn of the Massatsetts, not exceeding five hundred pounds p^o annum, and any goods and sumes of money whatsoever, to the vse and behoofe of the sajd president, ffellowes, and *and* schollers f the sajd colledge, and also may sue and pleade, or be sued and impleaded, by the name aforesajd, in all Courts and places of judicature wthin the jurisdicçõn afforesajd ; and that the sajd præident, wth any three of the fellowes, shall have power and are hereby authorized, when they shall think fitt, to make and appoint a coõmon scale for the vse of the sajd corporaçõn ; and the præident and ffellowes, or major part of them, from time to time, may meete and choose such officers and servants for the colledge, and make such allowance to them, and them also to remoove, and after death or remoovall to choose such others, and to make from time to time such orders and bylawes for the better ordering and carrying on the worke of the colledge, as they shall thinke fitt, provided the sajd orders be allowed by the ouerseers ; and, also, that the præident and fellowes, or major part of them, wth the treasurer, shall have power to make conclusive bargajnes for lands and tenements, to be purchased by the sajd corporaçõn for valuable consideraçõn. And, for the better ordering of the gouernment of the sajd colledge and corporaçõn, bee it enacted by the authority aforesajd, that the præident and three more of the fellowes shall and may, from time to time, vpon dew warning or notice, given by the præident to the rest, hould a meeting for the debaiteing and concluding of affaires concerning the pffittes and reuennewes of any lands, and disposing of their goods ; provided, that all the sajd disposings be according to the will of the doners, and for direction in all emergent occations, execution of all

1650.

39 May.

The colledge
corporation.

1650.

30 May.

[*12.]

orders and bylawes, and for the procuring of a gennerall meeting of all the ouerseers and society in great and difficult cases, and in case of nonagreement,* in all which cases aforesajd the concluõn shall be made by the major parte, the sajd præident having a casting vojce, the ouerseers consenting therevnto; and that all the afforesajd transactions shall tend to and for the vse and behoofe of the præident, fellowes, schollers, and officers of the sajd colledge, and for all accomodaõns of buildings, books, and all other necessary proviõns and furnitures as may be for the advauncement and educaõn of youth in all manner of good literature, arts, and scyences. And further, be it ordered by this Court and the authority thereof, that all the lands, tennements, and hæredittaments, howses, or revennewes wthin this jurisdicõn, to the aforesajd præident or colledge apertajning, not exceeding the valew of five hundred pounds p aũum, shall from henceforth be freed from all civill imposiõns, taxes, and rates; all goods to the sajd corporaõn, or to any schollers thereof, apertajning, shall be exempt from all manner of toulle, customes, excise, whatsoever; and that the præident, fellowes, and schollers, together wth the servants and other necessary officers to the sajd præident or colledge apertajning, not exceeding ten, viz., three to the præident, and seven to the colledge belonging, shall be exempted from all personall, civill offices, millitary exercise, or services, watchings, and wardings; and such of their estates, not exceeding one hundred pounds a man, shall be freed from all country taxes and rates whatsoever, and no other.

Newbery 3
men.

Itt is ordered, that M^r Edward Woodman, M^r W^m Gerrish, and Richard Kent is heereby impowred to end smale cawses there, acording to lawe.

Judgment of
y^e Court in
Hingham case.

Nathaniell Baker, as plaintiff, in an accõn of the case vpon a replevin, comẽenced a suite at a County Court, held at Boston, against the tounesmen of Hingham, defendant: the jury found for the defendant; the Magis^{ts} refused the verdict; and so the case fell to the cognizance of the Generall Court. The whole Court, being mett together, heard the ease and all the evidences, and, in fine, determined by vote that the verdict of the jury should be received.

The Court receaving seuerall petiõns from the inhabitants of Patuxitt, and two petiõns from Pomhom and Socononocho, Indian sagamores, in all which were complaints of seuerall injurjes donne to them by seuerall persons of Providence, &c, W^m Arnold, one of the petiõncers, exp^{ss}ing his feare to retourne home before some course was taken for redresse of the injuries complained of, had a letter from this Court, directed, To such of Road Iland, Warwicke, Shawoamett, Patuxitt, or Providence, or who elssoeuer in any of those places it may concerne.

The Generall Court of the Massatusetts thinks meeete to give notice, that Pomhom, Socanonocho, William Arnold, W^m Carpenter, &c, of Shauwamett, or Patuxitt, have presented to them seuerall complaints, containd in seuerall petiçõs, of injurjes doune to them by some of the inhabitants of Road Iland, Warwicke, Shauwamett, or Patuxitt. This Court adviseth all such whom it may concerne to forbearre prosecuting any suites amongst yourselves against the sajd W^m Arnold, W^m Carpenter, and Pomhom, and Socanonocho, or doing them any further injurje respecting their persons or estates, till yow shall heare further from this Court, which will not be long; & was signed. By the Court.

1650.

30 May.
Courts letter
in y^e behalf of
W^m Arnold, &
to such of
Road Iland,
Warwicke, &c,
whom it con-
cernes.

EDWARD RAWSON, Secretř.

*In answer to the petiçõn of M^{rs} Elizabeth Stoughton, of Dorchester, wyddõ, ffor the approving and confirming a bargaine and sale of certajne lands, which, wth part of the tidedmills and other the appurtenances, is mençõned in a deed betweene hir & Georg Stirke, hir sonne, & John Milam, of Boston, to whom she sold the same, as therein largely appeares, bearing date the last day of May, 1650, this Courte doth graunt hir request, and doth approve and confirme the sajd sale of hirs to the sajd John Milam and his heires, execuçs, and assignes for euer.

[*13.]
Ans^r to M^{rs}
Stoughtons
petiçõn.
Respecting Jo.
Milam.

31 May.

Cap^t Humphry Atherton and Cap^t Eleazer Lusher are chosen & appointed comiſsioners ffor this Generall Courte, to goe and treat wth the Gennerall Court of New Plimouth about Shauwamett and Patuxit, and finally to conclude thereabouts, acording to their comiſsion and instrucçõs, given them by this Courte.

Capt. Atherton
& Capt. Lusher
comiſsioners to
Plimouth
Gen^l Courte.

1 June, 1650.

1 June.

To our trusty and welbeloved ffreinds, Cap^t Humphry Atherton and Cap^t Eleazer Lusher: Yow, being chosen comiſsioners by the Generall Court, have full power and authoritye, and are hoereby enabled, in their names, to consult, agree, and determine with the Generall Courte, at Pljmouth, concerning the title of land called Shawwamett and Patuxitt, and protecçõn of the English and Indians there, acording to our engagements, repajring all private injurjes, acordinge to law and justice.

Capt. Ather-
tons, &c,
comiſsion.

Itt is ordered, that the power of the whole Courte shall continew with those that remajne behinde, to agree of instrucçõs for the comiſsione^{rs}, viz., Cap^t Atherton & Cap^t Lusher, in the buisenes of Plimouth, touching Patuxit & Shawwamett, as also to perfect and conclude the adjournement of this Courte to the 18th of this p^sent 4th month, 1650.

1650.
 1 June.
 Secretarys
 oath.

Whereas yow, E: R:, are chosen secretary to the Gennerall Courte, and are to record and keepe all the lawes and acts to be passed by the same, as also the acts of the comissioners and counsell of the comonwealth, that shall be comitted to yo^w, yo^w doe heere sweare by the livinge God that yow will faithfully and carefully doe the same, according to your vtmost skill and abilitie; and further, observe the severall orders of Courte that hath reference to your place and implojment for the entring of petitions and carefull keeping all records formerly passed that shall be comitted to yow, and that yow will not, directly & indirectly, imparte or make knonne any of the private counsells, debates, speaches, or agreements which shall, by the Magis^{ts} or any of them, be vttered or spoken in any of their meetings when yow shall be present, (except in such cases or wajes as your place requireth,) but shall be faithfull to the sajd Courte therein, as in your conscience, and according to the duty of yo^r place, yow are bound.

Itt is ordered, that lette^rs be writt to W^m Arnold, W^m Feild, W^m Harris, Nathaniell Dickins, M^r Weekes, suitable to the originall lette^rs passed this Courte.

The Courte is adjourned to the njetecenth day of this June, 1650, at eight of the clocke in the morning.

[*14.]
 18 June.

**Att another Session of the Gennerall Court of Elections, held at Boston, the 18th of June, 1650.*

CAPT: HUMPHRY ATHERTON and Cap^t Eleazer Lusher, comissioners appointed by this Court to treat wth and conclud wth the Gennerall Court of Plimouth jurisdicc^on, as in their comission and acording thereto, brought this as their retourne.

June 7, 1650.

The Gennerall Court of Plimouth resignacion of Shauwamet & Patuxit to the Massachusetts.

Forasmuch as there hath binn for some long time past some question depending betwixt the jurisdicc^ons of the Massatusetts and New Plimouth, concerninge a certajne tract or tracts of land, called Shauwamett and Patuxit, and some places thereabouts, and that it hath pleased the honored Court of the Massachusetts to graunt a comission, vnder the hand and seale of the sajd Court, vnto Cap^t Humphry Atherton and Cap^t Eleazur Lusher, enabling and investing them wth full power and authoritje to treat, consult, and determine, together wth the Court of Plimouth, aforesajd, in all cases whatsoeuer doe or

may concerne the tracts of land before specifyed, the Generall Courte of Plimouth, having in consideration of the præmisses, as also for the preserving of mutuall love, friendship, and amitje wth their neighbors of Massachusetts, having chosen and deputed M^r William Bradford, Goũno^r, M^r Thomas Prince, M^r William Colljer, Assistants, and M^r John Howland, M^r Thomas Democke, M^r James Cudworth, and M^r Josiali Winslow, ffreemen, as a com̄ittee of the sajd Courte, and authorising and enabling them wth full power for them and in there behalf likewise to debate, resolve, and fully to determine, together wth the aforesajd com̄issioners of the Massachusetts, all and euery of the cases or quæstions about or concerning the laud aforesajd, which sajd com̄ittee, vpon dew consideration, as aforesaid, doth resolve, conclude, and determine, as followeth, viz. : —

1650.

18 June.

That they doe fully and foreuer relinquish and yeild vp vnto the gouernment of the Massachusetts, aforesajd, all the right, title, or clajme whatsoever the sajd gouernment or iurisdic̄õn of Plimouth have, or might have had, any way or by any meanes whatsoever, vnto that whole tract or tracts of land knowne by the name of Shawwamett and Patuxitt, aforesajd, being such as are or were the just rights of Pumham and Soconoco, or either of them, at that time, when the sajd sachems subjected themselves and their lands to the iurisdic̄õn of the Massachusetts, aforesajd, their sajd rights being or to be cleered, acording to evidence and aparant demonstrāõn. And wee, the sajd com̄ittee, by the authoritje aforesajd, doe in like manner relinquish vnto the iurisdic̄õn of the Massachusetts all our rights, claime, or title vnto the lands justly and lawfully possessed by William Arnold and Robert Coale, and such of the other English as at that time, together wth themselves, did in like manner subject to the Massachusetts as aforesajd, provided that this shall in no sorte hinder or prejudje the due accomplishment of the order of the honored com̄ittee of Parliament in any other or case therein contajned; and also, provided alwajes that the bounds of these aforesajd lands shall not extend farther towards Cowissett then the true knoune and approved limitts of the lands of Pumham did extend at the time of their subjecting to the iurisdic̄õn of the Massachusetts as aforesajd; and also farther, wth this proviso and condic̄õn, that what lands soeuer have bene already or heerafter maybe made to appeare to belong to the toune or inhabitants of Providence vnto this day by any just title, shall not be *included in this relinquishment above specifyed, but shall notwthstanding remajne and wholly belong to the inhabitants of Providence, freely to enjoy as formerly they have done; and also that this iurisdic̄õn of Plimouth be not in anything heereby putt to more

[*15.]

1650.

18 June.

trouble or chardge then any other of the two confederate jurisdiccōns, viz.,
Conecticott and Neuhaven.

WILLIAM BRADFORD,
TH^o PRINCE,
W^m COLLIER,
JOHN HOWLAND,
THOMAS DIMOCK,
JAMES CUDWORTH,
JOSIAS WINSLOWE.

Ans^r to the pe-
titiōn of James
Pen, James
Johnson, &
Peeter Oliuer
concer^t Nico.
Willis will.
Marshalls &
dep^t m^rshalls
power to re-
quire aide in
the execution
of their office
as constables
hath.

In ans^r to the petition of James Pen, James Johnson, and Peter Oliuer, the Court graunts their request, viz., power of administracōn to the estate of Niolas Willis, late of Boston, respecting the will of the sajd Nicolas Willis, they bringing in an inventorje of the estate to the next County Court.

Whereas the senerall marshalls and their deputjes of the seuerall countjes in the execution of their office, being generall officers, have often times neede of helpe of others, when they are to serve attachments and executions vpon vnruely and disobedient persons, itt is therefore ordered, that they and every of them have, and shall have, the same power to enjoyne and chardge any person they shall see meete to vse for such their helpe and assistance to ajde them therein as euery counstable hath; and whosoever shall refuse or not yeild their obedjence thereto shall incurr the same penalty that those doe, or should doe, that refuse to aide any constable in his office.

Ans^r to M^r
Samuell
Haugh's pe-
titiōn.

In ans^r to the petiōn of M^r Samuell Haugh, the Court graunts his request, and appoint Cap^t Simon Willard and Sargeant Blood to lay out the fower hundred ac^s in the place desired.

19 June, 1650.
Order for y^e
comission^rs
requiring appor-
tionalle part of
the chardges
for our agent
of the rest of
y^e collonjes.

Itt is ordered, and by this Court enacted, that the comissioners for the Vnited Collonjes, at their next meeting, shall require a proporōnable part of the chardges expended by the agent for this country, M^r Edward Winslowe, according to the profitts accrued, and that is expected to acrew, vnto the countrje in generall, according to the æquitje of the case, and to make proviōn for the payment thereof.

Ans^r to M^r
Maiticks pe-
titiōn, & 75th
abated him.

In ans^r to the petiōn of M^r Samuell Mauericke, ffor the remittment or mittigaōn of his fine of one hundred and ffifty pounds, formerly imposed on him by this Court, the Court graunts him the abatement of the one halfe of that fine, which is seventy five pounds.

Comission^rs for
Norfolke.

Richard Bellingham, Esq^r, wth Captaine Wiggin, & M^r Robert Cleoments, M^r Christopher Batt, and Lef^t Rob^t Pike, are appointed as comissioners wth the sajd magistrates to sett & keepe the County Courts in Norfolk for the yeere ensewing.

In ans^r to the request of the toune of Haverill, Mr Robert Cleoments is, by the authority of this Court, appointed and impowred to give the oath of fidelitty.

1650.

19 June.

Mr Cleoments
comission.

[*16.]

20 June
Provision for
y^e comissioners
journey.

*Itt is ordered by the authority of this Court, that it shallbe in the power of any one magistrate to give warrant vnto the seuerall counstables of Boston, Charles Toune, Roxbury, and Dorchester, to impresse fower sufficjent serviceable horses, wth fitt furniture, for the service of our honored comissioners and their attendants, at the next meeting of the comissioners of the collonjes, and the owners of the said horses are to be satisfyed by the Treasurer out of the country rate.

This Court, taking into considera^on the proposi^on of the comissioners of the Vnited Collonjes, in the booke, page 178, that whereas the occasions of the collonjes doe sometimes require the meeting and consulta^ons of the comissioners before the ordinary time appointed by the artickles of confederation, in the seventh month, and so that meeting may convenjently be spared, doe therefore heereby order, that henceforth it shallbe left to the libertje of the comission^{rs} for the time being to order the time of their meetings as the occasions of the collonjes may require, and so forbear the ordinary meetings in September, as they shall see caswe, provided there be no occasionall meeting in the summer before September then the yecrely meeting, to be held as in the artickles of confederac^on.

Comissioners
power to order
the time of
their meetings.

Whereas a certaine tract or tracts of land, called Shawwamett and Patuxit, belongs to this jurisdic^on, and is not yett brought to be wthin the bounds of any countje, itt is therefore ordered, that Shawwamett and Patuxit shall be accompted from henceforth as belonging to the county of Suffolke.

Shawwamett
and Patuxitt
belonging to
the county of
Suffolke.

Itt is ordered, that Capt^t Humphry Atherton, in considera^on of the good services he hath donne at seuerall times for the country, shall have a farme of five hundred ackers of land graunted him, to be lajd out when he shall tender a convenient place, that is not already graunted, so it hinder not a village, (and this as the Courts thankfull acceptance thereof.)

500 ackers gted
to Capt Atherton
as a gra-
tuitie for his
service.

For explana^on and adition of the lawe, title Profane Swearing, itt is ordered by this Court and the authoritje thereof, that if any person shall sweare more oathes then one at a time, before he remoove out of the roome or company where he so swears, he shall then pay the some of twenty shillings: the like pœnalty shallbe inflicted for profane and wicked cursing of any person or other creature, and for the multiplying the same, as is appointed for profane swearing; and in case any person, so offending by multiplying oathes or cursing, shall not pay his or their fines forthwth, they shall be whipt or

Pœnalty for
p^rofane swearing
& cursing.

1650.

21 June.
Comitte to
draw vp in-
structions for
the commis-
sions.

comitted to prison, till they shall pay the same at the discretion of the Court or magistrate that shall have cognizance thereof.

Itt is ordered by the authority of this Court, that Thomas Dudley, Esq̄, our honnoed Gofnr, Richard Bellinghm, Esq̄, Mr Joseph Hills, Cap̄ Humphry Atherton, and Cap̄ Edward Johnson, or any fower of them, shall be a comitte to draw vp instructions for our honored comissioners, for their directions against the time when the comissioners of all the collonjes shall meete; and this comitte is to meete vpon timely notice given them from the Gofnr.

[*17.]

Pœnalty for
gamesters.

*As an adition to the lawe, title Gaming, 1646, 1647, itt is ordered by this Courte and the autoritje thereof, that bowling, or any other play or game, in or about howses of comon intertainment, shallbe, and heereby is, prohibited, vnder the same pœnalty to any person offending heerein as is provided for in the aforesaid lawe against players at shovelboard; nor shall any person be an abetter to any kind of gaming, on the same pœnalty provided for against playing for money or moneyworth, prohibited in the said lawes.

Straungers lib-
erty to trye ac-
tions, one wth
another, in any
of our Courts.

Whereas oftentimes it comes to passe that straungers coming amongst vs have suddajne occasions to trye actions of seuerall natures in our Courts of justice, and in respect it is very chardgeable to the partjes, and troublesome to the countrje to call speciall Courts for the determinacõ of such cases, itt is ordered by this Court and autoritje thereof, that from henceforth it shallbe in the liberty of any stranegers, vpon legall sumõns, to enter any action against any person or person, not residing or inhabiting amongst vs, in any Court wthin this iurisdicõn.

Mr Barthol-
mews money,
5th to be repajd
them, &c.

Whereas Mr W^m Bartholmew, of Ipswich, and Mr Henry Bartholmew, of Salem, have tendred themselves to suply ffifty shillings apeece in money towards the chardge of our comissioners of the collonjes, itt is ordered by this Courte, that Mr W^m and Mr Henry Bartholmew shallbe pajd the same out of the next country rate in each toune of the best of the pay, wth allowance of sixepence vpon euery five shillings for forbearance and other inconveniencjes, vnlesse it be pajd in money in Nouember next.

Power to the
Countje Court
next at Boston
to treat wth any
of Mr Gortons
company.

Itt is ordered, and by the autoritje of this Court enacted, that the Magistrates of the next Countje Court, to be held at Boston in July next, shallbe, and heereby are, empowred wth ample power and authority to treat wth and conclude wth such of Mr Gortons company as shall come therevnto, (if they are not satisfied that Shauwamett and Patuxit are now justly and vndoubtedly wthin our iurisdicõn,) of nominating meet and indifferent judges and a jury, to heare and determine the points of difference betweenc them and ourselves in that respect, that so mutuall peace and love maybe preserved amongst vs.

Whereas Mr Winslow, by his letter, informes that he borrowed, two

yeere since, of M^r Willoughby, Cap^t Robert Harding, & M^r Francis Norton, of each of them five pounds, and of M^r Ezekiah Vsher fferty shillings, for supplying himself to carry on the publicke occasions, itt is ordered, that the Treasurer, out of this next levy, shall pay vnto them, viz., to each of them that lent five pounds seven pounds, and to M^r Ezekiah Vsher ffifty sixe shillings.

Whereas Thomas Young, a seaman, now in Boston, hath served Cap^t Barnabe Standfast, master of a shipp now before Boston, wth an attachment to apeare at the next Court held at Salem, in an action of the case, for wages dew vnto him, wthheld by the sajd master, itt is ordered by the authoritje of this Court, that the sajd master of the ship shall ans^r the action at Salem Court afforesajd, acording to the attachment, any lawe or custome to the contrary notwthstanding.

*Whereas in the first session of this Court, vpon the petition of sundry on the behalf of the schoole of Dōchester, in relation to the title of the iland called Thompsens Iland, itt was ordered, that M^r John Thompson should be sv^mioned or attached to attend a hearing of the case at this p^sent session, yett not knowing the same was served, on their request itt is heereby ordered, that attachment shall be graunted to bind the sajd M^r Thompson to attend a hearing of the case at the next sessions of this Court.

Itt is ordered, that the Treasurer shall pay vnto the servants of Hugh Gullison, as a gratuity for their attendance on part of the Court, twenty shillings, and to the servants of W^m Phillips, for their attendance on the other part of the Court, tenn shillings.

Itt is ordered, that M^r Mathewes shall have an optunity, viz., twenty eighth of this instant June, at Boston, at W^m Phillips howse, at eight of the clock in the morning, to give satisfaccōn for what he formerly delinered, as erronious, weake, &c, to the elders of Boston, Charles Toune, Roxbury, and Dorchester, wth such of the Magis^{ts} as shall please to be then present, (if he can.)

Whereas the French, Dutch, and other fforaigne nations doe ordjnarily trade gunns, pouder, shott, &c, wth the Indjans, to our great p^rjudice, and strengthening and animating the Indjans against vs, as by dajly experience wee finde, and whereas the aforesajd French, Dutch, &c, doe prohibite all trade wth the Indjans wthin their respective jurisdiccōns, vnder penalty of confiscation, &c, itt is therefore hereby ordered, that after due publication thereof, itt shall not be lawfull for any Frenchman, Dutchman, or person of any other forraigne nation whatsoever, or any English living amongst them, or vnder them, or any of them, to trade wth any Indjan or Indjans wthin the limitts of our jurisdiccōn, either directly or indirectly, by themselves or others, vnder penalty of confiscation of all such goods and vessells as shallbe found so

1650.

21 June.

Treasurer to pay M^r Willoughby, &c, out of y^e next levy the moneys lent, &c.

Liberty given to Tho^s Young to sue Capt. Standfast at Salem.

[*18.]

Ans^r to Dorchester peti^con respecting Thompsens Iland.

Gratuity to the servants of both howses.

Time allowed M^r Mathewes to give satisfaccōn, &c.

22 June.

Pœnalty for French, Dutch, &c, to trade wth the Indjans in our jurisdiccōn.

1650.

22 June.

tradeing, or the dew vallew thereof, vpon just prooffe of any goods or vessells so tradeing or traded; and it shallbe lawfull for any person or persons inhabiting wthin this iurisdicōn to make seizure of any such goods or vessells tradeing wth the Indjans, as by this lawe is prohibited, one halfe whereof shallbe to the propper vse and benefitt of the party seizing, and the other halfe to the publicke.

Ans^r to John
Prescotts peti-
ōn.

In ans^r to the petiōn of John Prescott, itt is ordered, that if the sajd John Prescott shall not, before the end of the next sessions of this Courte, make it suffieiently appeare that Nashaway is a fitt place for a plantaōn, so as a ministry may be erected and maintajned there, otherwise the parties there inhabiting shallbe called there hence, and not suffered to live wthout the meanes any longer.

[*19.]

Recording of
lands in y^e
county where
it is sufficient.

*Itt is ordered by this Courte and the authority thereof, that henceforth any graunt, sale, bargaine, or mortgage of howses, lands, rents, or other haereditaments, recorded by the recorder of that shire in which such howses, lands, rents, or haereditaments are, shallbe suffieient security vnto the purchaser or grauntee wthout any farther certifying vnto the recorder or secretary for the Generall Court, and that clawse in the close of the printed lawes, title Conveyances, Fraudulent, page 14, requiring the same, is heereby repealed.

The booke
about disci-
pline comēded
to y^e churches
consideraōō.

Forasmuch as the Booke of Discipline was to be comēded by order of the Generall Court to the seuerall churches of this iurisdicōn, to be by them considered, and their consent or dissent to be retourned to this Generall Court of Elecōns, concerning the perticulars therein expressed, and forasmuch as it is sajd that some of the churches was ignorant of the sajd order, and therefore litle hath biun donne in that perticular, this Court therefore (taking into consideration how necessary the perfecting of that worke willbe, and how much it will tend to Gods glorie and peace of these churches) doe heereby order, that the sajd booke be deuly considered of all the sajd churches wthin this pattent, and that they, wthout faile, will retourne their thoughts and judgments, touching the perticulars thereof, to the next session of this Court, to the end that the sajd worke maybe perfected to Gods prajse; and that a coppie of this be forthwth sent to euery one of the sajd churches. And it is further heereby desired that euery church will, by the first oportunitje, take order for the procuring of that booke, published by the synod, at London, concerning the doctrine of the gospell, that the churches may also consider of that booke also assoone as they can be gotten.

Order for y^e
secret. to tran-
scribe y^e lawes.

Itt is ordered by this Court and the authoritje thereof, that henceforth the secretary for the Generall Court shall, wthin two months after the end of euery sessions, send vnto the clarke of euery Shire Court, as also vnto the

present or late deputies of each town, or to the constable where no deputy is, a coppie of all generall orders made in each Court, for which he shall receive of the Treasurer, for every such coppie, after the rate of eight pence p page, which the Treasurer shall charge vpon each town, together wth their countrey rate from time to time, viz., for the coppies sent vnto the perticular townes; and it is farther ordered by the authoritje aforesajd, that the deputies, or constable of each town where no deputie is, shall cause the same to be audibly read in a publicke town meeting, warned (by the constable of each town) wthin tenne dayes after their receipt thereof, on pœnalty of five pounds vpon any deputy or constable for neglect of their respective dutjes; and it is farther ordered by the authoritje aforesajd, that such reading thereof, in any shire or market town in each shire, shall be a sufficient publication thereof from time to time; provided also that the Treasurer shall have a coppie wthout payment from time to time.

1650.

22 June.

In ans^r to the quæstion, viz., whether by that clause of the law intituled Inkeepers, a private person, (not a comon, or publicke, or licensed seller of strong waters,) entertajning three or fewer psons into his howse, and letting them there drinke a pinte or two of strong waters, (whereby one of them is druncke,) and receive money for it, whether such a carriage is, according to the intent of that lawe, a breach thereof, and accordingly liable to the pœnalty therein mençoned. As the case is heere stated, the Court determines it is a breach of the first section of that lawe, and that the penaltje may be taken according to what is therein expressed.

Ans^r to a question as^{to} inkeepers suffering tipling strong water.

*Whereas wee are credibly informed that great mischeifes and outrages have binn wrought in other plantacõns in America by comanders, and souldjers of seuerall qualitjes, and other straingers issuing out of other parts, vsurping power of goñnement ouer them, plundering of their estates, taking vp armes, and making great divisions amongst the inhabitants where they have come, to prevent the like mischeife in this jurisdicõn, this Court doth order, and it is heereby enacted, that henceforward all straingers, of what qualitje soeuer, above the age of sixteene yeeres, ariving heere in any portes or parts of this jurisdicõn in any shipp or vessell, shall imediately be brought before the Goũno^r, Dep^t Goũno^r, or two other magistrates, by the master or mate of the sajd shipp or vessells, vpon the pœnalty of twenty pounds; for default thereof, there to give an accompt of their occasions and busines in this countrey, whereby satisfacõn may be given to this comonwealth, and order taken wth such straingers as the sajd Goũn^r, Depu^t Goũno^r, two Assistants, or the next Countje Court shall see meete; and that the lawe for intertajning of straingers be strictly putt in execution, and this order to be posted vp vpon the seuerall meetinghouses

[*20.]

For prevention of outrages.

1650.

22 June.

doores, or postes, or other publicke places in the port townes of this jurisdiction. And it is ordered, that the capt of the Castle shall make knowne this order to every shippe or vessell as it passeth by, and the councables of every port towne shall indeavor to doe the like to such shippes or vessells before they land their passengers; and that a true record be kept of all the names of such straingers, and their qualities, by the clarks of the writts, who shall have the names given them by the sajd Goũn^r or Magistrates, to be returned to the next jmediate sessions of the Generall Court. This to continew and be in force till the next session.

M^{rs} Tilly, midwife.

In answer to the petition of severall inhabitants of the towne of Boston, ffor the releasement and enlardgement of M^{rs} Tilly, midwife, the Court doth answeare, that it is no smale greife unto them to be so often pressed, both in the generall and perticular Courts, by so many woemen heretofore, and now also by so many men, being such as deserve so great respect from them, in a cause which they cannot gratifje them in without the vilation of their consciences, and that authoritje the countrje hath betruusted them withall, so that they might answer as Solomon did his mother, whom he was loath to do any thing: Aske for M^{rs} Tilly the kingdome also; for the petiçõners should doe well to consider that, notwithstanding the censure past vpon hir, (which they, vpon the full evidence they had then, did, and yett doe, thinke to be just, yett, being willing (out of the respect they beare to the former petiçõners) to connjve at hir disobedjence, so farr as they might, without betraying all authoritje into hir hands, have hitherto permitted hir to goe whether shee pleased, doe what she listed, and speake what she would, without further quæstioning of hir or those who were bound to retourne hir to prison, whereby she either was, or might have bin, as usefull in her midwivery as before hir censure; but it plainly appeares, by hir carriage and speeches, and hir vrging others thus still to petition for hir, that nothing but a compleate victory ouer magistracy will satisfy hir excessive pride, which they desire maybe weighed by the petiçõners and others in an equall ballance, their being as much neede to vphold magistracy in their authoritye as M^{rs} Tilly in hir midwivery; that soe further *imp**importunity maybe forborne, and that both magistrates may serve God and the countrje without discouragement in their places, and M^{rs} Tillyes freinds may at length be pacifjed; and whereas some of the magistrates have bin informed that there be some that thinke and speake that M^{rs} Tilly was not justly fined and imprisoned by the magis^{ts}, if any such will shew themselves therein, the magis^s are ready to make answer thereto.

[*21.]

In answer to the petiçõn of severall inhabitants of the towne of Dorchester,

in the behalfe of M^r Tilley, for hir releasement and enlardgement, the Courte doth order, that the same answer which they gave to Boston petiçõn shall be given to this petiçõn, being both of one nature.

1650.

22 June.

Itt is ordered, that the acknowledgement of Bozoune Allen (in respect of the offence he gave concerning our honored Gouverno^r) should be accepted of, being satisfactory.

Whereas I, Bozoune Allen, am charged to have vttered some words or expressions vnto the rightwo^rppff^t Thomas Dudley, Esq^r, late Dep^t Gouverno^r, and now Gouverno^r, of the jurisdicçõn of the Massatusetts, in the last Countje Courte for Suffolke, tending to his reproach, viz., that something which he then spake or related, touching some agitation of M^r Cotton and M^r Wilson, at Weimouth, in relation to some of Hingham, was false, I desire, vnder favour, humbly to expresse myselfe as followeth: —

25 3 : 1650.
Bozoune Allens
acknowledge
ment.

First, that I doe not remember that I did so speake; but inasmuch as the magistrates are informed that I did then and there so speake, I am willing rather to suspect then to justify myselfe, accoumpting and acknowledging it to be very sinfull, evill, and vnsufferable for any to asperse or reflect any blemish vpon any member of any Courte of justice, and much more to be donne by me, or any soe ingaged or interested in vpholding the honor of the countrje and principall pillars thereof, as I accoumpt myself to be, and most of all to defame him whom I know and acknowledge to be, and have bin, so eminently serviceable vnto, and tender of, the good of this countrje, and doe, in very deed, accoumpt it a matter of greife to my very soule that he should be reproached or the least eclipsed by any, and much more that I should be, or apprehended to be, an occasion thereof. Secondly, I doe solemnly professe that I neither have, nor then had, such a thought in my hart, nor I trust ener shall harbor such a thought; as if he, viz., our honored Gouverno^r, did, or would, willingly speake or relate any thing vnto true or false; nor know I any ground for myselfe, or any man, so to conceave, much lesse to conclude or affirme, concerning him. Thirdly, my humble request to this honored Courte, and in perticular to our honored Gouverno^r, is, that I maybe favorably construed according to my vpright and sinceere acknowledgmet and protestation, and that whatsoever in any my expressions on the occasion aforesajd was justly offensive, in one respect or other, maybe remitted and covered with the mantle of love, which hopes, belejves, and suffereth much. Fowerthly, for vindication of our honored Gouverno^r from all appearance of reproach by my occasion, my humble request is, that this acknowledgement maybe publicquely read before this whole Courte; so, desiring your prajers to God for me, that I

1650. may be more circumspect and inoffensive in all points for time to come, I
 humbly subscribe myself, willing, in all I may, to serve and honor you.

22 June.

BOZOUNE ALLEN.

The Courte is adjourned to the fifteenth of October next, at noone.

[*22.] **Att a third Session of the Gennerrall Court of Eleccōns, held at*
 15 October. *Boston, the 15th of October, 1650.*

Horses to be
 impressed.

FORASMUCH as, by sad experjence, the countrijes most weighty and
 necessary occasions is much neglected and retarded by reason that in
 the times of greatest neede, few or no horses are to be jmpressed and gajued
 for the vrgent pressing occasions of the countrije, but such as pleade exemption
 by virtue of their being listed, (which this Courte is tender of discouradging,) yett,
 finding it of necessitje to take some such course as the countrijes occasions
 maybe seasonably served, itt is therefore ordered, that from henceforth all
 horses within this jurisdicōn (except in the time when they are in the regi-
 mentall exercises, or in publicke service for the countrije) shallbe subject by
 presse to serve the countrije in their necessary occasions, as other horses are ;
 provided, that if any horse being listed for service shall be impressed to be
 made vse of by the countrije, that then euery owner of such horse so listed
 shall have allowed him two shillings a day ; but if they are not listed, they
 shall be allowed but one shilling sixpence a day, any lawe, vsage, or custome
 to the contrary notwithstanding.

Penalty for
 husbands or
 wife striking
 each other.

Itt is ordered by this Courte and the authoritje, that no man shall strike
 his wife, nor any woman her husband, on penalty of such fine not exceeding
 tenn pounds for one offence, or such corporall punishment as the Shire Courte
 that hath the examination thereof shall determine ; and the former lawe, title
 Woemen, is heereby repealed.

Prizes of corne
 y^e yeere to the
 country rate.

Itt is ordered by this Courte, that all sortes of corne shallbe pajd into the
 country rate at these prizes following, viz. : wheate and barly at five shillings
 p bushell ; rye and pease at fower shillings ; Indjan at three shillings, mar-
 chantable ; and all other things pajd into the countrije rate to be vallowed by
 indifferent men, according to the seuerall prizes of all sortes of corne above-
 mentioned.

Vppon information of some inconvenjencjes accrewed, and more that

may accrew, to severall persons, in that men take themselves acquitted and free from all legall obligations in case of appearance in courts according to the expresse termes of the bond, or, at most, if the principall there stay till verdict and judgement be given, which if they be, they may then make away their estates, or absent their persons before the twelve howres be expired for graunting execution, whereby the partje recouering may either be deprived of or much damaged in his just rights, itt is therefore ordered by this Courte and the authoritje thereof, that henceforth all goods attached vppon any action shall not be released vppon the appearance of the party, or judgement given, but shall stand jngaged vntill the judgement or the execution be graunted vppon the sajd judgement be discharged, nor shall any suerty or suretyes for appearance in any Courte (except in capitall or *criminnall cases) be released from his or their bond, vntill the execution as aforesajd be discharged and satisfjed, or the principall person be surrendred into the hands of the marshall or his deputy, who shall secure him till the judgment be discharged, any lawe, custome, or ysage to the contrary notwithstanding.

1650.

15 October.
Goods attached
not to be re-
leased till exe-
cution be
discharged.

[*23.]

Whereas experjence doth show the inconvenience of taking verball testimonjes in Courte, by reason of many impertinencjes in their relations, so that the clarkes cannot well make a perfect record thereof, and to prevent all mistakes and vngrounded jealousyes against the officers, bee it heereby enacted and decreed, that henceforth all testimonjes shall be presented in writing to the Courte, either attested before a magistrate, or (if the party be within tenn miles of the Courte) to be then attested in Courte vppon oath, and the partje for whom such wittness is brought shall pay to the recorder, for filing and safe keeping of the same, two pence, and for transcribing a cobby thereof (when it is called for) sixe pence for every page consisting of thirty lines, and so proportionably therevnto. Further, it is heereby ordered, that the foreman of every jury shall faithfully deliuer vp all such testimonjes, or other writings comitted to them, vnto the recorder, or officer of the Court, when they give in their verdicts, in every case.

All affidavits to
be in writing.

Itt is ordered, that in all actions of trespasse, where the pretence to any Courte of the trespasse shallbe pretended to be above florty shillings, and yett, on the hearing thereof, it shall appeare to come under the sajd vallew, in all such cases, the plaintiffe shall loose his action, and pay the defendant costs.

Partje bringing
any accon vn-
der 40^s to any
Court to pay
costs.

Vppon information of soundry inconveniencjes by the suddajne and vnexpected adjournment of Shiere Courts, itt is ordered by this Courte and the authoritje thereof, that annually vppon the day of nomination of men for magistrates in every toune, there shall also be a chojce of some meeete persons for associates for each shiere, chosen by papers and pervsed in each toune meeting,

Associates, wth
onemagistrate,
to keepe Coun-
ty Courts.

1650.

15 October.

and those two that have most votes shall be signified vnder the eounstables hand, and deliuered vnto each person designed to carry the votes for magistrates vnto their shiere meeting, who, so mett together, shall examine the votes of the seuerall townes, and those two that have most votes shall be signified vnder their hands, and presented vnto some magistrate in each shiere, or to their next Shiere Court, by the eounstables in the towne where they dwell, to take their oath according to lawe, which sajd associates for each shiere so chosen, and sworne with one magistrate, shall henceforth duely attend, and keepe all and enery the sajd Shiere Courts, vppon the seuerall dajes determined by lawe, that so there be no occasion of eomplajnts of that nature in time to come.

[*24.]

Order that
states publicke
notarjes ffees.

*Itt is ordered by this Courte and the authoritje thereof, that euery publicke notary in this iurisdicōn shall henceforth stand chardged, from time to time, to doe the perticulars heereafter mentioned, being therevnto required, for the perticular ffees hereafter expressed, viz.: for writing a procuracion, or letter of attourney, twelve pence.

For entring the same at lardge in his booke, if therevnto required, twelve pence.

For copying a bill of exchandge, and for a protest, and attesting the same vnder his hand, two shillings sixe pence.

For time necessarily expended abroad, in travells or otherwise, about protests, beside writing and attesting vnder his hand as aforesajd, after the rate of twelve pence an hower.

For writing, recording, and attesting a eocquett or certifficatt, twelve pence.

For entring a bill of exchandge and protest at lardge in his booke, one shilling sixe pence.

For a cobby of a bill of exchandge and protest, and signing it, two shillings.

For searching and declaring, vppon demand, any record vnder his custody, three pence.

For all writings exceeding a page in folio, ouer and above the former ffees, after the rate of eight pence p page for all above one page contajuing thirty or thirty fower lines, in a page of ordinary sized paper, and eight or tenn words in a ljne.

For a cobby of any writing or record, the same ffee as for writing and attesting the originall writing or record thereof.

For the bare perving and attesting any kind of writing not heereby specially provided for, sixe pence.

And it is further ordered by the authoritje aforesajd, that no such officer shall deny or delay any man desiring it the view or copy of any record, or signing any writing, vppon tender of due fees, as above expressed, on penaltje of twenty shillings for euery such default, and liable to the partje thereby damnifjed, by way of action, as in other cases.

1650.

15 October.

The Courte, having had the sight of a booke lately prjnted vnder the name of William Pinchon in New England, Gen^t, doe judge meete, first, that a protest be drawen, fully and cleerely, to satisfy all men that this Courte is so farr from approving the same as that they doe vtterly dislike it and detest it as erronjous and daingerous; secondly, that it be suffieiently answered by one of the reuerend elders; thirdly, that the sajd William Pinchon, gen^t, be su^moned to appeare before the next Generall Courte to answer for the same; ffourthly, that the sajd booke now brought ouer be burnt by the executioner, or such other as the magistrates shall appointe, (the party being willing to doe it,) in the markt place in Boston, on the morrow immediatly after the lecture.

Contra de-
centes:
W^m Hathorne,
Speaker to y^r
Deputjes, Jos.
Hills, Henry
Bartholomew,
Richard Walk-
er, Edward
Holyoke,
Stephen
Kingsly.
16, (9^{mo}.) 1650.

*The Generall Courte, now sitting at Boston, in New England, this 16th of October, 1650: there was brought to our hands a booke written (as was therein subscribed) by William Pinchon, in New England, gen^t, entitled The Merritorious Price of our Redemption, Justification, &c, clearing it from some com^mon errors, &c, which booke was brought ouer either by a shippe a few dajes since, and contejning many errors and haeresies generally con- demned by all orthodoxe writers that wee have mett with. Wee have judged it meete and necessary (for vindication of the truth so farr as in vs ljet, as also to keepe and præserved the people heere com^mitted to our trust and care in the true knowledge and faith of our Lord Jesus Christ, and of our redemption by him, as likewise for the clearing of ourselves to our Christian brethren and others in England, where this booke was printed and is dispersed) heereby to protest our innoceny, as being neither partjes nor privy to the writing, composing, printing, or divulging thereof, but that, on the contrary, wee detest and abhor many of the opinions and assertions therein as false, erronjous, and haereticall, yea, and whatsoeuer is contejned in the sajd booke which are contrary to the Scriptures of the Old and New Testament, and the generall received doctryne of the orthodoxe churches extant since the time of the last and best reformation; and for prooffe of our sincere and plajne meaning therein, wee doe heereby condemne the sajd bookes to be burned in the markt place at Boston by the marshall, which was doⁿe accordingly: and doe purpose, with all convenjent speede, to convent the sajd M^r William Pinchon before authorjtje, to finde out whether the sajd William Pinchon will ounce the

[*25.]

16 October.

The declara-
tion & protes-
tation of the
Generall Court
of the Massa-
chusetts in
New England.

1650.

16 October.

sajd booke as his or not, which if he doth, wee purpose, God assisting, to proceede with him according to his demeritts, vnesse he retract the same, and give full satisfaction, both heere and by some second writing, to be printed and dispersed in England. All which wee thought needefull, for the reasons above alleadged, to make knowne by this shorte protestation and declaration. Also, wee further purpose, with what convenjent speede wee may, to appoint some fitt person to make particular answer to all materjall and controversall passages in the sajd booke, and to publish the same in printe, that so the errors and falsitjes therein maybe fully discovered, the truth cleared, and the mindes of those that love and seeke after truth confirmed therein.

[*26.]

Secret to signe
y^e declaration.

*Itt is ordered, that the declaration published yesterday, concerning the booke subscribed by the name of William Pinchon, in New England, Gen^x, shall be signed by the secretary, and sent into England, to be printed there.

Mr John Nor-
ton to answer
Mr Pinchons
booke.

Itt is ordered, that M^r John Norton, of Ipswich, be intreated to answer M^r Pinchons booke.

Mr Pinchon to
be summoned to
y^e next Gen-
erall Courte.

Itt is ordered, that M^r Willjam Pinchon shallbe summoned to appeare before the next Generall Courte of Elec^ōns, on the first day of their sitting, to give his answer for the booke printed and published vnder the name of William Pinchon, in New England, Gen^x, entituled The Meritorious Price of our Redemption, Justification, &c, and not to departe without leave from the Courte.

Ansr to M^r
Dunster's
petition.
Colledge.

In answer to the petition of Henry Dunster, præsident of Harvard Colledge, respecting the hundred pounds due from the country to the colledge, and rectifying the fferry rent which belongs to the colledge, itt is ordered, that the Treasurer shall pay the præsident of the colledge the some of one hundred pounds, with two yeeres forbearance, as is desired, and forbearance till it be payd out of this next levy, that so the ends proposed maybe accom- plisht; and for the fferry of Charles Towne, when the lease is expired it shallbe in the liberty and power of the præsident, in behalfe and for the behoofe of the colledge, to dispose of the sajd fferry, by lease or otherwise, making the best and most advantage thereof, to his owne content, so as such he disposeth it vnto performe the service and keepe sufficient boates ffor the vse thereof, as the order of Courte requires.

Contradicent-
ing reasons not
to be entred.

Itt was putt to the question, whether the reasons men^ōned by the con- tradicenting brethren of the Deput^s to y^e censure of M^r Pinchons booke, or any other vpon the like grounds hereafter, should be recorded or kept on file, as the law now stands. Itt was voted by the whole Courte on the negative.

Ansr to Pur-
nell Hughes
petition.

In answer to the petition of Purnell Hughes, wife of William Hughes, of

Lynne, the Courte accepts of hir acknowledgment, and according to hir request, pardons hir *hir* offence in selling strong waters wthout license, whereby one was distempered.

1650.

16 October.

In answer to the petiçõn of John Baker, of Ipswich, craving that the seuerall sòmies due to him from the country be pajd him by the Tresurer out of this levy, and satisfaction for two disappointments by the Cou^rs adjournment, itt is ordered, that the Tresurer pay him the seuerall somes due to him, wth forty shillings for his disapointments.

Anst to John
Bake's peti-
tion.

*In answer to the petition of Susannah Haugh, widdow, for a resolution whether the howse left hir by the will of Mr Atherton Haugh, her late husband, being out of reaire, should not be repaired by his executo^r or not, the Courte determines the petiçõner is to take the howse according to the will as now it is.

[*27.]

Anst to M^{rs}
Haugh's
petiçõn.

In answer to the petition of Nicholas Davison, in the behalfe of M^{rs} Rebeckah Craddocke, alias Whichcott, ffor sixe hundred seventy sixe pounds, or thereabouts, due from this countrije to the estate of M^r Mathew Craddocke, the Courte declares that the generallitje of the accoumpt mentjõned in his petition, both of receipts and disbursements, concernes only particular persons, or company of merchants or vndertakers, and not the gouernment now established, or people in generall, who were neuer concerned therein, nor had euer any such ingagement vpon them as the accoumpts mentions, and therefore not responsible for the debt demanded, as may appeare in the Courte booke by seuerall orders about transferring the gouernement and manning of the jointstoecke, which was sold to particular persons, vpon their owne accoumpt, as by the sajd booke and orders may appeare, in the 9th month, 1629; and that the petiçõner shall have M^r Craddockes accoumpts deliuered to him agajne.

Anst to M^r
Davisons
petiçõn.

In answer to the petiçõn of Margaret Allens, late wife of Edward Lambe, desiring power for hirselle, or Samuell Allen, hir present husband, to make a firme deede of sale of the howse of Edward Lambe, hir former husband, to Thomas Bojden, who hath pajd for the same, the Courte judges it meete that administration be grounted to the estate of Edward Lambe to Samuell Allen, and also power to confirme the sale of the mentioned howse to the sajd Thomas Bojden.

Anst to
Margarett
Allens
petition.

Whereas Mary Lowle, the daughter of John Lowle, late of Newbery, deceased, about seventeene yeeres of age, is desirous to transport hirselle into England, to some neere freinds of hers, from whom she receaved her education, and doth expect farther favour and benefitt in soundry respects, but not having at present to defray the chardge thereof, hath personally and otherwise made request vnto this Courte that a legacje of ten pounds, due vnto her from Richard Lowle, her vnecke, either at the age of twenty-one yeeres, or as this Courte shall determine, maybe pajd now vnto her, and her sajd vnecke

Courts graunt
to Mary Lowle.

1650.

16 October.

discharged thereof, this Courte, vpon consideration of the premises, doe graunt and order, that the sajd legacie of ten pounds be pajd vnto the sajd Mary Lowle, and do heereby discharge the sajd Richard Lowle, vpon the pajment thereof to the sajd Mary or her assignes.

Anst^r to Mary Mansfeilds petition.

In answer to the petition of Mary Mansfield, the Court declares that the lawe hath already provided for the petitioner, in respect of what she desires, to w^{ch} they refer her.

[*28.]

Anst^r to Stephen Forsditch petition.

*In answer to the petition of Stephen Forsditch, for the remitting his forty pounds, forfeited for his somes non appearance at Boston Court, the Courte thinks meete to remitt him thirty five pounds, and that he pay only five pounds for his non appearance; and that his sonne be bound to appeare to answer for his faulte to the next Courte of Assistants.

W^m Palmers divorce.

In answer to the petition of William Palmer, desiring a bill of divorce maybe graunted him from Ellinor his wife, which, since his coming into these parts, hath wholly deserted him, and marjed herselfe to one Willjam Pope, of Salisbury, in the county of Wilts, in England, and hath had children by him, the Courte judgeth it meete, (on the pervsall of the evidence of Xtopher Batt and John Wheeler, of Salisbury aforesajd, now in New England, affixed to the petition,) that the sajd William Palmer should be divorced, and declared heereby that he is legally divorced.

Anst^r to the inhabitants of Sudbury petition.
18 8^{mo}, 1650.

In answer to the petition of the inhabitants of Sudbury, desiring that some men maybe appointed to lay out the bounds betweene Watertoune and Sudbury according to the Courte order, itt is ordered, that Cap^t Sjmon Willard, Cap^t Eleazer Lusher, and M^r Edward Jackson, be comissioners to settle the bounds betweene the partjes mentioned in the petition; and for their asistance therein, that Leff^r Fisher be procured to lay it out according as it hath bin graunted by this Courte, and that it be donne before the tenth moneth next, and retourne made of what is doñ by them to the next Generall Courte, and that Cap^t Willard shall give notice to the severall persons concerned heerein together in convenjent time.

Anst^r to Thomas Truslar petition.

In answer to the petiçon of Thomas Truslar, of Salem, for the remittment of the fine imposed on him by the lawe, for neglecting the sealing the weights and measures in the time the lawe prescribes, the Courte graunt the petitioners request, and remitts his fine.

Anst^r to Edmond Jackson & Mehittable Gallops petition, admitted in forma pauperis.

In ans^r to the petition of Mehittabell Gallop and Edmond Jackson, ffor power to make sale of halfe or all the mill at Hingham, made ouer to them for the releife and benefitt of the wife and children of Thomas Joy, the Courte graunts the petitioners request, viz., power to sell the whole or halfe the mill, as is desired.

*Hugh Calkin, at his request, having extraordinary occasions, is dismissed from further attendance on the service of the Courte for this sessions. 1650.

In the triall of the case betwene Mr Thomas Jones and Mr John Wisewall, on the behalfe of the schoole of Dorchester, and Mr John Thompson, respecting the title of the iland called Thompsons Hand, the Courte, on the hearing of the case, and examining the evidences brought by both partjes, judged the right to belong to John Thompson, and gave him his bill of costs, which was three pounds seven shillings and six pence, against the toune of Dorchester.

18 October.
[*29.]
Hugh Calkins
dismission.
Judgment of
Courte in
Thompsons
case.

In answer to the petition of Richard Champnjes and Goulden Moore, and his wife, the relict of John Champnies, deceased, desiring power to sell the howse and land of John Champnje deceased, being out of repaire, for the necessary supply of the widdow and children of the sajd John Champnje, the Courte heereby graunts power to Richard Champnies and John Bridg, of Cambridge, to make sale of the howse and land mentioned in the petition, provided they give caution to the County Courte of that shiere to be responsall that it be disposed of for the vse and behoofe of the woman and her children, according to the intent of John Champnies, deceased.

Answer to
Richard
Champnies pe-
tition.

In answer to the petition of Edmond and Susanna Yeomans for a remitting the fine of five pounds imposed on them for selling of beere without license, the Courte accepts of their aeknowledgment, and remitts their fine, they paying tenn shillings for their petition.

Ans^r to Ed-
mond & Sus-
anna Yeomans
petition.

In auswer to the petition of Mr^s Elizabeth Cole, wjddow, for some reliefe in hir sicke and weake condition, the Court thinkes meete to give the petitioner twenty pounds, to be paid by the Treasurer out of the countrje rate.

Ans^r to Mr^s
Coles petition.

In ans^r to the request of Zacheus Gould and William Howard, in the behalfe of Topsfeild, the Court doth graunt that Topsfeild shall from henceforth be a toune, and have power within themselves to order all civill affajres, as other townes have.

Topsfeild pow-
er.

In answer to the petition of William Torrey, requesting Slatt Iland of the Court, the Courte thinkes meete to graunt the sajd Slatt Iland to the sajd William Torrey, in consideration of his entring the orders of Courte for two or three Courts, not yett entred in the Deputjes booke, so as he *de* doe it in one yeare next coming, and perfect the sajd booke so farr as he caun, provided the iland be not expresly graunted to any other, and also that it be free for any man to make vse of the Slatt.

Ans^r to Left.
Torrey peti-
tion.

*In answer to the petition of Margery Osgood, of Ipswich, widdow, desiring that some æquall order maybe determined by this Courte concerning the estate of Christopher Osgood, her late husband, that her sèffe and children maybe most comfortably provided for as the estate will afford, the Courte

[*30.]
Ans^r to Marge-
ry Osgoods pe-
tition.

1650.

18 October.

Ans^r to Zack-
ray Phillips pe-
tition.

doth order, that the whole buisnes in her petition be referred vnto M^r Samuell Symonds, Major Daniell Demison, and M^r John Norton, to putt an issew therevnto, keeping as neere vnto the will of the sajd Christopher Osgood as maybe.

In answer to the petition of Zackary Phillips for a child's portion out of the estate of M^r William Skipper, deceased, in the behalfe of his child he had by Mary, his late wife, daughter to the sajd W^m Skipper, the Courte conceaves the will affixed to his petiçõn is no will, and judge it meete to graunt power of administration to M^r Cotton and M^r Thomas Cobbett for the disposing of the estate therein mentioned.

Ans^r to M^r
Bradford's let-
ter.

In answer to M^r W^m Bradford, Goũno^r, of Plimouth, his letter to this Courte, wth the consent of the Asistants there, respecting this Courts resignation of Shawwamett, the Courte is willing to reassigne it to Plimouth, according to the cõmissioners advice, and that William Arnold and the rest of the English be sent vnto, to give their consent, for themselves and the Indjans, as formerly.

Ans^r to M^r
Eastons letter.

In answer to M^r Nicolas Eastons letter, the Courte retournes the same answer as to M^r Bradford, with this addition, that a letter be written to *to* Roade Iland, that they forbear all acts of jurisdiction ouer Shawwamett in the meane time.

Ans^r to W^m
Arnolds letter.

In answer to a letter of William Arnold, the Courte retournes the same answer as to M^r Bradford, and that a letter be writt to them, to give their consent for themselves and the Indjans, as formerly, to submit themselves to Plimouth jurisdiction, so as they protect them, and performe the engagements of this Courte vnto them.

Lef^t Torrey
clarke of y^e
writts.

Att the request of the toun of Weimouth, Lef^t William Torrey is appointed clarke of the writts there.

Comittee to
compound wth
vintners.

There being a necessity of some man to be appointed that may gather in and call vpon such as have had licenses to sell wine, to make satisfaction for what is dew to the country with respect therevnto, itt is ordered, that power be heereby given to the Treasurer to call vpon such as are yett behind, and to receave what is due from them, and for the time to come, that further power be given vnto M^r Richard Russell, M^r Anthony Stoddard, and M^r Frauncis Norton, or any two of them, to be a standing cõmittee to make composition with any vintners, in the behalfe of the country, that shall present themselves, until the Courte shall take further order thereabouts.

[*31.]

Comittee to re-
pajre the
prison.

*Itt is ordered, that M^r Anthony Stoddard and M^r John Johnson, sur-veijor generall, shall heereby be impowred to agree and compound with any man or men suffieiently to amend and repajre the prison, and to doe what is requisite thereabouts, and that pajment be made for what shall be expended for the effecting thereof, out of the countrje rate of Boston.

The Courte, considering the good service of Cap^t Humphry Atherton, a sargeant, with the twenty souldjers and two men that wajted on the horse in the expedition to the Narragansett, judge it meete to allow the sajd cap^t, for his pajnes, ten pounds, the sargeant fifty shillings, the twenty men, besides their djett ffor ffifteene dajes, two shillings for each day, apeece, which is thirty pound, and for the two men one shilling sixepence a day, w^{ch} comes to fforty five shillings, and all to be pajde them out of the peage at sixe a penny.

1650.
18 October.
Souldjers
recompence.

Itt is ordered, that the two Narragansett Indjans that helpt to bring the peage shall have two coates given them for their pajnes.

2 coats
granted to 2
Narragansetts.

For resolution of a question propounded to the Courte, whether, if severall men remoove from one plantation to another, such psons so remooving may challenge an interest in the stock of powder and other amūnition by lawe to be provided in each towne, and to have their proportion out of the same, the Courte resolves the question on the negative.

Resolution of
a quest. con-
cerning pow-
der.

This Courte, finding vpon the retourne of the comittee for the Treasurers and auditors accoumpts, that the countrje is indebted to the Treasurer thirty eight pounds ffifteene shillings and seven pence, and that there is dew and owing vnto the countrje a some of one hundred twenty fower pounds ten shillings and eight pence, as by the particulars heereafter mentioned doth appeare, in consideration of the good service of M^r Richard Russell, in the place of Treasurer, for about five yeeres past, and some losse in goods taken for fines, and not putt to accompt, doe order, that the sajd M^r Russell shall recouer and receive to his owne proper vse the sajd hundred twenty fower pounds ten shillings eight pence, acquitting the countrje of the thirty eight pounds ffifteene shillings and seven pence; so that which remaines to the Treasurer is eighty five pounds ffifteene shillings and a penny. The particulars are as in the originall appeares.

Treasurers
gratijtje.

*Itt is ordered, that the two hundred pounds formerly granted vnto Joshua Winthrop, the youngest child of John Winthrop, Esquier, lately deceased, shall be recorded in the Courte records, which is donne hereby.

[*32.]
Countrjes gratijtje to
Joshua Winthrop, youngest
sonne to John Winthrop, Esq^r,
deceased.

Itt is ordered, that the interpretation of the lawe 283, concerning the greater parte of the Magistrates and the greater parte of the Deput^s, are to be vnderstood of the greatest nnumber of those that are present and vote.

Itt is ordered, that Richard Bellingham, Esquier, the secretary, and M^r Hills, or any two of them, are appointed a comittee to take order for the printing the lawes agreed vpon to be printed, to determine of all things in reference therevnto, agreeing with the president ffor the printing of them withall expedition, and to allow the title if there be cawse.

The vote of y^e major pte to be
vnderstood of those present.
Comitte to
print the lawes.

Itt is ordered, that Boston shall be allowed annually out of the countrjes

1650.

18 October.
Courts graunt
of powder to
Boston &
Charles Tonne,
for saluf, &c.
Wampam
peage curreant
at 8 a 1^d, white,
& 4 a 1^d, blacke.

store one barrell of powder, w^{ch} shallbe deliuered to such as the major generall shall appoint to receave it, so as they salute euery shippe that salute the tounce; and further, that Charlestowne, euery two yeeres, shall have on the same termes one barrell of powder, deliuered to such as Major Sedjue shall appointe to receave it.

It is ordered, that wampam peage, fffifteenc dajes after this present sessions of Courte, shall passe curreant in pajment of debts to the vallew of forty shillings, the white at eight a penny, and the blacke at fower, so as they be entire, without breaches or deforming spotts, except in pajment of countrije rates to the Treasurer, which no towne nor person may doe, nor he accept thereof, from time to time.

26 October.

26 8^{mo}, 1650. The Courte was dissolved.

Ans^r to Jn^o
Palmer's re-
quest. Y^e
should haue
bin recorded
in May, 1650,
but was for-
gotten.
Vide file.

The Court, on the survey of a certajne writting, that Thomas Nelson, of Rowley, hath constituted M^r Richard Dumer, and impowred him as his lawfull attorney for the disposing of his estate, as by y^e said writting more fully appeares, upon the request of Jn^o Palmer, of Rowley, this Court doth declare, that the power so given & comitted vnto M^r Dumer is goode according to lawe, and that he may act therein wthout any further confirmation of the same.

1651.

**.At a Generall Courte of Elecçions, held at Boston, 7th May,
1651.*

7 May.

[*33.]

JOHN ENDECOTT, Esq^r, was chosen Gouvernor, and tooke his oath accordingly.

Thomas Dudley, Esq^r, was chosen Dep^t Gouvernor, and tooke his oath.

Richard Bellingham, Esq^r,

Increase Nowell, Gen^t,

Simon Bradstreete, Gen^t,

Thomas Flynt, Gen^t,

W^m Hibbjns, Gen^t,

Samuell Sjimonds, Gen^t,

Cap^t Robt Bridges, Gen^t,

Frauncis Willoughby, Gen^t,

Cap^t Thomas Wiggin, Gen^t,

Edward Gibbons, Gen^t,

Simon Bradstreete &

Cap^t W^m Hawthorne } were chosen Comissioners for the Vnited Collonjes.

} were chosen Asistants.

Major Dañ Dennison, 3, } were nextly chosen Coõmissioners to supply in 1654.
 Rich Bellingham, Esq̃, 4, } ease of thejr fajling. 7 May.
 Edward Rawson, Geñ, was chosen Secretary.
 Richard Russell, Geñ, was chosen Treasurer.

The names of the Deputjes returned from the seuerall townes to serve at this Generall Courte were, —

Salem: Cap̃ W^m Hawthorne & M^r Henry Bartholmew.
 Charles Toune: M^r Rich Russell, Tres^r, & Ralfe Mousall.
 Dorchester: M^r John Glouer & Cap̃ Humph Atherton.
 Boston: Cap̃ John Leuerett & M^r Thomas Clarke.
 Roxbury: M^r John Johnson, S^rv^r Gen^l, & M^r W^m Parks.
 Water Toune: M^r Rich Broune & John Sherman.
 Lynne: M^r Thomas Lajghton.
 Cambridge: Cap̃ Dañ Gookin & M^r Edward Jackson.
 Ipsuich: Maj^{or} Dañ Dennison & M^r John Whiple.
 Newbery: Cap̃ W^m Gerish.
 Wejmouth: John Holbrooke.
 Hingham: Cap̃ John Allen & M^r Jeremiah Houchin.
 Concord: Cap̃ Sjmon Willard & M^r Richard Griffin.
 Dedham: Cap̃ Eljazer Lusher & Henry Chickering.
 Salisbury: M^r Thomas Bradbury.
 Hampton: Roger Shawe.
 Rowley: Maximilljan Jewett & Joseph Jewett.
 Braintree: Cap̃ W^m Tyng & Steven Kinsley.
 Sudbury: Walter Hejmes.
 Douer: ^
 Gloucester: Hugh Calkin.
 Woobourne: Cap̃ Edward Johnson.
 Wenham: Esdras Reade.
 Hauerill: M^r Robt Cleoments.
 Reading: W^m Coudrey.
 Springfeild: M^r Henry Smith.
 Malden: M^r Joseph Hills.
 Andover: John Osgood.
 Cap̃ Dañ Gookin, Speaker y^s session.

*To the end that all publicke chardges may be æqually borne, and that some may not be eased and other burdened, and being found by experjence [*34.]

1651.

7 May.

Order y^t recti-
fies assess-
ments.
Contra-
dicentes :
John Leverett,
Jerr. Honchin,
Tho. Clarke.

that visible estates in lands, corne, catle, are, according to order, wholly and fully taxed, but the estates of merchants, in the hands of neighbors, strangers, or their factors, are not so obvious to view, but, vppon search, title of their estates doe appeare, being of great vallew, so that the lawe doth not reach them by that rule of taxing visible estates, itt is therefore ordered and enacted by this Courte and the authoritje thereof, that all merchants, shopkeepers, and factor^s shall be assessed by the rule of comō estimation, according to the will and doome of the assesso^rs in such cases appointed, having regard to their stocke and estate, bee it presented to veiw or not, in whose hands soeuer it be, that such great estates as come yeerely into the countrje may beare their proportion in publicke chardges ; yett if any find themselves over vallewed, if they can make it appeare to the assesso^rs, they are to be eased by them ; if not, by the next County Courte.

Encrease of y^e
countrje rate.

This Courte, taking into consideration the many engagements that lye vppon vs in respect of debts due, to be pajd to severall persons from the countrje, as also other necessary vnavojdable expences that are like to fall out this yeare, doe order, that for those ends and purposes above mentioned, there shall be levjed, this yeare ensuing, one rate and a halfe, viz., halfe as much more as in other yeares, to be levjed and pajd in after the vsuall manner provided by lawe.

Penalty for
non psecution
of appeales.

Whereas it is found by experjence that it is an ordjnary thing for partjes to appeale from the sentence of inferior Courts, though they neuer intend to prosecute the same, but to stop execution for the present, and to obtajne such termes of agreement as they desire, now, forasmuch as every appeale doth reflect prejudice and chardge error vppon the Courte appealed from, vnder which it lyes till the case be heard and determined by the Courte appealed to, itt is therefore heereby ordered, that whosoever shall, after the ninth of July next, appeale from the sentence of any Courte, and not prosecute the same to effect according to lawe, shall, besides his bond to the partje, forfeite to the countrje the some of forty shillings for every such neglect.

Order about
associates.

The order made the last yeare about associates respecting the two countjes of Suffolke and Midlesex is heereby ordered to cease and be of no vse till the next session of this Courte, any lawe, custome, or vsage to the contrary notwithstanding ; and that such as have taken their oathes are declared heereby to be freed therefrom.

[*35.]

Direccons in
whose name to
sue.

*Whereas in suits at lawe, many tjmes, such as doe prosecute the same in their ousme names, in procuring the proces, intend and doe declare, in the name and in the behalfe of others, viz., as executors, administrators, assignes, attorneyes, guardjans, agents, or the like, which is not only improper, but tendeth

also to vncertajnty, for preventjōn whereof the Courte ordereth, that from henceforth the originall processe, whether sv̄mons or attachments, shall expresse in whose name the plajutiffe sueth, whether in his oune name or as executor of the last will and testament of such a man, or administrator of the goods and chattells of such a man, who djed intestate, or assignee, attorney, or guardjan of such a man, or as agent of such a man, merchant, or the like ; or otheruise, if exception be taken before the plaintiffe hath made his declaration, it shall be good, and he shallbe liable to pay costs. And whereas, through vnskillfulnes of some that make deeds and convejancess of lands and howses, the worde Heire is often tjmes omitted when an estate of inhæritance is intended to be passed by the partjes, wherевpon questions and suits at lawe are apt to arise, for prevention whereof, for the *the* tjme to come, this Courte ordereth, that in all deedes and convejancess of howses and lands in this jurisdiction, wherein an estate of inhæritance is to passe, it shall be expressed in these words, or to the like effect, viz., To have and to hold the sajd howse or lands, respectively, to the party or grauntee, his heires and assignes, for euer ; or if it be an estate in tajle, then, To have and to hold, &c, to the party or grauntee, and to the heires of his body lawfully begotten, or to the heires males of his body lawfully begotten betweene him and such a one, his wife, or to have and to hold to the grauntee for terme of life, or for so many yeares ; provided, that this lawe shall not include former deeds or convejancess, but to leave them in the same conditjōn as they were in, or shallbe in, before this lawe taketh effect, which shallbe at the end of the next session of this Courte ; provided also, that this lawe shall not extend to howses or lands given by will or testament, or to any land graunted, or to be graunted, by the freemen of a towne ; and this lawe being of concernment to be vnderstood of euery man, there shallbe special care for the publication thereof ; and to that end it shallbe distinctly reade by the counstable of each towne in their next towne meeting, after the end of the fifth month next ; also a cōpy thereof shall be sett vpon the doore of their meeting howse, to continew fowerteene dajes ; and the grand jury shall inquier and present such as shall neglect the publication thereof, according to this order.

1651.

7 M. C.

Direcōns in
whose name
to sue.Direcōns
about inhærit
ance.

*For preventing the deceit of any person in the packing of fish, beife, and porke, to be putt to saje in this and other jurisdictions, itt is therefore ordered by this Courte and the authoritje thereof, that in euery towne within this jurisdiction where any such goods are packt vp for sale, the gager of that towne, or of the towne wherein it is putt to sale, or shipt, shall see that it be well and orderly perfourmed ; that is to say, beife and porke, the whole halfe or quarter together, and so proportionably, that the best be not left out ; and for fish, that they be packt all of one kinde, and that all caske so packt be full,

[*36.]

Lawe for pack-
ing of goods &
gaging of
casks.

1651.

7 May.

Coops.

and sound, and well seasoned, setting his seale on all caske so packt, for which he shall receive of the owners, for so packing and sealing, fower shillings p tunne; but if the gager doe only veiw them, and finde them good and sufficient, he shall sett his seale vppon them, and have one shilling p tunne for so doing; and if such goods so packt shall be putt to sale packt vp in caske without the gagers marke, he shall forfeite the sajd goods so put to sale, the one halfe to the informer, the other halfe to the countrje treasury. And whereas notwithstanding the former lawe provided, tiť Caske and Coopers, page the sixth, much damage is still sustajned by marchants and men of trade through the insufficencje and vndue assize of caske, itt is therefore further ordered by the authoritje of this Courte, that wheresoeuer any new caske are found putt to sale, being defective either in workmanship, timber, or assize, as in that lawe is provided, vppon due prooffe made before any one magistrate, the sajd caske shallbe forfeited to the informer, and the workeman for his default shall pay tenn shillings a tunn forthwith, to the use of the countrje, and so proportionable for all greater or lesser caske; and because there maybe no neglect in the chojce of a gager to prevent the abuses exprest in this or any other lawe, itt is further ordered by the authorjtje aforesajd, that euery towne within this jurisdicōn wherein any caske are made shall yeerely make chojce of one fitt man for that worke and implojment, who, being presented by the counstable within one weeke after the chojee made, before any one magistrate, shall there take the oath belonging to his place, which if he shall refuse, he shall pay the soñe of forty shillings, and another to be chosen in his roome; as also the toune or counstable shall either of them suffer the like pœnaltje for the neglect of this order, any other lawe, custome, or order to the contrary notwithstanding.

Pœnalty for dauncing.

Whereas it is observed that there are many abuses and disorders by dancing in ordjnarjes, whether mixt or vnmixt, vppon marrjage of some persons, this Court doth order, that henceforward there shallbe no dancing vppon such occasion, or at other tjmes, in ordinarjes, vppon the pajne or pœnaltje of five shillings for euery person that shall so daunce in ordinarjes.

[*37.]

Proclamation prohibiting trade wth Barbadoes, Bermudas, Virginia, & Antego.

*Whereas this Courte hath taken notice of an act of the Parljamēt of England, bearing date October the 3^d, 1650, prohibiting trade with Barbadoes, Virginea, Bermudaes, and Antego, itt is therefore ordered by this Courte and the authoritje thereof, that, after publication thereof, no capť, comānder, master of shipp or other vessell, sajljng from any port or harbor within this jurisdicōn, shall trade with any of the sajd prohibited places of Barbadoes, Virginea, Bermudaes, or Antego, on pœnaltje of forfeiture of shippe and goods vnto this commonwealth, vppon legall prooffe and conviction thereof; this order to be

presently published by proclamation, and posting vp in Boston, Charles Toune, and Salem, and to be of force vntill the compljance of the aforesajd places of Barbadoes, Virginia, Bermudaes, and Antego with the commonwealth of England, or that this Courte take further order therein.

1651.

7 May.

Forasmuch as this Courte conceaves the old English colour^s now vsed by the Parliament of England to be a necessary badge of distinction betwixt the English and other nations in all places of the world, till the state of England shall alter the same, which wee much desier, wee being of the same nation, hath therefore ordered, that the capt^r of the Castle shall presently advance the aforesajd colours of England vpon the Castle, vpon all necessary occasions.

English colour: to be advanced on y^e Castle.

To the end our comissioners for the United Collonjes maybe conveniently supplied wth horses, attendants, and all other things necessary at such t^jmes as they shall have occasion of travell vnto Pljmouth, Conecticott, and Newhaven, and that troopers may not be discouraged from that so behoofefull and beneficiall service, itt is ordered by this Courte and the authoritje thereof, that henceforth our comissioners for the United Collonjes shall provide and furnish themselves in all respects whatsocuer, viz., of horse, furniture, attendants, and all other things to their oune satisfaction, for travell and expences aforesajd, for which they shallbe allowed annually by the countrje twenty pounds to each comissioner, that is to say, fforty pounds a yeare for all their expences, t^jme, and travajles in and accompanying such their service aforesajd; and the late order, now at the presse, for impressing of troopers horses is heereby repealed.

Comission^rs of collonies allowance.

Order for impressing troopers horses repealed.

Whereas the County Courts of Essex, vsually being kept at Salem, on the last third day in euery December hitherto, w^{ch} by experjence hath bin found to troublesome and dengerous for the magistrates and country to attend in regard of the season, itt is now ordered, that the County Courte in Essex, for the winter Courte, shall henceforth be yeerely kept on the last third day in Nouember.

Chajnge of County Court dayes for Salem, in Essex.

Whereas M^r John Elljott vndertooke to procure to the countrje ten shillings from an Indjan for his fine for being drunke, y^e Indjan being dead, the Court releaseth and dischargeth M^r Elliott from that his engagement.

M^r Elliotts discharge.

*For explanation of some words in the printed lawe intituled Leather, viz., in that section in the margent entituled Searchers sworne their Duty, by the words (ljnc the fowerth) to make search, and view within the p^rincts of their limitts, the Courte doth vnderstand and intend any howse, shop, or warehouse, or any other place where they conceave leather jllegally deliuered is likely to be found, whether wrought into shooes, bootes, or otherwise. Further, concerning those words in the sect^r on the margent, entituled Well

[*38.]

Searchers of leather, further power declared.

1651.

7 May.

tanned and dyled, pœnalty, lÿne the fifth, (so much of his or their sajd leather, &c.) the Courte doth declare themselves to intend that whole hide, halfe hide, or other peece or peeces of leather, which are, or wherein is, one sixteenth parte insuffieiently wrought. Further, concerning the last words in that seet intituled Trÿers of Leather seized, viz., except the party shall submitt before to their judgements, the Courte determines to be meant the submission to the judgements of the searchers before the fower or sixe men be called. Further, this Courte doth declare that the searchers of leather legally chosen and sworne, as the sajd lawe doth expresse, not only may execute their office, but by their oath and duty are bound therevnto; and it is also heereby pvided, that neither searchers, sealers, or tanners shall cutt or mangle leather in or vppon the searching thereof more then is necessary.

Mr Mathewes
to be subÿoned
to y^e Court.

Itt is ordered, that Mr Marmaduke Mathewes shallbe warned & svmoned to appeare before this Court on the fifth day next in the morning, being the 15th of this instant May, to make answer to a bill p̄sented to the Magis^{ts}, w^{ch} concerns former and latter miscarrjages of his, before the Court goes on to any hearing thereabouts.

Contradicen-
tes: W^m Haw-
thorne, John
Leverett, Tho.
Clarke, Jerr.
Houchin,
Bozoone Allen,
Stev. Kinsley,
Henry Barthol-
mew, John
Holbrooke,
Esdras Reade,
Tho. Bradbury,
Joseph Hills,
John Sherman,
Robt. C^o m-
ents, W^m Ting,
W^m Coudrey.

Mr Mathewes appearing at the tÿme appointed, there was declared to him seuerall passages which he deliuered in his sermons at Malden, w^{ch}, though he ouned not, was prooved on oath by John Hawthorne and Thō Line, about w^{ch} offence had binn taken, to w^{ch} he gave in his answer to the Courte, the chardge and answer remajning on the file. After a full hearing & examining the same, the Courte declared, that, whereas Mr Marmaduke Mathewes hath, formerly and latterly, given offence to magistrates and elders, and many bretheren, in some vnsafe, if not vnsound, expressions in his publicke teaching, and, as it hath binn manifested to this Courte, hath not yett given satisfaction to those magistrates and elders that were appointed to receave satisfacōn from him, since which tÿme there have binn deliuered in his publicke ministry other vnsafe and offensive expressions by him, whereby both magis^{ts}, ministers, and churches were occasioned to write to the church of Malden to advise them not to proceed to the ordination of Mr Mathewes, which offences taken against him were also made knowne to the sajd Mr Mathewes, yett, contrary to all advice, and the rule of Gods word, as also the peace of the churches, the church of Malden hath proceeded to the ordination of Mr Mathewes, — this Courte, therefore, taking into consideration the premisses and the daingerous consequences and effects that may *follow such proceedings, doth order, that both the former and latter offences touching doctrijnall points be first duely considered by Mr Sÿmon Bradstreete, Mr Samuëll Sÿmons, Cap^t W^m Hawthorne, Cap^t Edward Johnson, Mr John Glouer, Cap^t Eleazer Lusher,

[*39.]

Judgm^t of
Courte against
Mr Mathewes.

Cap^t Daniell Gookin, M^r Richard Browne, and Cap^t Humphry Atherton, on the eleventh of June next, at the Shipp in Boston; and in case of difficulty, the com^{it}tee hath liberty to call in for helpe and advise from such of the reuerend elders as they shall judge meete, and make retourne of their offence against him, or satisfaction from him be returned to this Court at the next session thereof. And touching the church of Malden for offence in ordajning him, (notwithstanding all advice formerly,) itt is ordered, that they answer their offence the next sessions of this Courte. And as concerning M^r Mathewes suffering himself to be ordajned, contrary to the rules of Gods word, which should not have so proceeded, to the offence of magistrates, reuerend elders, and some churches, y^e Courte doth order that the sajd M^r Mathewes shall give sattisfaction to this session of this Court by an humble acknowledging his sinne for his so proceeding, which if he refuse to doe, to pay the some of tenn pounds within one month.

1651.

7 May.

21 May, 1651.

M^r Mathewes appearing, and not giving sattisfaction by an humble acknowledging of his sinne, &c, itt was ordered, that the secretary should, within one month, give warrant to the marshall to levy on the goods of M^r Mathewes the some of tenn pounds, as his fine, according to the order of this Courte.

In answer to the peti^{ti}on of Cap^t Daniell Gookin and M^r Samuell Danforth, executo^{rs} to the last will and testament of M^r Thomas Shephard, late of Cambridge, deceased, the Courte graunts their request, and doth approve and ratify their determination of a portion to Margarett, the relict of the sajd Thomas, in a deed & convejanee to M^r Johnathan Mitchell, now husband to the sajd Margarett, of the dwelling howse, yards, orchards, and seuen acres of land adjoyning thereto, formerly belonging to the sajd Thomas Shephard; and further, the Courte gives them power to sell a parell of land, formerly y^e sajd Thomas Shephards, called Jones Hill, about ninetecene ackers, so as they give securitje to the next County Courte at Cambridge, for the educating of the children, and paying them their portions at the tjme they shall attajne to their ages, as the will provides.

Ansr to Capt. Gookin & M^r Danforth peti^{ti}on.

21 3 mo., 1651.

In answer to the peti^{ti}on of Hermond Garrett, that the thowsand acres of land mortgaged to him by Jethro, the Indjan, at Assabeth Riuer, maybe lajd out to him by this Courts approbation, or that the mony he is out therevpon, with his chardges and forbearance, maybe ordered vnto him, the Courte judgeth it meete to graunt that Cap^t Willard and Left Edmond Goodenow shallbe, and is heereby, impowred to lay out the sajd thowsand acres of land to Harmond Garrett, at Assabeth Riuer, aforesajd, in case neither Water Toune nor any of the depu^{ts} appeare once within one month to sattisfy the sajd Harmond

Ansr to Hermon Garret peti^{ti}on.

22 3 mo., 1651

1651.

Garrett what mouy and chardges he hath binn out, wth forbearance for the same.

22 May.

[*40.]

Boston to
choose a new
clarke of y^e
writts.

*Itt is ordered, that the toune of Boston shall have, and heereby hath, their liberty to choose a new clarke of the writts, and present him to the County Courte, after the next session of this Courte, at Boston, for coufir-
mation.

23 Mo. 1651.

Interest to Mr^s
Winthrop for
y^e 200^{li} given
by y^e countrje
to Joshua Win-
throp.

In answer to the petition of Richard Parker, James Penn, and Willjam Aspinwall, for consideratjon to be allowed to Mr^s Winthrop from the countrje, for the two hundred pounds the country gave to Joshua Winthrop, youngest sonne to John Winthrop, Esq^{re}, deceased, from the tyme it was given and till it be payd in, the Courte doth order, that the Treasurer shall pay vnto the sajd Mr^s Winthrop after the rate of eight pounds p cent for the tyme past, and so till the countrje shall pay in the sajd two hundred pounds.

Ans^r to Mr
Gajnes petiçon.

In ans^r to the petition of Thomas Gajner, the Courte graunts his request, viz., and orders, that Mr W^m Aspinwall and Mr Edward Bendall give in their accompts, and shew the grounds of their actings in sale of the shipp Planter, vpon their oathes, to the County Courte, that is now on adjournment.

Cap^t Hau-
thornes gratui-
tje.

The Courte, considering the good service of Cap^t W^m Hawthorne vnto this countrje in soundrje respects, think meete, in answer to his petition, to graunt vnto him fower hundred ackers of land adjoyning or neere vnto the sixe hundred ackers graunted to Mr Downing, betweene Hampton and the rivers mouth of Piscataque, to be lajd out to him, at his oune chardge, by Mr W^m Howard, of Topsfeild, and Roger Shawe, of Hampton, provided it frustates not any former graunt, nor pjudice any towneshipp or villadge that may be erected.

Ans^r to Mr El-
bridge petiçon.

In ans^r to the petition of Mr Thomas Elbridge, the Courte conceaves the petitioner hath libertje to bring his action of revejw against the administrators of Mr Robert Saltonstall, as in other cases.

Ans^r to Mr
Gajners peti-
tion.

In ans^r to the petition of Mr Thomas Gajner, itt is ordered, that the charty partje mentjoned in his petiçon, which was cancelled, shall be accompted good in lawe so farr forth as the petitioner, by virtue thereof, may revejw his action agn^t Cap^t W^m Ting & Mr Valentjue Hill.

Who to keepe
Norfolk Coun-
ty Courts y^e
yeere.

Itt is ordered, by the authoritje of this Courte, that Mr Samuel Simonds and Mr Thomas Wiggins shall have power, and are heereby desired, to keepe the County Courts in Norfolke for this yeare ensuing.

[*41.]

Comittee to
draw instruc-
çons for our
comissioners.

*Itt is ordered, that Thomas Dudley, Esq^{re}, Richard Bellingham, Esq^{re}, Mr Increase Nowell, Mr Willjam Hibbjns, or any three of them, with Cap^t Daniell Gookin, Cap^t Humphry Atherton, Cap^t Edward Johnson, Cap^t John Leverett, Cap^t W^m Ting, and Mr Joseph Hill, or any fower of them, shall be

a committee to drawe vp instruccōns for our honnord comissioners for their direcōns against the time when the comission^{rs} of all the collonjes shall meete, and this committee is to meete at the Shipp Taverne, 29 of August, the secretary giving notice thereof to the Dep^t Governo^r.

1651.

23 May.

Whereas severall depositions were presented to the Court against M^r Richard Leader, itt is ordered, that M^r Leader shall forthwith be required to attend on the Gennerall Courte the 26th of this instant May, at one of the clocke in the afternoone, to give in his answer thereto. At the tyme appointed, M^r Leader made his appearance, heard the charge that was brought against him, gave in his answer, denyng what he was accused of; wherevpon the Court ordered, that Rich^d Bellingham, Esq^r, M^r John Glouer, Cap^t Edward Johnson, Cap^t Eliazer Lusher, Cap^t Daniell Gookin, & Cap^t Humphry Atherton should be a committee to drawe vp the case about M^r Leader, and make their retourne to the Courte, which they did. The Courte, approving thereof, proceeded to censure, viz.: This Courte, having serjously considered the evidences which hath bin given in against M^r Richard Leader, doe finde that, contrary to the lawe of God and the lawes heere established, he hath threatned, and in a high degree reproached and slaundered the Courts, magistrates, and government of this comōn weale, and defamed the toune and church of Lynne, also affronted and reproached the counstable in the execution of his office, and doe therefore judge, for punishment of his great offence, that he shall make acknowledgment of his offence vnto the Courte before the breaking vp thereof, when this Courte shall appointe, and also give sufficient securitje ffor his good abearing heereafter, and be fined the some of ffifty pounds, to be pajd before the next session of this Courte, towards the defraying of the charge expended by the Courte in hearing the case; but in case M^r Leaders acknowledgement doe not answer the Courts expectation in way of satisfacōn for his offence, that then this Courte doth order, that M^r Leader shall pay to the publicke treasury, as a fine for his offences, the some of two hundred pounds, to be pajd before the next session of this Courte.

Contradicentes: W^m Hawthorne, John Leuerett, Jeremiah Houchin, Bozon Allen.

M^r Leader made & tendred his acknowledgment to the Court on 22th of y^s instant May, and it was accepted of by the Court, which, wth the evidences, remajne on the file.

Itt is ordered by this Courte, that whatsoever fine hath bin imposed vpon M^r Richard Leader by this Court for his miscarriages shall be secured by bond or otherwise, and in the meane tyme that his person be responsall for the fine.

*M^r Richard Leader acknowledgeth himselfe to stand bound to the Gennerall Court, in the some of one hundred pounds, to pay the Treasurer ffifty

[*42.]
M^r Leaders recognizance.

1651.

23 May.

pounds, in pursuance of the judgement of this Court; as also in fifty pounds for his appearance at the next session of this Courte, as also in fifty pounds for his good behaviour towards the government and people of this jurisdiction whiles he remaines in this collonje, till the next sessions of this Courte.

Goſno^s gratu-
itje.

This Courte doth withall thankfullness acknowledge the good service of Thomas Dudley, Esq^r, the late honored Gouverno^r, in respect of his great care and faithfulness in the discharge of that trust which was committed vnto him, and doe, in the behalfe of the countrje, render him hartly thanks for the same, and desire his kind acceptance of one hundred markes, as a slender manifestation of their due respect vnto him, vntill the countrje be better enabled to declare the same, which hundred marks is heereby ordered to be paid vnto him out of the next countrje levje.

Meadefeilds
powers.

Itt is ordered, that Meadefeild, in the county of Suffolke, shall and heereby hath graunted vnto them all the power and priviledges which other townes doe enjoy, according to lawe.

Ans^r to Ar-
nolds com-
plajnt

In ans^r to a complainte of W^m Arnold, Robert Coles, W^m Carpenter, in the name of the rest of their neighbors at Patuxit, in their letter sent to the Gouverno^r, to be communicated to this Courte, complajning of injury threatned them by their neighbors of Providence, itt is ordered, that a letter be sent to Mr Roger W^{ms} in the name of this Courte, declaring to him that if himselfe, or the serjeant, or officer of Providence shall proceed to molest any of the aforesajd English vnder our jurisdiction at Shawwamett, or take away ought from them, or any of them, by rates or otherwise, this Courte intends to seeke satisfaction for the same of such, and in such manner as God shall putt oportunitjes into their hands. A letter was written accordingly, which remaines on the file.

Ans^r to Mr
Ropers peti-
tions.

In ans^r to the petitions of Mr Henry Roper, complajning against Mr Thomas Broune, the Court judgeth it meete to referre the petitioner to take his course in lawe against the sajd Thomas Broune, and that att the County Court at Boston that is now on adjournment, if he will.

Jane Hawkins
restrajnt con-
tinewed.

In answer to the petition of James, Thomas, and Job Hawkins for liberty for their mother to retourne and live in this jurisdiction, the Court, not knowing how to satisfy themselves about hir, cannot give way to hir coming to live in this jurisdiction.

[*43.]

Ans^r to Mr Jo.
Cutts petition.

*In ans^r to the petition of Mr John Cutts, itt is ordered, that the County Courte at Boston, now adjourned, should heare and determine the case betweene him and Mr Sampson Lane, in reference to the damage donne him by the sajd Sampson Lane.

John Haw-
thorns license.

In ans^r to the petition of John Hawthorne, this Courte judgeth it meete

to encourage and appointe him, the sajd John Hawthorne, to goe on and keepe the ordjnary at Malden.

1651.

Whereas in the yeare 1644 there was lent by this Court two great gunnes to the owners of M^r Bridecakes shipp, which vpon a just vallew appeares to be worth fiveteene pounds, which sajd gunns have not hitherto bin returned, nor any thing allowed in consideration thereof, this Courte doth therefore order, that the owners of the sajd shippe, Cap^t Robert Keajne, Cap^t W^m Ting, and John Milam, them or either of them, shall pay to M^r James Oliuer, or the survejo^r gennerall, M^r John Johnson, the aforesajd so^me of fiveteene pounds within fowerteene dajes after the date hereof, in iron or otherwise, to their or either of their sattisfac^on, for the vse and behoofe of the countrje.

23 May.
Capt. Keajne,
Capt. Ting, &
Jo. Milam to
pay 15^l to M^r
James Oliiv, or
y^e survejo^r, for
2 gunns of y^e
countrje.

26 3mo, 51.

In ans^r to the request of the toune of Hingham, itt is ordered, that M^r Bozoone Allen shall be their captajne, and Joshua Hubbard their leften^unt.

Hingham mil-
itary officers.

In ans^r to the request of the toune of Newbery, itt is ordered, that M^r W^m Gerrish shall be their captajne, and John Pike their leftenant, and that the sajd toune shall goe to a new elecc^on for an ensigne, when they see meete.

Newbery mil-
itary officers.

In ans^r to the petition of Samuell Hosier, Charles Chattocke, &c, of Watertoune, for the remitting of the fine of fflower pounds imposed on them by Cambridge Courte, for want of weights and measures, the Court being sattisfjed that they did their indeavo^rs to furnish themselves therewith as the lawe requires, and that they are furnished with the same, doe remitt their sajd fine.

Water Townes
fine remitted.

Mary Parsons, wife to Hugh Parsons, of Springfeild, being comitted to prison for suspition of witchcraft, as also for murdering hir oune child, was this day called forth and indited for witchcraft: By the name of Mary Parsons, you are heere, before the Gennerall Court, chardged, in the name of this comon wealth, that, not having the feare of God before your eyes nor in your hart, being seduced by the divill, and yeilding to his malicious motion, about the end of February last, at Springfeild, to have familiarity, or consulted wth a familljar spirrit, making a couenant wth him, and have vsed diuerse divilish practises by witchcraft, to the hurt of the persons of Martha and Rebeckah Moxon, against the worde of God, and the lawes of this jurisdic^on, long since made and published. To which indictment she pleaded not guilty: all evidences brought in against hir being *heard and examined, the Court found the evidences were not sufficent to proove hir a witch, and thefore she was cleered in that respect.

13 3mo, 1651.

[*44.]

The Court, vnderstanding that Mary Parsons, now in prison accused for a witch, is likely, through weaknes, to dye before trjall if it be deferred, doe

Order to bring
Mary Parsons
to a triall.

8:3:51.

1651.

8 May.

order, that on the morrow, by eight of the clock in the morning, she be brought before, and tried by, the Generall Courte, the rather that M^r Pinchon maybe present to give his testimony in the case.

13 3 mo, 1651.

At the same time she was indicted for murdering hir child, by the name of Mary Parsons: Yo^w are heere before the Generall Court, chardged, in the name of this co^mon-wealth, that, not having the feare of God before your eyes nor in your harte, being seduced by the divill, and yeilding to his instigations and the wickednes of yo^r oune harte, about the beginning of March last, in Springfield, in or neere your oune howse, did wilfully and most wickedly murder your oune child, against the word of God, and the lawes of this jurisdic^on, long since made and published. To which she acknowledged hir selfe guilty.

Sentence agn^t
Mary Parsons;
she was re-
prived to 29 of
May.

The Court, finding hir guilty of murder by hir oune confession, &c, proceeded to judgement: Yo^w shall be carjed from this place to the place from whence yo^w came, and from thence to the place of execution, and there hang till yo^w be dead.

M^r W^m Pinchon, being su^moned to appeare before the Gennerall Courte according to their order, the last session, made his appearance before the Court, and being demaunded whether that booke which goes vnder his name, and then presented to him, was his or not, he answered for the substance of the booke, he owned it to be his.

Wherevpon the Courte, out of their tender respect to him, offered him liberty to conferr wthall the reuerend elders now present, or such of them as he should desire and choose. At last he tooke it into consideration, and returned his mind at the p^rsent in writing, vnder his hand, viz: According to the Courts advice, I have conferred wth the Reuerend M^r Cotton, M^r Norrice, and M^r Norton, about some points of the greatest consequence in my booke, and I hope I have so explajned my meaning to them as to take of the worst construc^on, and it hath pleased God to lett me see that I have not spoken in my booke so fully of the prize and merrit of Christs sufferings as I should have done; for in my booke I call them but trjalls of his obedience, yett intending thereby to amplifie and exalt the mediatorjall obedience of Christ as the only merritorjous price of mans redemption. But now at present I am much incljned to thinke that his sufferings were appointed by God for a farther end, namely, as the due punnishment of our sins by way of sattisfac^on to divine justice for mans redemption.

Subscribed, yo^r humble servant in all dutifull respects,

WILLJAM PINCHON.

Boston, 9: 3^{mo}, 1651.

*The Courte finding by Mr Pinchons writing, given in to the Courte, that through the blessing of God on the paines of the reuerend elders to convince him of the errors in his booke contajned, that he is in a hopefull way to give good sattisfaction, and therefore, at his request, judge it meete to graunt him liberty, respecting the present troubles of his family, to retourne home some day the next wecke, if he please, and that he shall have Mr Nortons answer to his booke vp with him, to consider thereof, that so at the next session of this Court, being the 14th of October next, he may give all due satisfacōn as is hoped for and desired, to which sessions he is hereby enjoyned to make his personall appearance for that end.

1651.

13 May.
[*45.]

Forasmuch as there is a present necessitje that some care be taken respecting the case of Springfield, they being at present destitute of any magistrate or others to putt issew to such cawses and differences as shall or may arise amongst them, vpon their request, itt is ordered by this Courte and the authoritje thereof, that Mr Henry Smith, of Springfield, aforesajd, for this yeare ensuinge, or till the Courte shall take further order, shall heereby have full power and authoritje to gouerne the inhabitants of Springfield, and to hear and determine all cases and offences, both civill and criminall, that reach not life, ljmbe, or bannishment, according to the lawes heere established ; provided that, in matters of weight or difficulty, it shall be lawfull for any partje to appeale to the Courte of Asistants, at Boston, so as they prosecute the same according to the order of this Courte ; provided also, that their trjalls be by the oathes of six men, if twelve cannot be had for that service ; and the sajd Mr Smith hath power to give oathes to such counstable or constables as shall be legally chosen, and to examine witnesses as any one magistrate may doe. This was deliuered to him, and he tooke his oath accordingly.

Mr Smiths
comission.

Mr Henry Smith, of Springfield, being a member of this Courte, vpon his request, having vrgent occasions to retourne home, is dismiss from further attendance on the service of this Courte for this session.

Mr Smiths
dismission.

In answer to the petiçōn of Mr Emanuell Dowñig ffor the laying out his farne of six hundred ackers of land, formerly graunted him by this Courte, in satisfacōn of fifty pounds heretofore paid & lajd out by him for the country, itt is ordered, that the sajd six hundred ackers of land be lajd out to him by Mr W^m Howard, of Topsfeild, and Roger Shawe, of Hampton, betwene Hampton and the rivers mouth of Pascataq, at the chardge of the sajd Mr Downing, provided the sajd land specifjed heerein be not formerly graunted, and that it be not pjudiciall to any plantation, toune, or village that heereafter may be erected.

Mr Downings
600 ackers to
be lajd out.

*In answer to the petition of Mr Thomas Makepeace, desiring that power

[*46.]

1651.

13 May.
Ans^r to M^r
Makepeace
petiçion.

may be conferred on him for the making good y^e sale of a parcell of land lying at Braintree, left by M^r Olliver Mellowes, as a portion for five of his children, to any chapman that shall p^rsent, and that John Mellowes might have two of the said childrens portions into his hand, he giving security to y^e County Court for the same, till the children come of age and shall discharge him, as the said Thomas Makepeace is to doe for the other two childrens portions, &c, the Court judgeth it meete to graunt the petiçioner his request, and doth impower them heereby accordingly.

Ans^r to M^rSam.
Oliuers peti-
çion.

In ans^r to the petition of M^r Samuëll Oliuer, craving allowance for his medicine and pajnes expended on M^{rs} Elizabeth Cole, which came to eight pounds fowerteene shillings, hir estate being too lowe to beare it, the Court judgeth it meete to graunt the petiçioners request, and orders that he be allowed the some of eight pounds fowerteene shillings out of the next country levye by the Treasurer.

Comittee to lay
out Hampton
bounds.

Itt is ordered by this Court, that M^r Samuëll Winslow, M^r W^m Pajue, M^r Samuëll Hall, and M^r Thomas Bradbury, or any three of them, shall be comiissioners to lay out the northermost lje of Hampton, toward Pascatag Riuer.

Capt. of the
Castle allow-
ance.

This Court, vppon good information, vnderstanding that the capt^o of the Castle, at his oune chardge, purchast for the service of the Castle sixe murtherers, two boates, and a drumme, which are to be inventorjed with the survejor generall, as also hath repajred some carriages, and more is to be donne in respect of hutts, to the vallew of twenty pounds or thereabouts, all which should have binn donne and maintajned at the chardge of the countrje, and be left in good repajre at the end of the tenne yeeres agreed vppon by the tounes, — now, in consideration of the chardge above mentioned, lajd out, and to be lajd out, by the said captaine of the Castle, this Courte doth order, that the said Capt^o Richard Davenport shall have allowed him that thirty pounds a yeere which hath binn reserved out of the hundred and ffifty pounds a yeere allowed when the garrison was suppljed with more men; provided, that the said captajne maintajne and keepe in good repajre those things above mentioned, at his own propper costs and chardge, vntill the expiration of the said ten yeeres, when he shall deliuer the same to whom the countrje shall appointe, and this to beginn from the eight of the eighth month, 1648, and so to continew vntill the Courte take further order.

[*47.]

Treasurers
gratuity, &c.

*In ans^r to the petition of M^r Richard Russell for allowance for his losse in the late lawe books, w^{ch} was occasioned by the Courts alteraçion of some things therein, &c, itt is ordered, that, in consideration of those losses mentioned in the petiçion, and other that he hath lately sustajned, he shall have allowed him twenty pounds out of the next rate.

Whereas there was dew to the countrje, from the inhabitants of Charles Tonne which had their howses burnt, the sōme of seven pounds sixteene shillings, or thereabouts, for their countrje rate, this Courte, in consideration of their great losse, doe order, that the foresajd sōme of seven pounds sixteene shillings shall be remitted.

1651.

13 May.
Abatement of
7th to Charles
Tonne.

In ans^r to the petition of Mary Long, of Dorchester, this Courte declares, that there cann come no damage to any magistrate or other appointed by lawe that shall marry the sajd Mary, so as shee be three tjmes published, as the lawe requires.

Ans^r to Mary
Longs petiçon

In ans^r to the petition of Joseph Armitage ffor an abatement of a fine of five pounds, imposed on him for not acquainting the counstable of a psons being druncke in his company, as the lawe requires, the Courte sees no cawse to abate the petitioner any part of that fine.

Ans^r to Joseph
Armitage
petiçon.

In ans^r to the petiçon of John Hajden, of Brajntrje, craving some release, itt is ordered, (in regard of the great afflicçon of God that ljes vppon the petitioner in regard of his child, as also his late losse of a cowe, being halfe his estate,) that he shall be yeerely allowed, out of the countrje levy that issues out of that tounne, the sōme of five pounds towards the chardge of keeping the child, & the tounne is to allow the rest; and this till the Courte see cawse to wthdrawe their benevolence.

John Hejdens
gratuity.

In answer to the petition of Richard Carter, desiring satisfacçon of M^r Saunders for carrying his wife to England after he forbad him, itt is ordered, the petitioner may have his cawse trjed at the next adjournment of the County Court in Boston.

Ans^r to Richard
Carters peti-
tion.

In answer to the petition of George Muñings, for the reparation of the prison howse and what is necessary thereabout, itt is ordered, that Cap^t Jⁿ^o Leverett, M^r Thomas Clarke, Cap^t Edward Johnson, the survejo^r gennerall, and Ralfé Mousecall, or any three of them, shall be cōmissioners to procure the same effectually and sufficiently to be donne; and whereas Cap^t John Leueret, M^r Clarke, and the Treasurer have engaged themselves to disburse so much pay as shall accomplish the sajd worke, itt is further ordered, that, in confidence thereof, they shall receave out of the publicke treasury so much as they shall disburse beforehand out of the next countrje rate, with two shillings in a pounds allowance, provided the worke be donne before the next sessions of this Courte.

Ans^r to George
Munings
petiçon.

[*48.]

*In answer to the petiçon of John Johnson and W^m Parkes, of Roxbury, ouerseeres to the last will and testament of Captajue Joseph Weld, late of Roxbury, aforesajd, desiringe that the howse and lands, orchard, garden, barnes, and eighteene ackers of vpland and meadowe to the same belonging, as it lyes

Ans^r to Jo.
Johnson & W^m
Parkes for con-
firmation of
howse & land
to M^r Stoddard.

1651.

13 May.

scituate and being in Roxbury, may be confirmed to Anthony Stoddard and his heires foreuer, so as the sajd Anthony Stoddard gives in security to the County Court, now on adjournment, and to the sajd ouerseers, to both their content, to pay vnto Daniell, Sarah, and Marah, as they shall attajne vnto their respective ages, the some of fifty pounds a peece in curraunt pay, or to the survivo^r or survivo^{rs} of them the some of one hundred and fifty pounds, keeping them at his oune chardge till they shall attajne their respective ages ; and, in case all the sajd children should dye before they come to age, then to pay what is justly dew to them, did they live, (by their fathers will and intent therein exprest,) to the first wives children, — the Courte thinkes it meete to graunt the petiçõners request, and doe confirme the sajd howse and land to the sajd Anthony Stoddard accordingly.

Ans^r to Jn^s
Ottis petition.

In ans^r to the petition of John Ottis, desiring the fine imposed on him by the County Court at Boston for his vnworthy carjage and resistance of the counstable, the Court determines he shall pay his whole fine.

Ans^r to Elias
Parkmans
petition.

In ans^r to the petition of Elias Parkeman, desiring satisfacçõn for some wast in his goods, which suffered in the marshalls hand, vnder an attachment at the suite of Alexander Monroo, &c, the Court refers the petiçõner to take his course at law for his satisfacçõn.

Ans^r to W^m
Phillips
petition.

In ans^r to the petition of W^m Phillips, itt is ordered, that whatsoever is dew to the petitioner from the countrje shallbe pajd him out of the next countrje rate.

Comittee to lay
out Haverill
bounds.

In ans^r to the request of the inhabitants of Haverill for a new comittee to be appointed to lay out their bounds, M^r Dumer and M^r Carleton, who formerly were appointed thereto, being now in England, the Courte graunts their request, and doth order, that Joseph Jewett, John Halsten, Robert Halsten, and W^m Widds, or any two of them, whereof Joseph Jewett to be one, shall lay out the bounds of Haverill, according to the graunt of this Courte, before the next session of this Courte, to which they shall make their re-tourne.

Georg Indian.

In ans^r to the petition of George, the Indian at Lynn, this Courte refers him to bring his acçõn in some inferior Court against any that withhold any land vnjustly from him.

[*49.]

Day of humili-
ation, 18 June.

*This Court, taking into consideration how farr Sathan prevajles amongst vs in respect of witchcrafts, as also by drawing away some from the truth to the profession and practize of straunge opinions, and also considering the state and condition of England, Ireland, and Scotland, and the great things now in hand there, conceive it necessary that there be a day of humiliation throughout our jurisdicçõn in all the churches, and doe therefore desire and

order, that the eighteenth day of the fowerth moneth shallbe sett apart for that end and purpose, and that the deput^s of the seuerall townes give notice to the seuerall elders of their churches of the Courts desire heerein.

1651.

13 May.

Itt is ordered, that the retourne of the cōmissioners appointed by this Courte to settle the bounds betwixt Water Toune and Sudbury be entred amongst the Court records at lardge, the Court approving thereof.

The agreement of vs, the persons whose names are vnderwritten, being deputed, authorised, and betrusted by the townes of Water Toune and Sudbury for the setling the division line betwixt the sajd townes, as followeth, viz., doe consent and conclude, that —

9, 3^{mo}, 1651.

The l̄ne which was formerly by M^r John Oliuer drawn in that place, and the same markes revised, about three yceres since, in the presence of some of each of the aforesajd townes, cōmonly called the old l̄ne, betwixt Water-toune and Sudbury, that the same l̄ne shall for euer stand, and be accompted the true partition l̄ne and bounds dividing and [^] the extent of the lands of both the townes aforesajd, which sajd l̄ne is described as followeth: It beginning at the southward parte of Concord bounds, runneth thence thorough a great p̄ne swampe and one smale peece of meadow, and so to the vpland, and then to an angle betwixt two hills, where a trench is digged, the highest parte of the sajd hill being eastward, from which angle the l̄ne runnes away south, about halfe a pointe westerly, which l̄ne, from the beginning next Concord bounds to the angle aforesajd, is about ninety sixe rodd, and this southerly l̄ne that runnes from the angle aforesajd vppon a streight l̄ne, as it is now marked, having these remarkable places therein: one roeke, called Groutshead, and a stake by the carteway leading from Sudbury to Water Toune, and so to a pine hill, being short of a pond about eighty eight rod, att which pine hill Sudbury bounds end. Wittnes our hands, each of vs, in the behalfe of the townes entrusting seuerally.

Sudbury &
Water Toune
l̄ne agreed on

WALTER HAJME,
EDMOND RICE,
EDMOND GOODENOW,
THOMAS NOJCE,
JO: GROUT,
JOHN RUDDOCKE,
HUGH GRIFFIN, in behalfe of Sudbury,
JOHN SIHERMAN, in the behalfe of Water Toune.

*Wee, whose names are herevnto subscribed, being by order of the [*50.]

1651. Gem^l Courte, dated 18th of the 8th month, 1650, deputed and authorized to setle the bounds betwixt Water Towne and Sudbury, doe heereby declare, that vppon the measuring of the middle līne of Water Towne bounds from the meeting howse to the length of eight miles, being performed by Left Joshua Fisher, being by the Courte aforesajd appointed therevnto, as also vppon seuerall other considerations, doe judge that the līne before expressed and described in the coucnant and agreement betwixt the persons of both the aforesajd townes, who have subscribed their names therevnto, is lajd out according to the Courts graunts formerly made to Water Towne, and doe therefore, for our parts, and according to the trust to vs comitted, setle and determine the sajd līne to be the true līne of partition betwixt the sajd bounds of the sajd townes in all respects, according as it is in their agreement expressed, and do fully concur with them therein, as aforesajd, to be a finall end to all differences in or concerning the līne aforesajd forever.

13 May.
Sudbury &
Water Towne
bounds.

10, 24^{mo}, 1651.

Subscribed,

SIMON WILLARD,
ELJAZER LUSHER,
& EDWARD JACKSON.

2000 ackers
graunted to
Water Towne.

Itt is ordered by this Courte, that Water Towne shall have two thousand ackers of land, lajd out neere Assabeth Riuer, joyning to the bounds of Sudbury, in respect of such land as was wanting to them, which was graunted them formerly by this Courte to be the bounds of their towne, and that Cap^t Willard and Left Goodenow see this donne and performed, and make retourne thereof to the next session of this Court, provided it be not pjudiciall to any former graunts.

Watertowne &
Concord
bounds or
acquiest, &c.

The bounds betweene Water Towne and Concord is by those two townes heereby acknowledged to be that which was lajd out by M^r Ju^o Oliver and the rest appointed for that purpose, and the aforesajd townes, by their deputies, doe likewise acknowledge themselves to be justly satisfyed in that respect, and therefore is recorded at their request amongst the Court records, by order of the Court.

Hugh Calkins
dismission.

Itt is ordered, that Hugh Calkin, the deputy for the towne of Gloucester, in regard of his removall out of this jurisdiction, shall be dismiss from the service of this Courte, provided that the towne make chojce of another to suply his roome.

The Courte graunts liberty to Cuttshamakin to buy three pounds of shott, soe as he leaves the order where he buyes it.

[*51.]

*Whereas this Courte did, in the yeare 1646, give encouragement for an assembly of the messengers of the churches, in a synod, holden at Cambridge,

and did desire their counsell and helpe for the drawing vp a confession of the faith and discipljne of our churches, according to the word of God, this Courte doth accompt itselfe obliged to acknowledge the piows zeale and labors of the assembly in that worke, which doth appeare by that draught of discipljne presented to the last Generall Courte for their approbation and allowance, and by them comēded to the consideration of the seuerall churches in this iurisdicōn, many of whom were pleased to present, to the last session of the last Courte, by the deputjes of the seuerall townes, seuerall objecōns against the sajd confession of discipljne, or seuerall particulars therein, wherevpon the Courte judged it convenjent, and conducing to peacc, to forbear to give their approbation thereto, vnesse such objecōns as were presented were cleered and remooved; ffor which purpose this Courte doth order the secretary to drawe vp the sajd objections, or the principall of them, and to deliuer the same to the Reuerend M^r Cotton, within one month, to be communicated to the elders of the seuerall churches, who are desired to meete and cleere the sajd doubts, or any other that maybe jmparted to them by any other person, concerning the sajd draught of discipline, and to retourne their advice and helpe herein to the next session of this Generall Courte, which will be alwayes zealows, according to their duty, to give their testimony to euery truth of Jesus Christ, though they cannot see light to impose any formes as necessary to be observed by the churches as a binding rule.

1651.

13 May.

A new meeting of y^e elders to consider of y^e churches retournes.

Contradicentes: Jn^o Leverett, Th^o Clarke, W^m Ting, Jeremy Honchin.

In ans^r to the request of W^m Heath, of Roxbury, being above sixty yeeres of age, the Court thinks it meete to graunt that he shall henceforth be exempted from all traynings.

W^m Heath, exemption from trayning.

In ans^r to the petition of Christopher Collens, desiring the forfeiture of his bond of tenn pounds, in not legally p^senting his appeale to effect, may be remitted him, itt is ordered, that he should pay but fflower pounds to the countrje, the rest of his bond being remitted, and he releast from the sentence of Salem Court by his appeale.

Christopher Collens to pay 4^{li} to y^e countrye.

In ans^r to the request of Cap^t W^m Ting, itt is ordered, that twenty shillings shall be allowed him, and discompted out of the ffiveteene pounds dew to the country from him, Cap^t Keajne, and John Milam, for wood the Deput^s had and burnt of his in 1644.

20^s allowed Cap^t. Ting for wood.

*In ans^r to the petition of M^r Samuell Winsly, desiring a remittment of the forfeiture of his bond for not p^secuting an appeale to effect, according to law, the Court declares the forfeiture of the bond belongs to the partje, M^r Samuell Hall, and orders that the petiōners shall pay, as a fine to the countrje, for his non appearance at the last Quarter Court to p^secute his appeale, the some of twenty shillings.

[*52.]

M^r Winsly fined 20^s to y^e count.

1651.

13 May.
Differēcē be-
tween · Hing-
ham & Scittuat
referred to
commissioners.
Addition to the
major genner-
alls cōmission.

Itt is ordered, that the difference betweene Hingham and Scittuate, about sixty ackers of meadow, be referred to the consideration of the commissioners of the collonies, to whom it properly belongs, to put an issue thereto.

Whereas the major gennerall having no power by his cōmission to issue forth his warrant for the gennerall trajning of his regiment, without the consent of the counsell of the cōmonwealth, when he shall see good, which is no more then any one major of a regiment hath, this Court declares and orders, that the major gennerall shall have power, in the cōmission to be given him, to call his oune regiment once a yeere, if he see cawse to trajne them, without the consent of the counsell of the cōmonwealth.

Ordered that
Mr Eatons debt,
12th, &c, be dis-
charged to
Ben. Gillum.
Gratuity to Mr
Phillips ser-
vāts.

Itt is ordered, that the debt of twelve pounds odd money, dew to Mr Eaton, Gouēno^r of New Haven jurisdicōn, at his request shallbe paid to Benjamin Gillum, by the Treasurer, of this next levy, to his content.

Itt is ordered, that the Treasurer shall pay the servants of Mr Phillips fforty shillings, as a reccompence for their attendance on and service to the Court, as also tenn shillings to Mr Bellinghams servants for their paines.

Mr Nortons
gratuitye.

Itt is ordered, that the thanks of this Courte be returned to Mr John Norton for his worthy paines in his full answer to Mr Pinchons booke, which at their desire he made, and since presented them with, and as a recompence for his pajnes and good service therein, that the Treasurer pay him twenty pounds out of the next levye.

[*53.]
Judgment in
Milam &
Francklin case.

*The Courte having heard the whole cawse of difference betweene Jn^o Milam, plaintiffe, and W^m Francklin, defendant, ffor digging away apeece of ground before his brother Humphry Milams howse, as it was trjed by way of action at the County Courte, in Boston, 28 : 11^{mo}, 1650, that Court rejecting the verdict of the jury, who found for John Milam tenn pounds damages, and tenn shillings and seven pence costs, itt was ordered by the Gennerall Courte, that William Franckljn should make the sajd landing place vp againe as good as it was before he cutt it away, before the last of July next, which then was twenty foote in length, and in breadth eight foote at one end, and about fourteene at the other end, as it appeared to a cōmittee to the Courts satisfaction, that so Humphry Milam may enjoy liberty of landing goods according to covenant, or else to forfeite to John Milam all the land that he, the sajd Franckljn, hath, lying and being betweene the creeke and the ffront of Humphry Milams howse, and howeuer to pay the costs of the Gen^l Courte, which is twenty five shillings.

The Courte is adjourned vntill the fowerteenth of October next, at noone.

*At the second Sessions of the Gemerall Courte of Electjons, held at
Boston, the fowerteenth of October, 1651.*

1651.

14 October.

WHEREAS, by favor of the most honorable Parljamēt of England, or councell of state, seuerall quantitjes of powder and other aṃnition are yearely imported into this jurisdiction for our necessary vse and defence, now, to the end the favor wee receive may not be abused, nor ourselves deprived of the just and necessary vse thereof, itt is heereby ordered and enacted, that all marchants or others that shall import into this jurisdiction either powder, lead, bullets, shot, or any aṃnition whatsoever, shall give particullar notice of the quantitje thereof to the publicke notary, vppon the pajne or pœnaltje of forty pounds, within one month after the landing of such goods, who is heereby enjoyned to take particullar notice of the same, with the marke and nnumber, and faithfully to enter the same in a booke, and the names of the persons to whom they are sold or vnto whose custody or power they are comitted, that he may give accompt thereof, vppon oath, to the Gouvernor, Deputy Gouvernor, or any of the councell, from tyme to tyme; and the sajd notary is hereby prohibitted, vppon the pajne or pœnaltje of one *hundred pounds, to graunt certificats, to any merchant or other, of any such goods but such as he shall have particullar notice of and entred as aforesajd; and to the end this order may be duely observed, and that no person may pleade ignorance thereof, itt is heereby ordered, that the captajne of the Castle shall, vppon the arivall of any shipp or other vessell in the Massachusetts Bay, from any forraigne parts, give notice of the contents of this order to the master or marchant of any such vessells, and the counstables of all other port townes in this jurisdiction are heereby enjoyned to doe the same.

Powder imported or exported in or out of this jurisdiction to be tooke notice of.

[*54.]

Whereas this Courte did, in the yeare 1646, give encouragement for an assembly of the messengers of the churches in a synode, and did desire their helpe to draw vp a confession of the faith and discipljue of the churches according to the word of God, which was presented to this Courte, and comended to the seuerall churches, many of whom retourned their approbatjon to the sajd draught in gemerall, and diuerse of the churches p̄sented some objections and doubts agaiust some particulars in the sajd draught, wherevppon, by order of this Courte, the sajd objections were comended to the consideration of the elders, to be cleared and remooved, who have retourned their answer in writing, — the Courte, having perused the sajd answer, doe thankfully acknowledge their learned pajnes therein, accounting themselves called of God, especially at this tyme, when the truth of Christ is so much opposed in the world,

Synod books approbation.

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14 October.
Trade with
Barbadoes
graunted on
caution, &c.

to give their testimony to the sajd booke of discipljue, that for the substance thereof it is that wee have practised and doe believe.

Whereas, by order of this Courte, bearing date the two and twentieth day of the third month, 1651, all trade with Barbadoes, Antego, Bermudaes, Virginia, is prohibitted, and thereby all masters of shippes or smaller vessells are comānded to forbear the transporting of any goodes or merchandise to the aforesajd places, as being in rebelljon against the comōnwealth of England, vppon the pœnalty of forfeiture of shippe and goods, since which tyme, having intelligence that the flecte vnder the comāund of Sr George Aiscue is sett forth by the Parljamēt for the reducing of the sajd Island of Barbadoes, and may probably, by Gods blessing, have effected the same, and this Courte having received a petition from diuers merchants and mariuers *for libertje to saje forth of these parts to the sajd prohibitted places, or some of them, giving in caution not to land any goodes in, or trade with, any the sajd places, except they be reduced to the obedience of the comōn-wealth of England, wherefore itt is ordered by this Courte and the authoritje thereof, that the Gouōnor or any two magistrates shall have power to graunt libertje to such as have or may desire to saje forth hence to any of the aforesajd places, takeing sufficient caution by bond of one or two thousand pounds starling, more or lesse, according to the burden of the shipp or valew of the cargo they shall sett forth withall.

[*55.]

Against
damage by
swjue, &c.

Itt is ordered by this Courte and the authoritje thereof, that all fences against cornefields, meadow grounds, gardens, orchards, or pastures, which are made of stone, pales, rajles, riuers, or creekes, or any other fences which are allowed by such men as are appointed in the seuerall townes to vjew fences, to be sufficient against greate cattell; all swjue breaking through such fences as aforesajd shall be liable to make satisfactjon for all damages, vppon due prooffe, as in other cases, any lawe or custome to the contrary notwithstanding.

Capt^s for
troopes.

Vppon a motion made to this Courte, in the behalfe of the seuerall troopers within this iurisdicōn, itt is ordered, that libertje shall be graunted them to chosse captajnes ouer their seueral troopes, provided that they be such as shall be allowed by this Courte, as captajnes of foote companjes are.

Countrjes seale
to be affixed.
Gov^r seal.

This Court conceives it both dishonorable and troublesome that at all tymes, even when the most weighty occasions of the countrje are in hand, the Gouernor should affixe the seale of this colonje, as often as men have occasions, to letters of attornejes and certificats, and yett have nothing for the same; and therefore orders, that henceforth, whosoeuer shall procure the seale of this collonje to any certificat, letter of attorney, or comīssion, shall satisfy the present Gouernor for the tyme being, five shillings for affixing the seale aforesajd, and attesting thereto vnder his hand.

To the end that no other but good and wholesome beere be brewed at any tyme heereafter in this jurisdiction, to be sold either for the supplies of shippes, or other smaller vessells at sea, or for the vse of travajlers or others, in ordjnaryes, and that no oppression or wrong be donne to any in this mistery, itt is *ordered by this Courte and the autoritje thereof, that no person whatsoever, after the publication thereof, shall vndertake the calling or worke of brewing beere for sale, but only such as are knowne to have suffieient skill and knowledge in the arte or mistery of a brewer; and further, it is ordered by the autoritje aforesajd, that if any vndertaker for victualing of shippes, or other smaler vessells, for sea, or master, or owner, or any other shall make it appeare that any beere bought of any person within this jurisdiction doe prove vnfitt, vnwholesome, and vseless for their sea supply in that kinde, through the jnsuffieienty of the malte, or brewing, or vnwholesome caske, the person wronged thereby shallbe, and is hereby, enabled to recouer æquall and suffieient damages by action against that person that put that beere to sale; and forasmuch as within this jurisdiction seuerall ordjnary keepers doe brew their oune beere, itt is further ordered by the autoritje aforesajd, that all such as put beere to sale shallbe able to proove that they put into euey hogshhead of beere that they sell for three pence the quarte, into the brewing thereof, sixe bushells of good barley malte, and into euey hogshhead of beere sold at two pence the quarte fower bushells of malte, and into euey hogshhead of beere sold at a penny the quarte two bushells of like good malte, and so proportionably, in greater or smaller quantitjes; and whosoever shall offend in fayling in any of these proportjons, by putting in lesse quantitje of malte, or selling beere at higher prises, shall forfeite for the first offence therein forty shillings, for the second offence therein shall forfeite their license, and that it shall be lawfull for euey ordjnary keeper to brew beere for sale of threepence the quarte, any lawe, custome, or vsage to the contrary notwithstanding.

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14 October

[*56.]

Order for
brewers.

Vppon information of diuers loose, vayne, and corrupt persons, both such as come from forraigne parts, as also some others heere inhabiting or residing, which insinuate themselves into the ffellowshipp of the younge people of this countrje, drawing them, both by night and by day, from their callings, stud-djes, honest occupations, and lodging places, to the great dishonour of God, greife of their parents, masters, teachers, tvtors, guardjans, ouerseeres, and such like, itt is ordered by this Courte and the autoritje thereof, that whosoever shall henceforth any wayes cawse or suffer any yeeong people or persons whatsoever, whether children, servants, apprentices, schollars belonging to the colledge, or any other Lattjn schoole, to spend any of their time or estate, by night or day, in his or their *company, howse, shopp, shippe, or other

To prevent
youths mis-
carriage.

[*57.]

1651.

14 October.

vessell, whether ordjuary, taverne, victualling howse, cellar, or other place where they haue to doe, and shall not, from tyme to tyme, discharge and hasten all such youths to their seuerall imploiments and places of abode or lodging aforesajd, if their being in any such place be knowne to them, or any other servant or helpe in the familje, or supplying the place of a servant at sea or at land, that then such person, howse holder, shop keeper, shipmaster, ordinary keeper, taverner, victualler, or other, shall forfeite the some of forty shillings vppon legall conuiccion before any magistrate or others authorized to end smale causes, one halfe to the iurformer, the other halfe to the countrje; and all counstables in their seuerall iurisdictiones are also authorized to acte heerein as is provided in reference to the lawe of innkeepers.

Jurors for
speciall courts.

Whereas there have bin complaints made to this Courte, that, vppon the choice and sumōning of iurjes for speciall Courts, there hath bin some jntrenchments vppon the freemens libertjes, itt is therefore ordered by this Courte and the authoritje thereof, that the ordjuary course of the chojce of iurjes by the freemen shallbe attended in the chojce and sumōning of iurjes for speciall Courts, and no other way, in the places where the iurjes shallbe chosen and sumōned.

Jurors out of
Middlesex.

There being seuerall of the inhabitants of the county of Suffolke having expressed themselves that they have suffered some wrong in regard the iurjes chosen to serve at the Courtes of Asistants are alwayes made chojce of out of the county of Suffolke, to trye such actions as are brought from all parts of the jurisdiction, which this Courte having considered of, doth order, that from henceforth all iurors shall be made choice of respectively out of the county of Middlesex also.

[*58.]

Against ex-
cesse in ap-
parrell.

Although seuerall declaratjons and orders have bin made by this Courte against excesse in apparrell, both of men and weomen, which have not taken that effect as were to be desired, but, on the contrary, wee cannot but to our greife take notice that jntollerable excesse and bravery hath crept in vppon vs, and especially amongst people of meane condition, to the dishonor of God, the scandall of our profession, the consumption of estates, and altogether vsuiteable to our pouertje; and although wee acknowledge it to be a matter of much difficultje, *in regard of the blindnes of mens mindes and the stubbornes of their willes, to sett downe exact rules to confjne all sorts of persons, yett wee cannot but account it our duty to comēd vnto all sortes of persons the sober and moderate vse of those blessings which, beyond expectation, the Lord hath bin pleased to affoard vnto vs in this wildernes, and also to declare our vtter detestation and dislike that men or weomen of meane conditjon should take vppon them the garbe of gentlemen, by wearing gold

or silver lace or buttons, or points at their knees, or to walk in great bootes, or weomen of the same rancke to weare silke or tiffany hoodes or scarfes, which though allowable to persons of greater estates, or more liberall education, yett wee cannot but judge it intollerable in persons of such like condition: itt is therefore ordered by this Courte, and the authoritje thereof, that no person within this jurisdicōn, or any of their relations depending vppon them, whose visible estates, reall and personall, shall not exceede the true and indifferent valew of two hundred pounds, shall weare any gold or silver lace, or gold and silver buttons, or any bone lace above two shillings p yard, or silk hoods or scarfes, vppon the penaltje of ten shillings for every such offence, and every such deljquent to be presented by the graund jury. And forasmuch as distinct and particular rules in this case, suiteable to the estate or qualittje of each person, cannot easily be given, itt is further ordered by the authoritje aforesajd, that the selectmen of every toune, or the major part of them, are heereby enabled and required from tjme to tjme to have regard and take notice of apparrell in any of the inhabitants of their seuerall townes respectively, and whosoeuer they shall judge to exceede their rancks and abillitjes in the costljnes or ffashjon of their apparrell in any respect, especially in the wearing of ribbons or great bootes, (leather being so scarce a comoditje in this countrje,) lace pointes, &c, silke hoods or scarfes, the select men aforesajd shall have power to asseesse such persons so offending in any of the particulars above mentioned in the country rates at two hundred pounds estates, according to that proportion that such men vse to pay to whom such apparrell is suiteable and allowed, provided this lawe shall not extend to the restraint of any magistrate or publicke officer of the jurisdiction, their wives and children, *who are left to their discretion in wearing of apparrell, or any settled military officer or souldjer in the tjme of military service, or any other whose education and implojments have binn above the ordjnary degree, or whose estates have binn considerable, though now decayed.

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[*59.]

Whereas it doth appeare to this Courte that suites at lawe are groune more frequent of late in this jurisdicōn then formerly, and especially in the toune of Boston, by reason of the greate concourse of people and increase of trade there, whereby County Courts are much prolonged; and forasmuch as many crjmes also are comitted in the sajd toune, both by night and by day, both by straungers and others inhabiting in this country, which either through the want of jnformation or authoritje not constantly at hand, sundry offenders and offences escape vnpunished, for preventjon whereof, the Gennerall Courte, assembled at Boston, 14th of October, 1651, have thought meete that there be seven men, of the freemen resident in Boston, annually chosen by the freemen

Boston comis-
sioners.

1651.

14 October.

of the said toun, and presented to the Courte of Asistants, who heereby have power to authorize the said seven freemen to be comissioners for the said toun, to act in all things committed to their trust, as is heereafter exprest, who shall from tyme to tyme be sworne before the said Courte, or the Governour then in being, to the faithfull dischargd of that service. And for the present yeare this Courte hath given and graunted, and doe heereby give and graunt, full comission and authority to Mr Richard Parker, Mr Nathaniell Duncan, Cap^t Robert Keajne, Cap^t Willjam Ting, Mr Edward Ting, Mr Anthony Stoddard, and Cap^t John Leveret, or any five of them, or any three of them with one magistrate, to heare and determine all civill actions which shall be brought before them, not exceeding the sume of tenn pounds, arising in the necke of land on which the toun is situated, and also Nodles Island, or betwixt any persons where both partjes shallbe inhabitants or residents within the said necke or Nodles Island aforesaid, or any other not inhabiting in this jurisdiction; and also to heare and determine all civill actjions whatsoever legally brought before them, not exceeding the summe of tenn pounds, as aforesaid, provided they keepe a booke of record for the entry of all causes, evidences, testimonjes, sentences, and judgements, as the lawe provides in like cases; which said commissioners are authorized annually to *appointe a clarke of their Court, and to demaund and receive of every plaintiffe, in all cases or actions not exceeding forty shillings, the sume of one shilling sixpence, and for all other actjions the some of five shillings, and for all other things the accustomed fees; provided also that the said comissioners from tyme to tyme shall publish their Courte dajes, as the three comissioners in townes are by lawe to doe; and for discouery, prevention, and punishment of sinn and misdemeanors in the said toun of Boston, power and authoritje is heereby given and graunted to the said comissioners, and every of them, by warrant vnder their or his hand, to convent before them, or any one of them, all such persons as shallbe complajned of for such offences, or otherwise legally brought to their cognizance, and to heare and determine the same according to lawes heere established, as any magistrate may doe, provided the fines imposed by them doe not excede forty shillings for one offence. And that our said comissioners may the better and more dilligently endeavor the suppressing of sinn and misdemeanors and the breach of the peace in the said toun, their comission shallbe from tyme to tyme vnder the hand of the secretary for the Gennerall Courte. And also all marshalls, constables, and other inhabitants respectively from tyme to tyme shallbe ayding and asisting our comissioners aforesaid in this behalfe; and that no person may be discouraged or any way damaged heereby, itt shallbe in the libertje of any person

[*60.]

to appeale from any sentence of any of them from tyme to tyme vnto the Courte of Assistants, provided that no action arising vnder tenne pounds within the sajd lymitts of Boston Neeke and Nodles Island, as aforesajd, shallbe received into any County Courte; and that this comission shallbe of force for trjall one whole yeere.

1651.

14 October.

Whereas there was a lawe made in the yeere 1650, concerning straungers coming into this jurisdictjon, wherein all straungers ariving within any of our port townes, above the age of sixteene yeres, were enjoyned to be accomptable before the Gouvernor, Dep^t Gouvernor, or two of the honored magistrates of the occasion of their coming into these parts, as in that order more largely doth appeare, which sajd order is long since expired, itt is therefore heereby ordered, that the sajd lawe be againe revived, and declared by this Courte to stand in force till this Court shall see just cawse to repeale the same, which law is at large recorded in this booke, page 20.

Turne to 20
page.

*Itt is ordered by this Courte, and the authoritje thereof, that all sorts of corne shall be pajd into the countrje rate for the yeare ensuing, at these prises following, viz., wheate and barley at five shillings p bushell, rye at foure shillings, pease at three shillings eight pence, and Indean at three shillings p bushell; all good and merchantable corne and all other things pajd into the country rate to be vallewed according to the prises of all sortes of corne above mentjoned.

[*61.]

Prizes of corne
to y^e countrje
rate.

Forasmuch as this Courte hath occasion many tymes of sending letters to England, to the Dutch, French, Roade Island, as also to the other jurisdictjōns, and ordinarily doe receive letters from them, and that sometjmes such as are of great concernment to vs, that wee may more readily finde out the contents of such letters as aforesajd, itt is ordered, that from henceforth there shall be two seuerall bookes kept, the one by the secretary, the other by the clarke of the Deput^s, wherein letters and other forrajgne transactions, so much as this Courte shall appointe, shall be recorded; and because it is a worke that will require much tyme and labour, letters being many, and some very large, itt is heereby further ordered, that they shall respectively receave proportionable recompence yearely for their labor, as this Court shall determine.

Order for a
record of
letters.

Itt is ordered, that the secretary, for his attendance on and service to the Gennerall Courte, counsell, and transcribing the acts of the comissioners, as also for transcribing of letters, and all other service, besides the benefitt of transcribing the orders of the Gennerall Courte for the seuerall townes, the sunne of forty pounds for this yeere, and so forward, and to beginne at the first sessions of this Courte.

Secretaries
allowance.

In answer to the petiçōn of Jane Guy, widdowe, for liberty and power to

Widdow Guyes
answr.

1651.

14 October.

Major Dennison's graunt of 600 acres of land.

[*62.]

Milams sale to Addams confirmed.

50^s allowed to John Lewis.

Issue of the case between Capt. John Wall & Mr Henry Groome.

sell the howse and land of Nicholas Guy, her late husband, for the discharge of hir husbands debts, and hir owne more comfortable subsistance, the Courte graunts hir request, and impowres hir to sell the land accordingly.

Whereas this Courte did graunt vnto the toune of Rocksbury fower thousand acres of land, whereof two hundred sixty seven was assigned to M^r W^m Dennison, the which he hath given to his some, Major Daniell Dennison, as by his deede, bearing date 21th October, 1651, more largely appears, att the request of the sajd Major Daniell Dennison, this Courte doth graunt, that the sajd two hundred and sixty *seven acres shall be made vp six hundred acres of land, to be lajd out to him where it may be found according to lawe.

In answer to the petiçōn of John Milam, that whereas (by the order of John Seaberrys wife, late of Boston, wth the approbatjon of the sajd John Seaberry, as by y^e affidavitt of M^r Christopher Clarke more ffully appears) he made sale of the howse of the sajd Seaberrje to Alexander Addams for fforty five pounds, thirty five pounds whereof is pajd to the sajd John Seaberry and his wife, the sajd John Seaberry being some whiles dead, his request being that this Court would rattify the sale of the sajd howse to the sajd Addams, he giving in security to pay the remayning tenn pounds to the right heire on all demands, the Court graunts the petiçōners request, and judge it meet that the tenn pounds, by security, from Alexander Addams, be given to the next County Courte, to be in a readjnes on all demands to be deliuered to the true heire of the sajd Seaberry; and heereby orders, that then the sajd howse and land be confirmed to the sajd Alexander Addams, as is desired.

In answer to the petition of John Lewis, who desired the pajment of ffifty shillings, being by him expended on M^{rs} Elizabeth Cole in the tyme of hir extremity, having had encouragement from the Magis^{ts} therevnto, itt is ordered, that the Treasurer sattisffy the sajd John Lewis ffifty shillings out of the countrje levy.

In answer to the petition of Cap^t John Wall, a hearing of the difference betweene the sajd John Wall and M^r Henry Groome was graunted; and in the sajd case, after the [^] had heard fully what the partjes could say, the Courte determined that M^r Henry Groome, according to the order of the County Courte in Cambridg, should be execcutor to the last will of his brother, M^r Niccolas Groome, and that Cap^t Wall should surrender all the goods and estate belonging to the sajd Niccolas Groome to the sajd Henry Groome, giving in security to the sajd Cap^t John Walls, to save him harmesse from all his engagements to M^r John Daniell, of Redriffe, one hundred and three pounds, whereof ffowerteene shillings and tenn pence is sattisfjed to the sajd Groome by the sajd M^r Wall, on accompt; and that the attachment against Cap^t John Wall, to

answer the sajd Henry Groome at the next County Court for the same, be deliuered vp to the sajd John Wall.

1651.

14 October.
[*63.]

Ans^r to M^r
Ann Thomp-
sons petiçon.

*In answer to the petiçon of Ann Thompson, late wife of Symon Crosby, first craving the favor of the Courte to pardon hir ignorance, and excuse the pœnalty for not proving hir deceased husbands will; 2^{ly}, that this honnored Courte would please to graunt vnto her the administration of the goods and chattels of her deceased husband, Symon Crosby; 3^{ly}, to confirme the por-tions of the children according as they were agreed by the Reuerend M^r Shephard, the elders and deacons of Cambridge, or so farr forth as the Courte shall see meete; lastly, that shee may have power, or whomsoeuer shee shall appointe, to make sale of the howse and land of hir late husbands, shee or they putting in securitje to the Courte for pajments of the childrens portions. The Courte, having wth this petiçon perused the agreement made by M^r Shepheard and elders, and two deacons of Cambridge, doe allow and approve thereof, and fforther graunts hir power to sell the howses and lands, provided shee put into the Courte at Cambridge good securitie to pay the childrens portions, and doe also graunt the rest of the particculars in this petiçon mençoned.

In answer to the petiçon of M^r John Winthrop, craving the allowance of fifty pounds for his service at the request of the countryes agents in England, itt is ordered, that the forty pounds for which the petiçoner did engage for Doctor Child be given him for his imployments in England.

40^{li} guift to M^r
John Win-
throp.

In answer to the petiçon of the tounce of Newbery, Cap^t Willjam Gerrish is hereby authorized to marry such there as shall be legally published.

Cap^t Gerrish to
marry at New-
bery.

In answer to the petiçon of M^r Samuell Symonds, the Courte graunts him three hundred ackers of land, beyond the Riuer of Merremacke, where it maybe found in the power of this Court to graunt, with free liberty for timber, provided he sett vp a sawe mille there wthin the space of seven yeeres.

Graunt of 300
ackers to M^r
Symonds.

In answer to the petition of George Munnings, keeper of the prison, that whereas Edward Burt comēced a suite for the escape of Cap^t Hudson, and recouered a judgment against him for y^e debt the sajd Hudson owed the sajd Burt, the Court considering the countrje had donne their endeavors to repajre the prison, they have ordered, that the countrje shall not pay for the escape of Cap^t Hudson, nor the keeper, but the judgement of the County Court shallbe, and hceereby is, reuersed in such respect.

Ans^r to George
Munnings peti-
tion.

In answer to the petition of John Endecott, Esq^r, y^e present honnored Gouⁿor, the Court doth graunt him three hundred acres of woodland, lying neere to the place he intends to sett vp his works, named Blinde Hole, neere to

300 acres of
woodland to
M^r Endecott,
at Bljnd Hole.

1651.

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[*64.]

Ans^r to M^r
Foorde's peti-
tion.

a farme formerly graunted him, not being graunted to any other, on this condition, that he sett vp his workes within seven yeeres.

*In the case betweene M^r Thomas Foorde and Cap^t John Wall, and in answer to his petitjon, after the Courte had fully heard what the partjes could say, the Courte determined that Cap^t John Wall should give securitje to satisfy M^r Thomas Foorde, his heires, executors, or assignes, the some of three thousand three hundred forty and one pounds weight of sugar, at the Barbadoes, by the last of June next, abating fower p cent for the payment thereof at that tyme; and itt is ordered, that the clarke of the County Courte at Cambridge shall deliver vp to Cap^t John Wall, or his assignes, the originall bond which was deliyered with the sajd Courte; and for the chardges of the Courte for the tyme expended in hearing the cawse, the Courte is willing to remitt it, being they were both straungers, and not above two howres in hearing.

M^r Pooocks
fifty pounds
to be allowed
by y^e Treasur^r.

In answer to a letter from M^r John Poocke to M^r Pecters, wherein it appeared the countrje owed the sajd M^r Poocke fifty pounds, itt is ordered, that the Treasurer shall pay M^r Poocke fifty pounds, in satisfaction thereof.

Ans^r to the
petitjon of
widdowe
Lambe, Isacke
Heath, & John
Johnson.

In answer to the petitjon of Dorothy Lambe, of Roxbury, elder Isacke Heath, and John Johnson, craving the confirmation of the sale of a smale parcell of vpland and meadow, contajning three quarters of an aere, more or lesse, sometjme belonging to Thomas Lambe, deceased, by whom made vnto W^m Parkes, W^m Cheny, Thomas Baker, and Mary Woodey, wife of John Woodey, late deceased, the Courte graunts their request, & confirms the sajd sale accordingly.

Ans^r to John
Witherdens
petition.

In answer to the petitjon of John Witherden, the Courte doth order that the petitioner shall have his execution graunted against M^r Aspinwall, and that he shall have his bill of costs of two pounds sixteene shillings, vnlesse M^r Aspinwall produce the determination of that Courte that did abate the same, vnder M^r Nowells; and fforther, that M^r Aspinwall shall pay the petitioner his bill of chardges for his attendance and his wittnesses for seven dayes vppon this Courte, amounting to two pounds thirteene shillings.

Ans^r to Read-
ing petiçon.
Vide p^a 567.

In answer to the petition of the inhabitants of the toune of Reading, craving the addition of two miles, or thereabouts, of land adjoyning to their bounds, of fowre miles, and lying betweene M^r Bellinghams farme and the great riuer, the Courte graunts the petitioners request, so as it hath not binn already graunted to any toune or person, nor prejudicing any former graunt to any.

Ans^r to John
Emorys
petiçon.

In answer to the petiçon of John Emory, the Court graunts his request,

and hereby gives him power to sell the howse and lands mentioned in his petiçõn, so as he gives securitje to the County Courte at Ipswich to pay the children the full prize the land shall be sould for, and make y^e three childrens twenty nobles a peece, eight pounds a peece, and pay the daughters their portjons at eighteene yeeres, and the sonnes at twenty one.

1651.

14 October.

*In answer to the request of the toune of Newbery, the Court allowes and approves of their chojce to Benjamin Swett to be ensigne to their millitary company, & confirms him in that place.

[*65.]

Ben. Swett, ensig^e to Newbery comp.

Itt is ordered, that the toune of Douer shallbe, and heerby is, fined tenn pounds for their neglect in not sending a deputy to this Court the last sessions, nor this neither, which fine, at the request of M^r Maude, is respited from being levyed till the next Courte of Elecçõn, that the Court may judge of Douers answer.

Douer fined 10^{li}.

Vppon the motjon of the deputy of Springfield in behalfe of their toune, itt is ordered, that the inhabitants of Springfield, aforesajd, shall be at their liberty whether they will send any deputy to the latter session of this Courte from yeare to yeare.

Springfields liberty to send a deputy to y^e Court of Elecçõn only, if they will.

In answer to the petiçõn of M^r Thomas Gayner, craving releife in five things,—1, for execution for the twenty nine pounds seven shillings nine pence; 2^{ly}, for twenty fower pounds five shillings sixepence, pajd the sajd M^r Aspinwall and M^r Bendall, as they say, by contract, for attournyshipp & trouble for the seamen; 3^{ly}, that the sajd M^r Aspinwall & M^r Bendall may give in an accompt vppon oath; 4^{thly}, that they bring in recejpts for what they pajd; 5^{ly}, that he may have liberty to sue the sajd M^r Aspinwall & M^r Bendall at coñon law,—the Courte declares to the first, that, although M^r Gayner hath receaved ffive pounds thereof, yett he shewes no right he hath to it to demaund the same; to the second, that they see not that any thing \wedge that pertajneth to him thereof; to the 3^d, that M^r Aspinwall & M^r Bendall hath donn so; by the testimony of M^r Nowell, to the 4th, there is a receipt and dischardge from the seamen to Major Gennerall Edward Gibbens on record; to the fifth, the lawe is open for him, having cawse and power to sue by.

Ans^r to M^r Gajners petiçõn.

In answer to the petiçõn of Richard Swajne, W^m Swajne, and other of the toune of Hampton, itt is ordered, that whatsoever goods or lands have binn taken away from any of the inhabitants of Hampton by Edward Calcord or John Samborne, vppon pretence of being authorized by M^r Batchelor, either with or without execution, shall be returned to them from whom it was taken, and the execution to be called in and no more to be graunted vntill there appeare sufficient power from M^r Batchilor to recouer the same to the County Courts, either of Salisbury or Hampton.

Ans^r to Swajnes petiçõn.

1651.

14 October.
Roger Shawes
power.

Whereas the survejour gennerrall did arest Roger Shawe, of Hampton, for eight pounds, for a barrell of powder which was dew to the countrje from the toune of Hampton, and the sajd Roger Shawe did acknowledge a judgement for the same, itt is ordered, that the sajd Roger Shawe shall have power to make a levy on the inhabitants of Hampton for the payment thereof forthwith.

[*66.]

Mr Aspinwalls
censure.

23 October.

*In answer to the petiçõn of John Butten, Benjã Ward, Thomas Matson, Willjam Ludkin, and others of a jury appointed to serve in the last County Court held at Boston, in an acõn betweene Mr W^m Aspinwall and John Witherden, the Courte doth order that Mr Aspinwall be convented before the whole Courte on the morrow, being 23 S^{un}, 1651, to give answer to such things as are chardged vpon him in this and Witherdens petiçõn. The partjes appeared at the time appointed, and after the Court had fully heard the cause, and what both partjes could say, the Court proceeded to judgm^{nt}. Itt is ordered, that henceforth Mr W^m Aspinwall shall be suspended from exercising the office of recorder or clarke in any County Courte, for chardging the Courte and jury to goe against lawe and conscience, making the landlord to pay rent to the tenant, and shall pay the so^{me} of thirty shillings for the jurjes attendance and entring the petiçõn, wth fower shillings for two witnesses attendance.

Record^r of the
county of
Suffolke.

Itt is ordered, that Mr Edward Rawson, present secretary to the Generall Courte, shall henceforth be recorder for the county of Suffolke, and that Mr Aspinwall deliuer him all the records belonging to the sajd county.

Boston clarke
of the writts.

Itt is ordered, that Jonathan Negus, at the request of the toune of Boston, shall henceforth be clarke of the writts for the toune of Boston, in Mr Aspinwalls roome, who is to give him the records of deaths, births, and marriages, in his hands, y^t belongs to that office.

Ans^r to Capt.
Hauthorns.

In answer to the request of Cap^t Willjam Hauthorne, the Court, for and in consideration of the twenty pounds dew to him, as com^{is}ioner, for this yeares service, doth graunt to the sajd Cap^t Hawthorne and his heires all that parcell of land this Courte bought of Mr Knowles, lying in Kittery, and abutting on Piscattaq Riuer.

4th to Cap^t
Allen.

In answer to the petiçõn of Cap^t Bozoone Allen for the rebating of what the Court should see meet of tenn pounds and five shillings the survejour genn^l recouered of him for a barrell of powder w^{ch} the toune of Hingham had of the countrjes, itt is ordered, that the Treasurer shall allowe the sajd Cap^t Allen fower pounds out of the countrje levy in satisfacõn of what was taken from him.

Ans^r to Cap^t
Keajue & Mr
Newgates
petiçõn.

In answer to the petiçõn of John Newgate, John Coggan, Robert Keajue,

Samuell Cole, Niccolas Parker, and other inhabitants of Runny Marish, itt is ordered, that if the petiçõners shall refuse to lay out twenty acres of good planting ground, in a convenient place, for Sagamore George to make vse of, that then the sajd sagamore is permitted the bennefitt of the lawe to recouer what right he hath to the land, provided the petiçõners shall have the *refusall thereof when euer the sagamore shall sell the same. 1651.
23 October.
[*67.]

Whereas, in the yeare 1650, there was a com̄ittee chosen to pervse a booke called Lex Mercatorja, to extract such lawes from thence as might be suiteable for our vse in this com̄on-wealth, which sajd com̄ittee have not yett mett according as was then concluded, that the sajd order may be further prosecuted, itt is ordered by this Courte, that the accomplishing of that worke shall be referred to M^r Nowell and the auditor gennerall, who are heereby chosen a com̄ittee, and desired to pvse the sajd booke, and to collect from thence such lawes as they shall judge meete for our vse, according as that order doth direct, and to make retourne to the next Gennerall Courte. A com̄ittee
about Lex
Mercorja.

In answer to the petiçõn of Thomas Venner, itt is ordered, that M^r Venners vessell shall be freed from M^r Gajners attachment, provided the sajd M^r Venner, or whomsoever else it concerns, give in security to the vales of one hundred pounds, to be responsall to answer M^r Gayner in the action in the next County Courte. Ans^r to M^r
Venners peti-
çõ.

In answer to the petiçõn of the toune of Hingham, the Court doth heereby authorize Leftenant Joshua Hubbard to marry such persons as shall be there legally published. Left Hubbard
to marry at
Hingham.

In answer to the petiçõn of Susanna Rashleigh, desiring this Courts graunt of a free estate and title vnto the howse and lands of hir late husband, whereby shee may be inabled to dispose thereof for the best advantage and good, w^{ch} the Court graunted. Ans^r to M^r
Rashleighs pe-
tiçõ.

In answer to the petiçõn of Anna Palsgrave, of Charlstonne, widdow, desiring the confirmation of hir late husbands estate, Richard Palgrave, deceased, to hir and hir heires for euer, according to the desire and jntent of the testator, to prevent future trouble and contentjõn that might otherwise ensue, the Court graunts hir request. Ans^r to M^r
Palsgraves pe-
tiçõ.

In answer to the petiçõn of the inhabitants of Strawberry Bancke, the Courte graunts the petiçõners all the land betweene Hampton and them that is not already graunted to townes or persons, Squamscott pattent excepted. 2^{thly}. That M^r Ambrose Lane, M^r Brjan Pendelton, and Henry Sherborne are heereby for one whole yeere jvested with ample power, and be enabled as associates wth Cap^t Thomas Wiggim, to keepe one Courte in a yeere at Straweberry Bancke, viz., at such tyme as Cap^t Wiggins shall appointe, to trye all civill & criminall accõns, as other theire Courts within this jurisdicçõn doth ; as M^r Ambrose
Lane, & c,
com̄ission at
Strawberry
Bancke.

1651. also the three aforesaid comissioners, or each of them, shall have power to administer oathes, keepe the peace amongst the inhabitants, *and to graunt warrants to bring before them such as shall break the pœnall lawes, the pœnaltjes whereof exceede not fforty shillings, and all offenders, whose pœnalty shall exceede the sōme aforesajd, to binde ouer to the County Courte, or send them to some magists to be provided with, according to lawe; and they have further power to end smale causes, as three men in tonnes have; and for what else is mentioned in the petition, the Courte referrs it to the next Generall Courte of Elecçōn, to be considered and determined, provided they have or shall take the oath of fidellitje to this gouernment before they act according to this comission.

Kyttery w^{thin}
our pattent, &c.

Whereas, by the extent of the lje of our pattent, it doth appeare that the toune of Kyttery, and many miles to the northward thereof, is comprehended within our graunt, and forasmuch as this Courte hath bin informed that there hath bin a late endeavor of seuerall persons thereabouts to drawe the inhabitants of Kettery, &c, who gouerne now by combjnation, to petiçōn the Parljamēt of England for a graunt of the sajd place, which the major parte of the inhabittants refused to doe, many of them expressing their willingness rather to submitt themselves to the gouernment of the Massachusetts, this Courte, taking into consideration the premisses, together with the comodjousnes of the Riuer of Piscataque, and how prejudicjall it would be to this gouernment if the aforesajd place and riuer should be possessed by such as are no freinds to vs, hath ordered, that a loving letter, and friendly, be sent from this Courte to the sajd inhabitants of Kettery, &c, acquainting them with our foresajd right, &c, and comission graunted to M^r Symon Bradstreete, Major Daniell Demison, and Cap^t W^m Hawthorne, to treat wth them, and, according to instruccōns given, to receive them vnder this gouernment, if termes of agreement can be concluded vppon by mutnall consent; otherwise, having made knowne our right, and lajd clajme to the place, to protest against any further proceeding by virtue of their combinaçōn, or any other interest w^{ts}oeuer, comisson was graunted to y^e gen^r abovementioned, & a letter sent wth instruccōns w^{ch} are in the Court booke of records for letters, &c.

Maldens trjall.
24 October.

Itt is ordered, that the whole Court meete together on the morrow, being 24 of the eighth month, at one of the clocke, about M^r Mathewes his offence returned by the comitteē, as also the offence of the church of Malden, and to that end that M^r Hills give notice accordingly. Att the tyme appointed, M^r Marmaduke Mathewes appeared; so did M^r Joseph Hill, Edward Carrington, and John Waite, wth seuerall others of the church of Malden, & on the churches behalfe appeared to answer their offence, &c, according to the order of the last Generall Courte.

*Mr Mathewes appearing, and not giving the Court satisfacōn by their cōmītee, or otherwise, for his errors formerly deliuered, and for which this Court had dealt with him, the Courte declared, that, although the civill and churches powers may proceed concerning offenders in their seuerall wajes without interfering one with another, yett in this case, vpon some considerations, they judge it doth stand with wisdome to have the churches to acte before themselves, and therefore they thinke meete, and doe appointe the church of Malden speedily to consider of the errors Mr Mathewes stands chardged with in Courte; and in case, vpon the churches dealing with him, he doth acknowledge his errors and vnsafe expressions, and give satisfacōn vnder his hand, so as the secretary, being certijed thereof, doe acquainte the counsell therewith within sixe weekes, the matter at present may so rest, else the secretary shall give notice vnto the churches of Cambrjidge, Charles Toune, Lynn, and Redding to send their messengers in way of counsell and advice vnto the church of Malden, and not excluding any other churches with them, to debate the dōctrines there deliuered by Mr Mathewes, and now in quæstion, that by this meanes the truth may the better appeare; and that they prosecute the same to effect according to the rule of Christ, for the conviction of Mr Mathewes, and helpfullnes of the church of Malden.

1651.

24 October.

[*69.]

Courts order in
Mr Mathews
case.

The Courte, having considered and perused the answer of the church of Malden, touching those things wherein they had given offence, are not satisfied therewith, and doe therefore judge, and orders, that the members of the church of Malden shallbe fīned, for their offences, the some of fifty pounds, which shall not extend to any person that hath given this Courte satisfactjon, and that consented not to Mr Mathewes ordjnatjon. And itt is further ordered, that the sajd fifty pounds shall be levjed by executjon on the estates of Mr Joseph Hills, Edward Carrington, and John Wajte, who are hereby impowred to make proportion of the sajd some on the rest of the members of the church, except before excepted.

Church of
Malden cen-
sure.

Itt is ordered, that the judgment graunted at the first session of this Court against Mr Marmaduke Mathewes, for ten pounds, the execution thereof shallbe respitted till other goodes appeare besides bookes.

Execution
against Mr
Mathewes
respitted.

A letter to the Gouvernor, from Mouns^r S^{ut} Maze, was read in Court, wherein complaints were made against Cap^t Lane and Mr Jotham Gibbens, for injurjes by them donne him, w^{ch} the Courte considered of, examined, and returned answer, which fully appears in the booke for the Court records for letters, &c, wth commission & warrant to the marshall of Hampton to apprehend the sajd Sampson Lane, if wthin our jurisdiction.

In ending
about y^o
French com-
plajnts.

*In ans^r to the petiçōn of Nathaniell Edwards, who presented to this

[*70.]

1651. Court a will, made by one Nathaniell Smith, and therewithall severall testimonjes, to proove that the sajd will was confirmed and allowed by the Prærogative Courte in England, which, vppon pervsall thereof, this Court doth also declare the sajd will to be legall, and approve thereof; and doe also order, that the sajd Nathaniell Edwards shall putt in caution to the next County Court, holden at Boston, to be responsall for all the estate of the sajd Smith, lying within this jurisdiction, in case the sajd will should heereafter be reversed.

24 October.
Ans^r to Nathan
Edwards peti-
tion.

Mr Hubbards
commission,
&c.

At the request of Mr Phillips, of Rowley, itt is ordered, that Mr W^m Hubbard, Señ, of Ipswich, shall be, & is hereby, impowred to marry the sajd Mr Phillips, who hath binn thrice published, as the lawe requires.

Mr Smiths
dismission, &c.

Mr Henry Smith, the deputy of Springfeild, having a long journey to travell, and vrgent occasions to retourne home, vppon his request, is dismissed from his further attendance on the service of this Courte.

County Courts
adjournment.

Itt is ordered, that the County Court of Suffolk, w^{ch} is to begin on the 28 of this instant eighth month, shall be adjourned to the 18 of the 9^m, by reason of the Gennerall Courts occasions.

Judgement of
Court in Mr
Pinchons case
suspended till
May next.

The Courte doth judge it meete, and is willing, that all patjence be excersised towards Mr William Pinchon, that, if it be possible, he may be reduced into the way of truth, and that he might renounce the errors and hæresies published in his booke; and, for that end, doe give him time to the next Gennerall Courte, in May, more thoroughly to consider of the sajd errors and hæresies in his sajd booke, and well to weigh the judicious answer of Mr John Norton, and that he may give full satisfaction for his offence, which they more desire then to proceed to so great a censure as his offence deserves. In case he should not give good satisfaction, the Courte doth therefore order, that the judgement of the cawse be suspended till the honorable Court in May next, and that Mr W^m Pinchon be enjoyned, vnder the pønalty of one hundred pounds, to make his personall appearance at and before the next Gennerall Courte, to give a full answer to satisfaction, if it maybe, or otherwise to stand to the judgement and censure of the Courte.

Mr Nortons
ans^r to Mr
Pinchons
booke to be
printed.

Itt is ordered by this Courte, that the answer to Mr Pinchons booke, written by Mr John Norton, shallbe sent to England to be printed.

[*71.]

Let^r to y^e
Parliam^t.

*Mr Winslow, writing a letter to Thomas Dudley, Esq^r, as Gouverno^r, to be imparted to the Gennerall Court, which was donne, in which he imparted, as he affirmed, the committee of states minde respecting the government of the severall jurisdictions in New England, and therein declaring an answer was expected, which this Courte, considering of, returned, not only an ans^r to Mr Winslowes letter, but directed a petition to the most honorable Parliam^t of

England; all which are amply recorded amongst the bookes of the Court records for letters, &c; as also the Courte directed a letter to the Right Honno^rable Oliuer Cromwell, Lord Gennerall of the Parljaments forces in England and Scotland, which is likewise there recorded. 1651.
24 October.

This Courte, having past a declaration and order respecting their right and title to Kittery, &c, directed a letter to Edward Godfrey, Esq, Mr Niccolas Shaplejgh, &c, accordingly, which is recorded in their booke of letters. Kittery.

Itt is ordered, that Mr Symon Bradstreet, Major Daniell Dennison, and Capt W^m Hauthorne, whom this Courte hath chosen and appointed as their co^mmissioners to treat with the gen^t to the eastward, shall be, and hereby is, impowred to mannage and conclude the buisenes with the sajd gen^t to the eastward, as in their best judgments and discretjons they shall judge meete. Mr Bradstreet
& Mr Dennison
co^mmission.

Whereas the Courte and jury did not agree in John Crossmans case, who is now in prison for blasphemy, and so it necessarily comes to this Court to be determined, itt is ordered, that that case be heard before the whole Courte on the morrow, by nine of the clock in the morning, being 28th of the 8^m, 1651. Att the tyme appointed, the prisoner was brought before the whole Courte, the evidences against him was read, and itt was ordered, that John Crossman, for vttering blasphemy against God, as was prooved, shall be seuerely whipped, and branded on the forehead, with a hott iron, with the letter B, presently after the lecture in Boston, the 30th of this instant October, and be bannished out of this jurisdic^on for euer, from the 20th of Nouember next, not to retourne at his perill. Courts sen-
tence ag^t Cross-
man for blas-
phemy.
28 October.

Itt is ordered, that on the second Tuesday in the 3^d month next, there shall be a Courte of Asistants held at Boston, for the trjall of those in prison accused for witchcraft, and that the most materiall wittnesses at Springfield be sum^oned to the Court of Asistants, to give in their evidence against them accordingly. Court of Asist-
ants to try y^e
suspected for
witchcraft.

*Itt is ordered, that Mr Leaders case, which was referred to this session, shall be heard on the morrow, by eight of the clock in the morning, being 30th 8^m, 1651, and that notice be given to the sajd Mr Leader to attend the Courte. Att the tyme appointed, Mr Leader appeared, and it was putt to the quæstion, whither Mr Leader should be responsall for what was evidenced against him by Theodore Atkinson and Willjam Wilcocks, the words being spoken in the midst of the sea going hence to England. Itt was resolved on the negative; and so he was freed from his bonds for his appearance and good behaviour. [*72.]
Mr Leader dis-
charged, &c.
30 October.

Vppon the request of the inhabitants of Hampton, Mr Samuel Winslow, Mr Thomas Bradbury, and Leff^t Robt Pike, or any two of them, are appointed Com^missioners
to lay out
Hampton
bounds.

1651.

30 October.

comissioners to lay out the west end of their toune lyne towards Exetur, and to make retourne thereof to the next Court of Eleccōn, provjded Exetur have tyme notice of the tyme when it is to be doune, to the end they may have liberty to make their objecōns.

Five muskets
discharged.

There being seuerall armes long since lost in the hands of some of the inhabitants of Salem, which did appertajne to the countrje, of which fower were burnt in the hands of Mr Gafford, and one being in the hands of our present honored Gouvernor, w^{ch} sajd five musketts, for seuerall reasons, the Court judgeth it meete they should neuer be required at their hands.

Sudbury 2
miles.

According to an order of Court about three yeares since, that the toune of Sudbury should have two miles enlargement vpon their west lyne, & that I, whose name is vnder written, was appointed by this Courte to see the sajd land lajd forth according thereunto, I doe heereby informe the Courte, that the thing is doune according to the order of the Court. Wittnes my hand, 22th 8 m̄, 1651.

SIMON WILLARD.

The Courte approved of this retourne.

Ans^r to Cath-
erine Haugh-
tons pet.

In ans^r to the petiōn of Katherine Haughton, late wife to Niccolas Charlett, itt is ordered, that the petiōner shall have power to sell the sajd howse mentioned in hir petiōn, to sattisfy the debts, as is desired; and administration is graunted hir to the sajd Charletts estate, and what remaines of the nineteene pounds in the inventory exprest should be to hir benefitt, for bringing vp the two children.

[*73.]

Survejors al-
lowance.

*The Courte, taking notice of the contjnewed pajnes and faithfull endeavors of Mr John Johnson in the place of the survejour gennerall, looking to the countrjes armes, and procuring many of the countrjes debts, doe order, that he shall be allowed five pounds p annum for his pajnes, from the tyme of the Courts last allowance to him, and from this tyme forwards five pounds p annū for his pajnes in that implojment.

Mr Dunsters
comission to
marry, &c.

Itt is ordered, that Cap^t Daniell Gooking, Mr Joseph Cooke, or Mr Henry Dunster, shallbe, and is heereby, impowred to marry Mr John Apleton and M^{rs} Priscilla Glover, who have been published at Cambridge, according to lawe.

Mr Pooockes
50th.

Whereas itt appeares vnto this Courte, vpon examinatioj of accounts, that the countrje is debtor to Mr Pooocke, in England, the some of fifty pounds, formerly disbursed for and towards the vse and benefitt of the countrje, that

due satisfaction may be made, as is desired, itt is ordered by this Courte, that Mr Winslow shall, and heereby is, both authorized and intreated to make satisfaccōn to the sajd Mr Pocke, by such wajes and meanes as shall present, and that the Treasurer shall repay it againe here to whom Mr Winslow shall appoint.

1651.

30 October.

Whereas the Gennerall Courte, in the beginning of the toune of Dedham, graunted vnto the inhabitants thereof a tract of land, five miles square, vppon the north side of Charles River; but afterwards, vppon the laying out of Water Toune lje, it did appeare that there was not roome there left for the former graunt made to Dedham, to lye in that square forme before expressed, wherevppon another graunt was made by the Gennerall Courte, dated 22th of the 3^d month, 1639, ordering, that the sajd tract of land should be lajd out to runne along so as the foresajd quantitje should be taken in according as the place would beare; in which order, also, one clawse doth restrajne the lje that it shall not come within two miles of Chochittawate Pondes; but now, vppon experience and testimony presented in this Courte, it doth appeare that the foresajd ponds are within lesse than two miles of Charles Riuer, by reason whereof the sajd tract of 5 miles square cannot be taken there according to the graunt, — this Court, in consideratjon of the premisses, doe order, that the foresajd clawse, restrajning the lje not to come within two miles of the foresajd ponds, be made of none effect, but that the aforesajd graunt or tract of land be lajd out according as the place was then capable at that time when the graunt was made, provided that Water Toune lje be not hindered thereby.

Dedham
graunt.

*Henry Chickering, a deput̃ for the toune of Dedham, vppon his request, having vrgent occasions, is dismist the Courte for this sessions, there being another deputy for the same toune here.

[*74.]

In ans^r to the petition of Mr Simon Bradstreete and Cap^t Thomas Wiggins, the Courte graunts the petiçōners a thowsand acres of land on the Neewwhichawanicke River, to them and their heires for euer, with libertje to make vse of any tumber, for the vse of their sawemill, whilst the land remajnes comōn.

1000 acres
grāt to Mr
Bradstreet &
Cap^t Wiggins.

In answer to the petiçōn of Mr John Elljott, and vppon the motjon of the inhabitants of Dedham, tendring the furtherance of the Indian plantation at Naticke, to allow them two thousand acres within their bounds, provided they lay doune all clajmes in that toune elsewhere, and sett no trapps in vninclosed ground, this Courte, approving their tender therein, doth order, that the deputjes of Dorchester, Roxbury, Water Toune, Cambridge, and Sudbury, together with the deputjes of Dedham, shall be a comittee to consider and act further therein; and that in case Mr Elljott shall, in the behalfe of the Indjans,

Ans^r to Mr
Elljotts
petiçōn.

1651.

30 October.

Haverill
bounds.Ans^r to M^r
Dudley
petiçon.Xtopher Col-
lins wife re-
ferd to Court
Assist^r for
triall.

desire more of Dedham land, they may stirr vp and moove their seuerall townes to further that worke by yeilding some land in each of their townes adjacent, to recompence Dedham for what land they shall part with, ouer and above the two thousand acres abovesajd.

Whereas Joseph Jewett hath certijfed, vnder his hand, that himselfe and Willjam Wild, according to an order of the last Gennerall Courte, hath lajd out Haverill bounds according to the Courts graunt, this Court approoves of his retourne, and confirms the sajd bounds to the sajd toune of Haverill accordingly.

In ans^r to the petiçon of Thomas Dudley, Esq^r, for avojding of future difference, itt is ordered, that the fiveteene hundred acres of land formerly graunted to the sajd Thomas Dudley, Esq^r, about fower miles from Concord, which is bounded by the river on the one side, and land graunted to John Winthrop, Esq^r, deceased, on an other side, shall be lajd out two miles and a halfe along by the riuers side, and so to make vp the fiveteene hundred acres from the riuers side to the landward.

Itt is ordered, that the wife of Xtopher Collins, now in prison for suspicion of witchcraft, on good securitje to the valew of one hundred pounds, so judged by any one magistrate, may be bayled till the Court of Asistants, in March next, when shee is to appeare to answer the accusatjons layd in against hir for witchcraft ; provided, any one magistrate may, if he see cawse, comitt hir to prison agajne. The Court is dissolved.

1652.

26 May.

[*75.]

**Att a Gennerall Courte of Eleccijons, held at Boston, 26 May, 1652.*

J^N° ENDECOT, Esq^r, was chosen Goũr, and tooke his oath accordingly.

Thõ Dudley, Esq^r, was chosen Dep^t Goũr, and tooke his oath.

Rich Bellingham, Esq^r,

M^r Increase Nowell,

M^r Sjmon Broadstreete,

M^r W^m Hibbins,

M^r Sañ Sjmons,

Cap^t Robt Bridges,

Cap^t Thõ Wiggin,

M^r Thõ Flint,

M^r John Glouer,

Cap^t Dañ Cookin,

} were chosen Asistants, & tooke their oathes.

Mr Simon Bradstreete, }
 Cap^t W^m Hawthorne, } were chosen Com^{is}sioners for the United Collonjes.

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Jn^o Endecot, Esq^r, Gov^{no}, }
 Rich Bellingham, Esq^r, } Reserves.

Majo^r Robert Sedjue was chosen Majo^r Gennerall, & tooke his oath.

Mr Edward Rawson was chosen Secretary.

Mr Richard Russell was chosen Treasurer.

The names of the Deputjes retourned from the seuerall townes to serve at this Gennerall Court were, —

Salem : Cap^t W^m Hawthorne, Mr Hen: Bartholmew.

Charles Toune : Mr Rich Russell, Tres^r, Cap^t Lef^t Fraunc: Norton.

Dorchester : Lef^t Roger Clapp, Ens: Hopestill Foster.

Boston : Cap^t Jn^o Leucrett, Lef^t Th^o Clarke.

Roxbury : Mr John Johnson, Mr Edw: Dennison.

Water Toune : Mr Rich Broune, Mr Ephrajm Childe.

Cambridge : Mr Edw: Jackson.

Lynne : Mr Thomas Laughton.

Ipswich : Majo^r Dan: Dennison, Mr Jn^o Whiple.

Newbery : Cap^t W^m Gerish.

Weimouth : ^ Kingman.

Hingham : Cap^t Bozoon Allen, Mr Jer^r Houchin.

Concord : Cap^t Simon Willard.

Dedham : Cap^t Eleazer Lusher.

Salisbury : Mr Th^o Bradbury.

Hampton : Mr Roger Shawe.

Rowley : Mr Joseph Juett, Mr Maximill: Juett.

Sudbury : Mr Edmond Rice.

Douer : Mr Va^t Hill.

Braintree : Steephen Kingsly.

Glocester : ^

Woobourne : Cap^t Edw: Johnson.

Wenham : W^m Fiske.

Hauerill : Mr Rob^t Cloements.

Redding : ^

Springfeild : Mr W^m Davics.

Malden : Mr Joseph Hills.

Meadfeild : ^

Majo^r Daⁿ Denison, Speaker y^e session.

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[*76.]

Pœnalty for
denying the
Holy Scrip-
tures to be the
word of God.

*The Holy Scriptures of the Old and New Testament being written by the prophetts, apostles, and holy men of God, inspired by the Holy Ghost, conteyn-
ing in them the infallible and whole will of God, which he purposed to make
knowne to mankinde, both for his oune worshipp and service, and also for the
instruction, obedjence, faith, and salvation of man, which yet by hæretickes in
former ages, and now of late by others, have binn oppugned and denyed so to
be, which if connived at, would manifestly tend to the overthrow of all true
řligion and salvation, — for the prevention of so hajnous a crjme itt is therefore
heereby ordered and enacted, that what pson or persons soener, professing the
Christian religion, above the age of sixteene yeeres, that shall, within this
jurisdicōn, wittingly and willingly, at any time after the publication of this
order, deny, either by word or writing, any of the bookes of the Old Testa-
ment, as Genesis, Exodus, Levitticus, Nounbers, Deutronomje, Joshua,
Judges, Ruth, Samuell, Samuell, Kings, Kings, Chronicles, Chronicles,
Ezra, Nehemiah, Esther, Job, Psalmes, Proverbs, Ecclesiastes, Cantickles,
Isayah, Jerremiah, Lamentaōns, Ezekiell, Danjell, Hosea, Joell, Amos,
Obadjah, Jonah, Mica, Nahum, Habacuek, Zephaniah, Haggay, Zeckariah,
Malachj; or New, as Mathew, Marke, Luke, John, Acts, Romanes, Corin-
thians, Corinthjans, Galatians, Ephesians, Phillippians, Colossians, Thessalo-
nians, Thessalonians, Timothje, Timothje, Titus, Philemon, Hebrewes, James,
Peeter, Peeter, John, John, John, Jude, & Revelation, to be the written and
infallible word of God, or if any pson, as aforesajd, belonging to this jurisdic-
ōn, shall comitt the sajd crjme vppon the sea, not being or belonging to the
jurisdicōn of any other coōnwealth, & shall be forthwith apprehended by the
next officer or officers, whether marshall, or counstable, or their depu^{ts}, who
shall have power so to doe by warrant from any one of the magistrates, and
shall be comitted to the prison at Boston, without bajle or majneprize, there
to be safely kept till the next County Courte, where, vppon sufficjent teste-
mony brought against the sajd delinquent, he shall be adjudged for his offence,
after legall convictjon, to pay such a fine as the Court which shall have the
cognizance of the crjme shall judge meete, not exceeding the sōme of fifty
pounds, or shall be openly and seuerely whipt by the executioner, whether
counstable or any other appointed, not exceeding forty stroakes, vnlesse he
shall pvblicly recant before his sentance, (w^{ch} if he doe,) he shall not pay
above the fine of tenn pounds to the Treasurer, for the vse of the coōn-
wealth, or be whipt in case he pay not the fine; and itt is further ordered
& enacted, that if the sajd offendor, after his recantation, sentence, or execu-
tion, shall the second time publish, and obstinately and pertinaciously majn-
taine the sajd wicked opinion, he shall be banished or put to death, as the
Court shall judge.

Whereas itt appears to this Courte that there is much deceit vsed by some bakers and others, who, when the clarkes of the marketts comes to weigh their bread, pretend they have none but for their oune vse, and yet afterwards put their bread to sale, w^{ch} vpon trjall hath binn found to light, — for prevention of such abuses for tyme to come, itt is ordered by this Courte and the authoritje thereof, that all persons wthin this jurisdic^ōn who shall vsually sell bread, within doores or without, shall at all tymes heereafter have all their bread that they either putt to sale or spend in their families made of assizes, markt, & yeilded to trjall of the aforesajd clarkes, as is directed for breade by order of Court, page 3, title Bakers, and vnder the penaltje therein exprest.

1652.

26 May.
To prevent de-
ceit in bakers.

*Itt is ordered by this Courte and the authoritje thereof, that if any person or persons, repaying to any public officer of this jurisdic^ōn to vjew any record or writing comitted to his charge, shall wittingly & willingly deface or rend any such record or writing, vpon complainte of such officer to any magistrate, and prooffe by oath of the sajd officer, every person so offending shall forfeite to the party concerned therein treble the damage that might have ensued or accrewed to him or them thereby, and shall also be fined as much to the countrje, or suffer two months imprisonment, without bajle or majne prize, or stand in the pillory two howers in Boston markett place, with a paper ouer his heade, in capitall letters, A Defacer of Records, the speciall or p^ticular punishment to be determined by the next County Courte where the offence was comitted, and shall also stand bound to the good behaviour during the pleasure of the Courte.

[*77.]

Penalty for
defacing of rec-
ords.

Forasmuch as diuerse inhabitants within this jurisdic^ōn, who have long contjnewed amongst vs, receiving p^tec^ōn from this gouernment, have, as wee are informed, vttered offensive speeches, whereby their fidelitje to this government may justly be suspected, and also, that diuerse straungers of forraigne parts, of whose fidelitje wee have not that assurance which is commonly required by all gouernments, itt is therefore ordered by this Courte and the authoritje thereof, that the County Courts, or any one magistrate out of Courte, shall have power, and is heereby authorized, to requier the oath of fidelitje of all settled inhabitants amongst vs who hath not already taken the same, as also to require this oath vnderwritten of all straungers who, after two months, have their abode heere; and if any person shall refuse to take the respective oath, he or they shallbe bound ouer to the next County Courte, or Court of Asistants, where, if he shall refuse, he shall forfeite five pounds a weeke for euery weeke he shall so continew in this jurisdic^ōn after his sajd refusall, vnlesse he cann give sufficjent securitje to the satisfaction of the

Provi^ōn for
straungers
fidelitje to y^e
government.

1652. Court or magistrate for his fidelitje during his or their residence amongst vs ;
the oath to be as followeth : —

28 May.

Yo^w, A B, doe acknowledge yourself subject to the lawes of this jurisdiction during your residence vnder this government, and doe heere swear by the great name of the euer living God, and engage yourself to be true and faithfull to the same, and not to plott, contrive, or conceale any thing that is to the detryment or hurte thereof.

Troopers libertje & furniture.

Itt is ordered by this Courte and the authoritje thereof, for the encouragement of those who have or shall hereafter list themselves for troopers in any county of this jurisdiction, that they shall have all priviledges formerly graunted still continewed, and that such souldjers listed, amounting to the number of thirty, shallbe accompted a troope, and have libertje of chojce and nomination of capt̄, left, and cornet, and quartermaster, who, being allowed by the authoritje of the Courte, shall stand by comission, and all other inferior officers to be chosen by the company, and established by the cheife comānder of the troope, and that all such troopers shall keepe a good horse, and well fitted with saddle, bridle, holsters, and pistols, or a carbjne and sword, and having listed his horse, shall not alter nor put him of without licence from the comānder in cheife, and the sajd troope shallbe excercised according to lawe.

[*78.]
To prevent the
abuse in bad
making of fish.

*Whereas it hath binn evidenced vnto this Courte, that much damage hath formerly arisen to merchants trading hence by bade making of fish, and the credit of our trade therein hath much suffered, tending to the prejudice of our commerce with other nations, itt is therefore ordered and enacted by this Gennerrall Courte and the authoritje thereof, that at every ffishing place within this jurisdiction, some discrete and honest pson be appointed by the County Courte vnto which such fishing place doth belong, and those psons so nominated and appointed are by this Courte impowred to give the oath heereafter expressed vnto such persons as shall be chosen by the deliuerers and receivers of any fish, who have libertje heereby, either of them, to choose one or more sufficiencyent and knowing men in such cases to vejw what fish is deliuered and recejved, which vejwers shall be sworne as aforesajd, and what they approve of as marchantable the receiver shall accept, and what is refuse fish shall be cast by ; and the sajd vejwers, for their labor and pajnes aforesajd, shallbe allowed one penny p quintall for so much marchantable fish as he or they shall vejw, to be pajd, one halfe by the deliuerer, the other halfe by the receiver ; and for further direction to the vejwers in trjall of fish, itt is heereby

ordered, that all some burnt and dry fish that hath binn first pickled shall be judged marchantable. 1652.

26 May.

The vejwers oath.

Yow doe sweare, &c, that yow shall jnpartially vejw such fish as is presented before yow, and determine what parte thereof is marchantable, and what parte is refuse fish and vnmarchantable, according to your best skill, knowledge, and judgment. So help you God, &c. The vejwers oath.

Itt is ordered & enacted by this Courte and the authoritje thereof, that after the end of this p̄sent session, all accōns of a civill nature shall be trjed in all Courts within this jurisdicōn by the judges of the sajd Courte without a jury, except it be desired by plaintiff or defendant, in which case it shall be graunted; provided, that the partje that shall desier a jury shall pay the charges of the jury, viz., twenty shillings for every accōn, to the clarke of the Courte, at the tyme when he makes knowne his request; and itt is ordered, that jurors for the trjall of such cases as aforesajd may be taken out of the three or fower next townes onely, notwithstanding any former lawe or order to the contrary, which sajd twenty shillings shall be assessed in costs vppon the party against whom judgement shall be awarded in all County Courts, or Courts of Assistants; and if any person desier to have a jury in speciall Courts, he shall pay the jurors fower shillings a day, as in that lawe is p̄vided; and for the more orderly proceeding with and without jurjes in one and the same Courte, itt is ordered, that such as desier to have their cases trjed by jurjes shall give notice thereof to the secretary or clarke of that Courte where the accōn is to be trjed fower dajes inclusively before the Court, to the end that a jury may be provided; and the sajd secretary or clarke shall enter such accōns the day before the Courte, or on the first day of the Courte, before the setting thereof, that so they may be first trjed, and the jury discharged; and the partjes whom it may concerne shall take care for the timely paying of the entry of the accōn and chardges of the jury, at their perrill. All civill accōns to be trjed without jurjes, unlesse, &c.

*Itt is ordered, and by the authoritje of this Courte enacted, that no person shallbe indited, presented, informed against, or complajned of, to any Courte or magistrate within this jurisdicōn, for the breach of any p̄nal lawe, or any other misdemeanor, the forfciture whereof belongs to the countrje, vnlesse the sajd indictment, presentment, information, or complajnt be made and exhibitted within one yeere after the offence be com̄itted; and if any such presentment, indictment, information, or complaint be not made within the tyme limited, then the same shall be vojde and of none effect; provided alwajes, that this lawe [*79.]
An act for limitation of indit., compl^{ts}, &c.

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shall not extend to any capitall offences, nor any crimes that may concerne losse of member or banishment, or to any treasonable plotts or conspiracjes against the commonwealth, nor to any fellowjes above ten shillings ; nor shall it hinder any pson greived for any wrong donne to him or his wife, children, or servants, or estate, reall or personall, but that every such person shall have such remedjes as formerly he might and ought to have. Further, it is ordered, that this lawe shall not take effect till after the first of September next.

For prevention
of theft.

For the better pvention of theft, a sinne of late much growing vpon vs, and whereas the former lawes against theft hath only provided for the damage of the wronged partje, itt is therefore further ordered by this Courte and the authoritje thereof, that what person soeuer shall steale from any person any cojne, goods, or chattels, to the value of ten shillings or vpwads, shallbe whipt, or pay such a some or somes of money as the Courte or magistrate that hath propper cognizance thereof shall adjudge te be suffieient to sattsify all costs and charges of the Court and countrije in prosecuting and trying the sajd offender, to the vse of the common treasury ; and for smaller thefts, it is left to the discretion of the judge or judges, that shall have cognizance of the crime, to appoint smaller mulcts or punishments, or only legall admonition, as they shall finde cause ; and further, itt is declared and ordered, that when any goods are stolen from any person, the counstable of the toune, by warrant from authoritje, shall search for the same in any suspected places or howses, and vpon search or otherwise, if he shall finde the same or any parte thereof, or any ground of suspition appearing to the officer, he shall bring the delinquent or suspected party to a magistrate, to be proceeded with according to the lawe ; and if any person having goods stolen from him shall privately receive his sajd stolen goods, (except the fact be private, or committed by some member of his oune family,) and so smother the theft, and shall not legally prosecute the offender, he shall forfeite to the common treasury the goodes or chattells so received, or the true value thereof.

Negative vote
in vse againe.

Whereas there is a manifest & inconvenient mistake in the penning of the order, title Gennerall Court, page the 8th of the last printed booke, that leaves all or most of the cases formerly issued in the Gennerall Court doubtful & vncertajne, and takes away the negative vote, both of Magist^s and Deputjes, in making lawes, as well as in cases of judicature, which was not intended, much lesse consented to, itt is therefore ordered, that for tyme to come, if there fall out any difference betwixt y^e Magistrates and the Deputjes, in any case of judicature, either civill or criminall, it shall be determined by y^e major pt of the whole Court, and the forementioned lawe is hereby repealed.

*Whereas some dwelling howses and other howses within this jurisdiction have been sett on fire, and the meanes or occasion thereof not discovered, though some persons have binn vehemently suspected to have binn instrumentall therein, the Court, taking into consideration the dainger of such a wicked enterprise, especially in townes where the howses are neere adjoyning, and there being no lawe yett provided for the punishment of so hejnous a crime, doth therefore heereby order, and bee it enacted by the authoritje of this Courte, that any person or persons whatsoever, of the age of sixteene yeeres and vpwards, that shall, after the publicatjon heereof, wittingly and willingly set on fire any barne, stable, mill, outhowses, stacks of wood, corne, or hay, or any other thing of like nature, shall, vppon due conviction, by testimony or confession, pay double damages to the party damnified, and be severely whipt. And if any person, of the age aforesajd, shall, after the publication heereof, wittingly, willingly, and ffelloniously sett on fire any dwelling howse, meeting house, storehouse, or shall, in like manner, set on fire any outhowse, barne, stable, leantoo, stacks of hay, corne, or wood, or any thing of like nature, whereby any dwelling house, meeting howse, or store howse comes to be burnt, the partje or partjes vehemently suspected thereof shallbe apprehended by warrant from one or more of the magistrates, and comitted to prison, there to remajne, without bajle, till the next Court of Asistants, who, vppon legall conviction by due prooffe or confession of the crime, shall adjudge such a person or persons to be put to death, and to forfeite so much of his lands, goods, or chattels as shall make full satisfaccion to the party or partjes damnifjed.

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[*80.]

Burning of howses made felony.

Whereas there is no tjme exprest by lawe when the counstables watch shall beginne and end, itt is therefore ordered and enacted by the authoritje of this Courte, that henceforth all counstables watches in euery toune within this jurisdiction shall beginne the first of May, and shall not end till the last of September, vppon the pajne or pœnaltje of five pounds, to be levjed vppon euery counstable neglecting the same. And it shallbe the speciall care of euery counstable to see that the watch be so warned that it may not consist of all or the greater parte of youths, but that able men be joyned with them, that the watch be a sufficijent watch; and the selectmen of Boston, Charles Toune, and Salem shall have power to give order to the counstable to beginn his watch sooner, and to contjnew them for longer tjme, as they see occasion.

Addition of power to the counstable to sett ye watch, &c.

Itt is ordered, that noe maltster or maker of malte, after publication heereof, shall deliuer or passe away any malte, by him or his procurement made, before it be cleansed from the dust and taile which arises in the malting, drying,

For cleansing of malte.

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and ordering of it in his hands, on pœnaltje of twelve pence p bushell, vppon legall conviction before any magistrate or Courte, one halfe to the informer, the other halfe to the countrje.

Resolution of a
quæst. about
convicē of
drunkenes,
&c.

Itt being put to the quæstion, whether a pson convicted of three severall offences of drunckeness, and neuer convicted before authoritje before the last time, shall be fined above thirty shillings, the Courte resolved it on the negative.

[*81.]

To prevent de-
cept & abuse
in mony.

*Itt is ordered, and by the authoritje of this Courte enacted, that the printed order about mony shall be in force vntill the first of September next, and no longer, and that from and after the first of September next the mony heereafter appointed and expressed shallbe the current mony of this cōmonwealth, and no other, vnlesse English, (except the receivers consent therevnto.) In pursuance of the intent of this Courte heerein, bee it further ordered and enacted by the authoritje of this Courte, that all persons whatsocner have libertje to bring in vnto the mint howse at Boston all bulljon, plate, or Spannish cojne, there to be melted and brought to the allay of starling silver by John Hull, master of the sajd mint, and his sworne officers, and by him to be cojned into twelve penny, sixpenny, and three penny peeces, which shallbe for forme flatt and square on the sides, and stamped on the one side with NE, and on the other side with the figure xii^d, vi^d, & iii, according to the valew of each peeece, together with a privy marke, which shall be appointed euery three months by the Gouōr, and knowne only to him and the sworne officers of the mint; and further, the sajd master of the mint aforesajd is heereby required to cojne all the sajd mony of good silver, of the just allay of new starling English mony, and for valew to stampe twopence in a shilling of lesser value then the present English cojne, and the lesser peeces proportionably. And all such cojne as aforesajd shallbe acknowledged to be the currant cojne of this cōmonwealth, and passe from man to man in all pajments accordingly, within this iurisdicōn only. And the mint master, for himselfe and officers, for their pajnes and labour in melting, refyning, and coynning, is allowed by this Courte to take one shilling out of euery twenty shillings which he shall stampe as aforesajd; and it shall be in the liberty of any person who brings into the minthouse any bulljon, plate, or Spannish cojne, as aforesajd, to be present and see the same melted, refined, and allajed, and then to take a receipt of the master of the mint for the weight of that which is good silver, allajed as aforesajd, for which the mint master shall deliuer him the like weight in currant money, viz., euery shilling to weigh threepenny trojweight, and lesser peeces proportionably, deducting allowance for cojnage, as before expressed. And that this order, being of so great

concernment, may not in any p̄ticular thereof fall to the ground, itt is further ordered, that M^r Richard Bellingham, M^r William Hibbens, M^r Edward Rawson, Cap^t Jⁿ° Leueret, and M^r Thomas Clarke be a com̄ittee appointed by this Court to appoint the mint howse in some convenjent place in Boston, to give John Hull, master of the mint, the oath suiteable to his place, and to approve of all other officers, and determine what else shall appeare to them as necessarily to be donne for the carrying an end of the whole order.

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Whereas captajnes, lejvetennants, and ensignes have binn hitherto exempted by lawe from counstables watches, itt is ordered by this Court, that henceforth the sargeants of the seuerall companjes shall have the like libertje to be freed from counstables watches.

Sarg^{ts} exemption from counstables watches.

*Forasmuch as many testimonies and evidences brought into the seuerall Courts of this jurisdiction are not only badly written and false English, so that no man cann scarcely reade or make sense of them, but are presented to the Courte in such smale scripts and slurred paper, and so sojled, that is most vnseemely for any person to p̄sent, or for a Court to receave, to file them vp for evidences, itt is therefore ordered by this Courte and the authoritje thereof, that every Court, magistrate, and com̄issioner shall and is heereby impowred to order and regulate the same.

[*82.]

Evidences to be fairely written.

The Courte being informed that seuerall persons gave in their votes for the chojce of cap^t, lef^t, cornet, and other officers for the troope of horse in the county of Suffolke, who were not freemen, nor had tooke the oath of fidelitje, they cannot approve of such, their chojce being contrary to lawe. Itt is therefore ordered, that the seuerall troopers shall proccede to a new election of cap^t, lef^t, cornet, quarter master, &c, and present such persons that shall be legally chosen to the next County Court to be confirmed and approved of.

Chojce of officers for y^e troope of horse for county of Suffolke.

Whereas there is but one prison in all this jurisdiction, and very inconvenjent to send persons from all partes of the countrie when there is occasion to the same, itt is therefore ordered, that there shall be another prison erected and built at Ipswich, and that there shall be allowed by the countrie forty pounds for the effecting thereof, and the worke to be carjed on and managed by the select men of the sajd toune of Ipswich.

A new prison to be built at Ipswich.

Itt is ordered by this Courte, that the chojce of a sargeant major for the regiment of the county of Suffolke be suspended vntill after the next session of this Court.

Chojce of srg^t maj^r of Suffolke suspended.

In pursuance of the late imitable p̄sident of the Parljamēt of England now being for the setting of a counsell of trade in this jurisdiction, hoping that, through Gods blessing, wee also may reape the like benefitt thereby that they by very great experjence have found, that that right which

Com̄ittee to consult the best way of trade.

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is now imprisoned in private breasts might be drawn forth for publicke vse when by such good meanes the way is methodized that euery man may knowe whether, and to whome, and at what tjmes to come to discover thejre greivances, and to advise of meanes for remedje, as also to propose their seuerall ingennous wajes for the promoting of trade, itt is therefore ordered, that M^r Richard Russell, M^r Nathaniell Duncan, M^r Thomas Broughton, M^r Niccolas Davison, M^r Thomas Clarke, and Cap^t Thomas Savage shallbe the counsell to consider of all sorts of tradeing, and to consult about the best wajes of improving the same, and to meete together in some place in Boston or Charles Toune, where themselves shall appointe, and having agreed of such things as they conceave to be good and proffittable for the advance of tradeing, to present the same to the next session of this Courte to be approved of, if they see it good.

[*83.]

Militia regulations.

*Whereas the right ordering and setting of the militja of this comonwealth is of great concernment vnto the wellbeing thereof, and that a tyme of peace, through the good hand of God, gives liberty therevnto, itt is therefore ordered by this Courte, and the authoritje thereof, that no company of souldjers in any toune within this jurisdiction, except those already allowed of, shall be accompted a foote company, to enjoy the privilydge of election and nomination of cap^t, lef^t, and ensigne, or any of them, vlesse they be compleately full, to the number of sixty fower persons, besides such officers to be chosen; and that in all townes and places where there is to that number of sixty fower psons listed, and by lawe tjed to attend all ordinary traynings, they shall be accompted a foote company, and enjoy those priviledges; and where there is, or shallbe, a lesse number then above specified, they shall have libertje to choose sargeants and other inferior officers, which, being so chosen, shall instruct those souldjers, and trayne them in the vse of armes eight dajes in the yeare; and the majors of the seuerall regiments shall have power to order and regulate the smaller townes, and to joyne them into one compleate company, which shall have libertje of the chojce of all officers, as aforesajd. And itt is further ordered by this Courte and the authoritje thereof, that all Scotchmen, Negroes, and Indjans inhabitting with or servants to the English, from the age of sixteene to sixty yeares, shallbe listed, and are heereby enjoyned to attend traynings as well as the English, and that euery company shall have two drumers. Itt is further ordered by this Courte and the authoritje thereof, and be it heereby enacted, that where, in any toune or planta^cõn within this jurisdiction, the number of trayned souldjers listed, and by lawe are liable to attend constant traynings, shall arise to the number of two hundred men, that then such souldjers shallbe divided into two companjes; if to three hundred, then to divide into three companjes; and so

proportionably; and that the severall companjes of the sajd toune or plantation shall have liberty of chojce and nomination of all their officers in their severall companjes, as above specified, according to former lawes in that case provided; and that all such officers, together with the majo's, nominated and approved of according to lawe, shall have comissions from the Gennerall Courte for the holding their places, and exercising of their duty in their severall charges. And whereas diuers farmers and other inhabitants have their dwellings at such distance as that they cannot attend the trayning with the companjes in the tounes whereto they doe belong, the captajnes vnder whose comānd they be, their dwellings being three miles distant from the meeting howse of such tounes, may appoint that such souldjers, if they be twelve or more in noubber, be trajned six dajes in the yeare by some officer of the company, in such place or places as the sajd farmers and inhabitants may meete in; and that the sajd farmers and inhabitants shall trajne twice in the yeere with the company to whom they doe belong. Itt is further ordered by the autoritje aforesajd, that all the militia of Boston, both infantry and great artilliry, till the Gennerall Courte or counsell of the countrys can be assembled, shallbe ordered by a comittee of militia, which shall consist of the magistrates in the sajd toune and the three cheife millitary officers inhabiting in the sajd toune, whether of the regement or companjes, who shall have a comission from the Gennerall Courte of the like tennor Major Edward Gibbons had graunted anno 1645. And itt is further ordered, that the sajd comittee of militia shall have power to appoint a millitary watch, *when they shall see cawse, for the safety of the toune and countrje; and in all emergent cases, any three of them may acte when, due meanes being vsed, a greate noubber cannot be assembled. Itt is further ordered by the autoritje aforesajd, that Charles Toune, Salem, and Ipswich shall have a like comittee of militia, who shall have like powers by comission. And for all other tounes within this jurisdiccōn, where there is one or more magistrates, the said magistrate or magistrates, with the three cheife millitary officers, shall have the power of the militia of the sajd tounes; and in the tounes where no magistrate hath his abode, the deputy or deputjes, chosen by the sajd toune or tounes for the Gem^l Court from time to time, wth the 3 cheife millitary officers of such toune or tounes, or any three of them together, shall have power as the comittee of militja for the sajd toune or tounes, who shall have power of counsaile for the best ordering of the militia of their severall tounes, till the Gennerall Court or counsell of the countrje can be assembled, and vppon all occasions of alarums, or any invasion, to strengthen their quarters, and to oppose any approaching or assaying of them in a way of hostilitje, by bearing of

1652.

26 May.

Farmers 3
miles distant
from train-
inges pvided
for.

[*84.]

1652.

26 May.

armes in companies, or refusing, vppon such approaches, to come vnder comānd, or give aecompt what they are, and wherefore they are in such posture. Further, every such comīttee of militja in any toune within this iurisdiction, where any alarum shallbe given or received, or shallbe assayled, as aforesajd, is, by the authoritje aforesajd, required with all possible speede that may be to give intelligence to the next magistrate and the major of the regement, where such alarum is taken or assault made, of the reason thereof, and state of the place so assayled. Further, itt is ordered by this Courte and the authoritje thereof, that there shallbe the continuance of regementall officers in the seuerall countjes vnder the title of major, who, in times of peace, is to attend his duty and exercise of power, as enjoyned by lawe, title Millitary, page 39. And in case of alarum or any assault vppon any quarter within his regement, he shall have power, and is hereby required, to send forth to procure intelligence of the state of any place so alarmed or assayled, and to order asistance to them from any othē companje or companjes of his regement, as the case shall requier; and that the major shall give constant intelligence to the Gouero^r or counsell of the countrje, and major generall, of the state of the matter with all conveyent speede. Itt is further ordered by the authoritje aforesajd, that no major of any regement shall march with his regiment out of the county wherein he hath comānd, nor cawse any pte thereof so to doe, without order from the Gennerall Courte, counsell of the countrje, or major generall, except it be in pursuite of the enemy vppon a rout; and in case of death or absence of the major, the eldest cap^t to supply his place, till a new be chosen.

Comission from
y^r Gennerall
Court to a
srg^t major.

Whereas yow are chosen and allowed by the authoritje of this comonwealth to be sarg^t major of this regiment of _____ these are therefore to will and require yow to take care and chardge of the sajd regiment, as sargeant major, and dilligently to intend the service thereof, and to exercise your inferior officers and souldjers, in peace and warr, according to lawe, comānding them to obey you as their sargeant major, for the service of this comonwealth; and yow to observe and obey such orders and directions as from tyme to tyme yow shall receive from the major generall, or other superior officers, or authoritje of this comonwealth, according to lawe.

The like comission the Gennerall Court graunts to cap^t, left, & ensignes, the names only altered, as in y^r originall copies appears.

[*85.]

Gouernors gratui-
tije.

*The Courte doth with all thankfullnes acknowledge the good service of John Endecott, Esq^r, the p^sent honnord Gouernor, in respect of his great care

and faithfullnes in the discharge of that trust which was comitted to him the last yeare, and doe, in the behalfe of the countrije, render him hartly thanks for the same, and desire his kind acceptance of one hundred markes, as a slender mannfestaçõn of their due respects vnto him, vntill they shallbe better enabled to declare it, w^{ch} is ordered shall be pajd vnto him by the Treasurer out of the next countrije rate.

1652.

26 May.

Itt is ordered, that Cap^t Leueret, Cap^t Leiv^t Norton, and M^r Edward Jackson shall be a comittee to take the Treasurers and auditor gennerrall account, and make report thereof to the next session of this Courte.

Comittee to
take y^e Treasur^{rs}
& auditors
acco^{ts}.

In ans^r to the petiçõn of M^r Sjmon Aires, craving allowance for his paines and medicine expended on M^{rs} Cole and one John Sjmmons, by the encouragement of the Magis^{ts} of the County Court in Boston, the Courte doth graunt and order, that the Treasurer shall allow and pay vnto the sajd M^r Aires the some of nine pounds six shillings out of the next countrije rate, as his recompence for the same.

M^r Aires
petiçõn.

Whereas it appeares to this Courte, vppon good information, that it is necessary that some care be taken concerning the Castle and the needefull reparation thereof, itt is therefore by this Courte ordered, that Cap^t Daniell Gookin, Majo^r Gennerrall Rob^t Sedjoke, Cap^t W^m Hawthorne, Cap^t Leiv^t Frauncis Norton, Cap^t Jn^o Leuerett, Leiv^t Thomas Clarke, John Johnson, Survejo^r Gennerrall, Cap^t Humphry Atherton, Cap^t Edward Johnson, and Cap^t Eleazer Lusher, or any seven of them, shall be a comittee to consider what is necessary to be donne concerning the sajd Castle, and to make retourne of what they conceave concerning the same, at the next session of this Courte.

Comittee about
the Castle.

In ans^r to the petiçõn of Dorothy Pester for releife, having waited wth patience tenn yeeres for the retourne of hir husband, W^m Pester, and vsing all meanes, not hearing for y^e last five or six yeeres whether he be dead or alive, nor receaving ought from him, desiring shee might not still be held in such bondage, the Court doth graunt the petiçõner libertje to marry when God by his providence shall affoord hir an oppertunitje.

Ans^r to M^{rs}
Pesters
petiçõn.

In ans^r to the petiçõn of the inhabitants of Malden, the Courte doth graunt libertje and licence to Thomas Skinner to keepe an ordinary there, in the roome and stead of John Hawthorne, who was formerly licensed there.

Tho Skinner to
keepe an ordi-
nary at
Malden.

Cap^t Willard, M^r Richard Griffjn, & Thomas Brookes are hereby authorized to end smale cawses at Concord.

3 men to end
smale cawses
at Concord.

In ans^r to the petiçõn of Thomas Hawley & Dorothy, his wife, late the wife of Thomas Lambe, of Roxbury, craving this Courts confirmation and allowance of their sale of fiveteene acres of land to W^m Parkes, the sons of

Ans^r to Tho.
Hawleys
petiçõn.

1652.

26 May.

[*86.]

Ans^r to Mr
Hills petiçion.

the sajd Lambe having received satisfacçon for their p̄ts, the Courte doth allow thereof, and confirme the same to the sajd W^m Parkes.

*In ans^r to the petiçion of M^r Joseph Hills & Hannah, his wife, the Courte doth graunt their petiçion, viz., a confirmation of the howse and land mentioned in the petiçion, and further impowres the petiçioners to make sale of such land as yett remajnes vnsould, formerly the land of M^r Edward Mellowes, by the consent and advice of M^r Buckley, (pvided satisfacçon be made to the children of M^r Mellowes, according to what the land shallbe sould for above what it is apprised in the inventory.)

Ans^r to Sud-
bury petiçion.

Itt is ordered, that the secretary shall deliuer the booke of records of lands, sales, aljenations, &c, to the deputy of Sudbury, which concernes that toune, that so they may deliuer the same to the recorder of their oune county.

Ans^r to Mr
Hubbards
petiçion.

In ans^r to the petiçion of M^r W^m Hubbard, the Courte doth graunt the sajd M^r Hubbard one hundred acres more, to be added to the fower hundred acres formerly graunted to him, and all the five hundred acres to be lajd out by Joseph Jewett and John Gage, of Ipswich, on the north side of the bounds of Hauerill, and within two miles of their vtmost lje.

27 3^{mo}, 1652.

The messengers of the churches of Charles Toune, Cambridge, Lynne, and Reading made their retourne wth reference to the Courts order of their late dealing wth M^r Mathewes, and the successe thereof.

The Courts
acceptance of
M^r Mathews
acknowl-
edgm^{ts}, &c.

The Courte, having pervsed M^r Mathewes confèssion, and considering the satisfaction tendered by him, and finding it not to be such and so full as might be expected, yett are willing to accept of it at present as to passe it by; and for the remittment of the churches and pastors fines, they see no cawse to graunt their request therein, the countje being putt to so great trouble, chardges, and expenses in the hearing of the cawse.

M^r Danforth
recorder of
Middlesex.

Itt is ordered by this Courte and the authoritje thereof, that Thomas Danforth shall be the recorder for sales of lands and mortgages for the county of Middlesex.

Ans^r to the
vintners
petiçion.

In ans^r to the petiçion of Rob^t Long, Willjam Phillips, W^m Hudson, & Rob^t Turner, for liberty to advance the prize of wines, that so they may not still be loosers, litle wines coming in, the Court thinks it not meete to graunt their request, but pforme their bargaine, for if much more wines had come in, the gajne thereof would have binn theirs, &c.

Ans^r to Mr
Patteshalls
petiçion.

In ans^r to the petiçion of M^r Rob^t Patteshall, the Court graunts his request, viz., that the five pounds taken from him by the counstable of Boston be restored to him againe by the Treasurer.

Strawbery
Bancke Court.

In ans^r to the petiçion or letter of M^r Brjan Pendleton, in behalfe of the

inhabitants of Strawbery Bancke, the Courte is willing to consider of their enlargement when they propound any thing to consideration, and doe order, that Rich Bellingham, Esq̄, and M^r Pendleton, wth the judges of Douer Courte, shall keepe Court at Strawberybancke till the inhabitants of Strawberry Bancke doe present such persons that have taken the oath of fidelittje to this Court, to be allowed and confirmed.

1652.

27 May.

*In ans^r to the petiçõn of John Hawthorne for the remittment of his halfe yeeres rent for drawing of wjne, &c, the Court doth graunt that he shall only pay after the rate of fifty shillings p butt for what he hath draune to this time.

[*87.]

24th, 1632.

In ans^r to the petiçõn of Arnold Elzay, for the rectifying seuerall abuses in making of fish, the Court hath made a lawe, w^{ch}, being pformed, will ans^r the ends proposed.

Ans^r to Arnold Elzays petiçõn.

In ans^r to the petiçõn of M^r Robt Knight, the Courte doth graunt the petiçõner three hundred acres of land in full sattisfaction for what he desires in his petiçõn, where he can finde it according to lawe, which if he shall refuse to accept of, he shall have further ans^r the next session of this Court.

Ans^r to Robt Knights petiçõn.

In ans^r to the petiçõn of the præsidet and fellowes of Harvard Colledge, for the remoovecall of soundry difficultjes and obstrucçõns in payments assigned vnto them by the countrje, and that such course maybe taken as the ruinous and streightned buildings of the colledge maybe enlardged and repajred, the Court, considering the care the comissioners of the Vnited Collonjes took at their last meeting for the aduancement of learning, &c, sending into England, that, if it might be, some helpe might be procured from the corporation out of such money as it collected there, judge it meete to respitt the answer to this petiçõn vntill wee heare from England; in the meane tjme, the oũrseers, president, and ffellowes of the colledge are desired to write to the elders of the seuerall churches, that they may, withall convenjent speed, comẽnd it to the consideratjon of the townes where they dwell for a voluntary contribution, that so there may be a speedy reparation of that w^{ch} p̄sent necessity calls for to be done.

Courts ans^r to y^e president and ffellowes of Harvard Colledg petiçõn.

In ans^r to the petiçõn of Elizabeth Fairefeild, ffor the taking of, or remittment of, that parte of the Courts censure that enjoyned hir husband, Daniell Fairfield, to weare a roape about his neck, the Court graunts hir request.

Ans^r to Elizabeth Fairfeilds petiçõn.

In ans^r to the petiçõn of Edward Burt, the Court doth graunt that the petiçõner shall have liberty to make salte after his manner, and none other after the same way, for tenn yeeres, so as the petiçõner ffollowes this implojment, and doe order the secretary shall write a letter to Gloucester to desire

Ans^r to Edward Burts petiçõn.

1652.

27 May.

Ans^r to
Margery
Elliotts
petiçon.

them that the petiçoner may sett doune his saltworke at the very cape, where there is both wood and water fitting for that worke, without any inconuenience to y^e toune, but will rather be a benefitt to them.

In ans^r to the petiçon of Margery Elljott, itt is ordered, that the administrators of Samuel Shermans estate give in their accompt to the next County Court of the sajd Shermans estate, that so the Court may take order to secure the childrens portions, and then this Court may give further ans^r therevnto.

Alice, y^e Welch
woman, to be
sent to Eng-
land.

In ans^r to the petiçon of George Munnings for the disposall of Alice, the Welch woman now in prison on suspition of firing a howse, itt is ordered, that the sajd Alice shall be sent to England, to retourne to hir native countrje, at the countrjes charge.

[*88.]

Power of ad-
ministraçon to
y^e estate of
Eliz. Goodale,
formerly grnt^d
to Abraha.
Topan & Eliz.
Lowle, con-
firmed & re-
newed.

*In ans^r to the petiçon of Abraham Toppan, in right of Susan, his wife, & Thomas Milward and Richard Lowle, oūsecres to the last will of Elizabeth Lowle, and on hir behalfe humbly desiring that, as this honored Court, on their petiçon in the yeere 1647, did graunt vnto the sajd Abraham Toppan, in right of Susan, his wife, & to Elizabeth Loule, executrix to the estate of hir husband, John Loule, power of administration to the estate of Elizabeth Goodale, their mother, amounting, as p inventory, to the value of one hundred ninety one pounds, odd mony, excepting some goods, w^{ch} amounted to thirty pounds or thereabouts, w^{ch} this Court reserved liberty to John Goodall any time wthin three yeeres to make challendge therevnto from that time ; so now, that time being expired, & no record found of the Courts graunt, that this Court would be pleased so to order it that the graunt above mentioned may be entred in the Court reccords, and stand firme to all intents, as if it had binn entred at the time above mentioned. The graunt above mentioned being fresh in the remembrance of the p^sent secretary & seuerall deputjes, the Court graunts the petiçoners their request.

Highway be-
tweene Red-
ding & Winni-
semett to be
lajd out.
Vide p^a 156.

Whereas this Courte did long since appointe soundry persons to lay out the highway from Redding to Winnisemet, which is not yet determined, & some of the persons mentioned in the sajd order are dead, and forasmuch as it was ordered by Cambridge Court that it should be forthwith donne by the townes of Redding and Maulden, itt is now ordered by this Courte, that the laying out of the sajd highway shallbe donne by the townes of Redding and Malden, according to the lawe in that case provided, any act of this Court to the contrary notwithstanding.

Counstable of
Hamptons
power to repay
Roger Shaw
8^{li}, &ē.

Whereas the survejour gennerall did arest Roger Shawe, of Hampton, for eight pounds for a barrell of powder which was due from the toune of Hampton, and the sajd Roger Shawe did acknowledge a judgment for the same, this Courte doth order and require, and give full power and authoritje

to, the constable of Hampton for the payment of the aforesaid some of eight pounds, together wth two shilling sixpence for entry of the petition, and also so much more as may defray the charge of transporting the same to the sur-
veijor generall aforesaid, vnto the said Roger Shawe, wthin thirty dajes after notice given, and that in corne or catle at prise current.

1652.
27 May.

Itt is ordered by this Court, that Capt Bozoone Allen and Ensigne W^m Davies shall be a committee to consider of all the defects that are found in the tanning of leather, and to present such wajes and meanes to the next sessions of this Court as may pbably prevent all manner of abuses concerning the same.

Committee to rectify abuses in tanning leather.

In ans^r to the petition and complainte of Thomas Danforth, recorder of the county of Middlesex, complayning against George Bowjers, of Cambridg, for rending a deed comitted to his trust, with severall artickles, betweene the said George Bowjers & Benanuell Bowjers, his sonne, the Court, by warrant, sent for the parties, who appearing, after the Court had heard the cawse, they determined that the said Bowjers should be bound to his good behaviour, w^{ch} he acknowledged, to be in tenn pounds, till y^e next County Court at Cambridge, and should pay eight shillings cost for witnesses in the case, and two shillings six pence for entring the petition, & 2^s 6^d for y^e evidences, and the artickies and deed written out, & declared, & ordered to be firme to all intents and purposes to the said Bennanuell Bowjers, as they were before the tearing thereof.

Ans^r to Tho. Danforths petition.

*George Bowjers, of Cambridge, being complajned on for putting in a vote on the eleccon day for the Governor, acknowledged the fact, not only this yeere but every yeere since he came into these p^{ts}, pleaded ignorance of \wedge . Itt is ordered, that the said George Bowjers, for his offence therein, shall pay the some of tenn pounds.

[*89.]
George Bowjers fined 10^{li}.

In ans^r to the petition of Jn^o Warner, the Court judgeth it not meete to take of his bannishment, but graunts him libertje to transport himselfe and family for England from any of our ports, when occasion shallbe presented; provided, that vppon his coming to Boston, or any other of our ports, wth his family, for transportacon, he shall forthwith take vp his aboade in the shipp, and thence not to come forth vntill his departure, except vppon vrgent occasion, for his vojage, by order of two magistrates.

Ans^r to Jn^o Warners petition.

Concerning the north lyne of this jurisdiction, itt was this day voted, vppon pvsall of our charter, that the extent of the lyne is to be from the northermost parte of the Riuer Merremacke, and three miles more north, where it is to be found, be it a hundred miles, more or lesse, from the sea, and thence vppon a streight lyne east & west to each sea.

31 3^{mo}. (52.)
North lyne of our patent.

1652.

31 May.
Mr Mason &
Mr Leaders
triall abt an
accōn of tres-
passe.

There being an accōn comēnt by Mr Joseph Mason, agent or attourney of Mrs Ann Mason, sole executrix of Capṯ John Mason, ag^{nst} Mr Richard Leader, at a County Court in Norfolk, in an accōn of trespasse on the case ffor building and erecting certaine howses on their lands at Newitchawannoke, in the province of Majne, &c, the partjes there appeared, & the sajd Court ordered, on consideration of a comīssion graunted to seuerall select members of this jurisdicōn, by the Gennerall Court, to clame and order certajne lands to the eastward, whereof this is a parte, together wth the plea, both of plan- tiffē and defendant, the one denying the land in controuersy to be wthin this jurisdicōn, & so the accōn not belonging to the cognizance of that Court, the other affirming & pleading the accōn to belong to the cognizance of the Court, referred the consideration of the case to the next Gennerall Courte, and ordered the p̄sons to attend their cawse the 3^d day of the first sessions, at one of the clocke, as in the retourne of y^e Court more fully appears. Mr Joseph Mason appeared at the tyme appointed, & though Mr Leader appeared not, & so his bond was forfeited, yett Mr Mason exprest he would nor should not take any advantage of the forfeiture of the bond, so as Mr Leader appeared and pleaded to y^e accōn on the next third day, at one of the clocke, att which tyme both the partjes appeared; and after the Court had duely heard all the evidences that were produced, and weighed them wth what they could say, before the Court exprest themselves in the case, the Deputy Goūn^r informed Mr Mason that the land in quāstion was voted to be wthin this jurisdicōn, & demanding of him whether he did reluct from this jurisdicōn or submitt to it. Mr Mason ans^wd, he did acknowledge it to be in this jurisdicōn, and submitted the lands in question to this jurisdicōn. In fine, having binn much debate concerning the difference betweene Mr Mason, agent for Mrs Ann Mason, & Mr Richard Leader, itt was voted, by the whole Court, that the case of difference betweene Mr Mason and Mr Leader shallbe suspended, and referred to the next Gennerall Court of Election for a finall issue.

Norfolk
County Courts.

Itt is ordered, that Richard Bellingham, Esq̄, & Capṯ Thomas Wiggin shall keepe the County Courts in Norfolk for this yeere ensuing, wth the associates there.

[*90.]

Ans^wr to
Edmond Jack-
sons petiōn.

*In ans^r to the petiōn of Edmond Jackson, desiring to be dischargd of his trust concerning a mill and lands in Hingham, made ouer to him and John Gallop, deceased, by Thomas Joy, for the vse of Joane, his wife, and their children, as in the deed more amply appeareth, the Court graunts his request, provided the ffeoffment be given into the County Court, and pro- vision made that Thomas Joy may not sell the mill and lands wthout the consent of the Courte, but only repajed the same, and have out of rent thereof

for his charge, but the propriety to be his wives and childrens, according to his first deede.

1652.

In ans^r to the request of the tounce of Douer, itt is ordered, that Richard Bellingham, Esquire, Cap^t Thomas Wiggins, M^r George Smith, and M^r Richard Walderne shall keepe the Court at Douer for the yeere ensuing.

31 May.
Douer Court.

In ans^r to the petiç^on of M^r Addam Winthrop, that the com^{is}sioners retourne, laying out the bounds of the Ponds Farme, belonging to Major Stephen Winthrop, might be recorded, the Court graunts his request.

Ans^r to M^r
Winthrops
petiç^on.

Wee, whose names are vnderwritten, being chosen by the tounes of Salem and Lju, at the appointment of the Gennerall Court, to lay out the Ponds Farme, lately M^r Humphrejes, do declare, that wee have lajd it out as followeth: From a pine tree, marked on both sides, standing on a pointe of land, by Stones Meadow, marked as abovesajd, and so on the south side of Stones Meadow, and so by trees, as they are marked on the sides, to the plajne on the south side of the pond along by a swampside, and so by the east side of the plajne, and from thence as the trees are marked, and so to a rock betweene the foresajd farme and the land of Robert Moulton, and from thence crosse the end of the high hill to a marked pine, by Long Meadow, on the north side, ouer against the former pine, marked as abovesajd; and this not to p^rjudice the agreement made betweene M^r Winthrop and the tounce of Lynn, in the eçchange of part of Stones Meadow for part of Long Meadowe. Witnes our hands, this 15th day of the 2^d moneth, 1652.

M^r Humphryes
farme lajd out.W^m HATHORNE,

ED: NEEDEHAM,

mke

EDMOND W FARINGTONS,

W^m LONGLEY.

In ans^r to the petiç^on of Pumhom and Wotapuntum ffor sattisfaction for his attendance on the complaint of Ninnicrot, who appeared not, itt is ordered, that Ninnicrot shall pay the so^me of twenty shillings to Pomhom, and Wotapuntum, and their interpreter, for their charges.

Ans^r to Pom-
homs petiç^on.

In ans^r to the petiç^on of James Pemberton, who produced seuerall testimonjes for his interest and propriety to an iland called Pembertons Iland, itt is ordered by this Court, that if Pemberton, his attourney, heires, or assignes shall make prooffe, vppon oath, according to lawe, that he had possession and improovement of the sajd iland by the consent and approbation of the annient inhabitants, or planters, resident in or about the Massachusetts Bay about twenty fower yeeres agoe, then the sajd iland shall be, and is declared

Ans^r to Pem-
bertons
petiç^on.

1652. to be, his and his heires foreuer, the oathes to be taken at the next County Court, who shall record the same, and certefy the next sessions of this Courte thereof.

31 May.

[*91.] *Whereas Hugh Parsons, of Springfeild, was arraigned and trjed at a Court of Asistants, held at Boston, 12 of May, 1652, for not having the feare of God before his eyes, but being seduced by the instigation of the divill, in March, 1651, and diuers tjmes before and since, at Springfeild, as was conceived, had familiar and wicked converse wth the divill, and hath vsed diuerse divillish practizes, or witchcrafts, to the hurt of diuerse psons, as by seuerall wittnesses and circumstances appeared, was left by the graund jury for further triall for his life.

Hugh Parsons
trjed & ac-
quitted.

1 June, 1652.

The jury of trjalls found him guilty. The Magis^{ts} not consenting to the verdict of the jury, the cawse came legally to the Gennerall Court. The Gennerall Courte, after the prisoner was called to the barr for triall of his life, perving and considering the evidences brought in against the said Hugh Parsons, accused for witchcraft, they judged he was not legally guilty of witchcrafte, and so not to dye by lawe.

Ans^r to
Andever
peti^on.

In ans^r to the peti^on of the toune of Andover, itt is ordered, that Cap^t Edward Johnson, Niccolas Holt, of Andever, and Thomas Danforth, of Cambridge, be a co^mittee to lay out the bounds of Andover, what they judge æquall, betweene Andever and Cambridge, not tying them to fower or six miles, but what any two of the co^mittee shall judge æquall, making retourne of what they shall doe herein to the next sessions of this Courte. And the Court doth further graunt, that the five or six hundred acres lajd out by Rowley wthout their l^jne, neere Andover Toune, shall belong to Andover; and Rowley shall lay out their graunt on the south east angle of their bounds, neere to Ipswich Riuer; and that the bounds of Andover shall extend southward six miles from their meeting howse, provided it p^rjudice not this last graunt of Rowley, nor the graunt formerly made to Reading or Wooborne.

Graunt to
Rowley.

Itt is ordered, that Samuell Winsly, Thomas Bradbury, and Robert Pike shall have further libertje to lay out the west end of Hampton bounds, till the next sessions of this Courte.

Co^mittee to
lay out the
west end of
Hampton
bounds.
The north l^jne
of Hampton
lajd out.

The Court approoves of the co^mittees retourne, heerevnder written, respecting the north l^jne of Hampton bounds, so as it intrench not on any former graunt. Wec, whose names are heerevnder written, being appointed by the Gennerall Courte to lay out the northermost l^jne of Hampton bounds, towards Pascataquake, have determined that the north l^jne shall extend five miles from Hampton meeting howse, and from thence vppon an east l^jne to the sea, and wth the westerl^je l^jne, vntill they come wthin two miles of

Exciters present meeting howse, and the rest of the lĳne, which is to extend as farr as Salisbury bounds, wee leave to farther consideration.

1652.

1 June.

SAMUELL WINSLOW,
SAMUELL HALL,
THO: BRADBURY.

In ans^r to the petiĉon of Thomas Gayner respecting satisfacĉon from M^r Aspinwall, &c, both M^r Gajner and M^r Aspinwall appeared, and after the Court had heard what both partjes could say, M^r Knight, M^r Gajners attorney, proffered the issue of the case, if M^r Aspinwall would depose that the acquittance he produced before the Court, vnder M^r Gajners hand, had relation to the shipp Planter, as well as to other accompts. M^r Aspinwall deposed before the Gennerall Courte, saith that the acquittance he brought in and produced before the Gennerall Courte was the gennerall release given him by M^r Gajner, and was for all accompts and demaunds whatsoeuer, as well in relation to the shipp Planter as any other, not only in his omne aphenĉon and knowledge, but also, so farr as he knoweth, to M^r Gayners also.

Ans^r to M^r
Gayners
petiĉon.

*In ans^r to the petiĉon of Willĳam Blanton to the first pte of the petiĉon, the Court declares, that he was justly presented by the grand jury, and to the second parte, that he was justly fined by the comiſsioners.

[*92.]

Ans^r to W^m
Blantons
petiĉon.

In ans^r to the petiĉon of Jonathan Wade, that the 400 acres formerly graunted him by this Courte (for the disbursing of fifty pounds for the good of this collony at the first) might be lajd out to him on any side of Nashaway bounds, wthin a mile thereof, or two, the Court graunts his request.

Ans^r to M^r
Wades
petiĉon.

In ans^r to the petition of Leonard Buttles, craving releif & redresse from the sentence of the comiſsioners in Boston, a remittment of his fines illegally imposed, and just restricĉon of their power, &c, and further in his petiĉon exprest himself ready to majntajne, that Cap^t Keajne was as great a delinquent as he, the Court referred the examination of the p^ticulars therein contajned to M^r Nowell, Cap^t Wiggins, Lef^t Clap, M^r Bradbury, Maximilljan Jewett, M^r Cleoments, M^r Johnson, the survejor gennerall, and M^r Edward Dennison, who made their report to the Court, both in relaĉon to his accusating of Cap^t Kejne, and his misreporting the acts of the comiſsioners. The Court declared, that whereas Cap^t Robt Keajne was accused to this Court for drunckenes, the evidences having binn pervysed, and finding that he is proved to have binn three tĳmes druncke, and twice to have druncke to excesse, ffor which offences this Courte doth fine him thirty sixe shillings and eight pence, the charge of wittnesses appearing by examinatioj to be the sōme of fivety five shillings two pence, which this Court orders Cap^t Keajne to dischargd. And

Ans^r to
Leonard
Buttles
petiĉon.

1652.

I June.

whereas Cap^t Keajne hath petitioned this Courte to lay doune his place as com^{is}sioner, the Court assents therto, as judging him not meete to contjnew therein.

And as ans^r to that part of the peti^{ti}ōn respecting Leonard Butles, the Court determined, that the acte of the com^{is}sioners, in fining the sajd Butles forty shillings, was both just and warrantable, w^{ch} they order the sajd Butles to pay; and further determined, the second fine imposed on him by the com^{is}sioners, viz., thirty shillings, for his affronting authoritje by many vnmannerly and threatening speeches, was also just and warrantable; and, lastly, this Court doth order, that the sajd Leonard Butles, for his misreporting the com^{is}sioners to the Gennerall Court, chardging them to act by an arbitrary power, &c, should pay, as a fine, five pounds, and make aknowledgment at the Com^{is}sioners Court, when they call him to it, that he did sinfully and scandolously in falsely accusing them to act by an arbitrary power, and expresse himselfe sorry for it; otherwise to be responsall to the next sessions of the Gennerall Courte.

Ans^r to Hump.
Atherton &
Jn^o Wisewall
abt Neponsett
Bridge.

In ans^r to the peti^{ti}ōn of Humphry Atherton & John Wisewall, in behalf of the toune of Dorchester, for the remittment of the fine of five pounds imposed on them by the County Court, for neglecting to make a bridge ouer Neponsett Riuer, in the way betweene Dedham and Rehoboth, the Court, finding that the obstruc^{ti}ōns was not on the tounes part only, but rather by the p^{er}sons that was to lay out the way, and vnderstanding it is lately effected, doe remitt the sajd fine at p^{re}sent, vnlesse on the first of the seventh month next it shall appeare, that the building of the bridge is still neglected, in w^{ch} case the fine is againe to take place; and to the second p^{ar}te of the peti^{ti}ōn, this Court declares, that the making bridges in com^on highwajes from toune to toune ouer like streames is no more than is vsuall in like case, and in æquitje ought to be.

[*93.]

Ans^r to Mary
Woodcys
petition.

*In answer to the petition of Mary Wooddy, late wife to John Woody, of Roxbury, deceased, the Courte conceaues, for any thing yet appears to them to the contrary, that the petitioner hath such a propor^{ti}ōn out of the estate of her late husband as the estate will beare or the lawe provided; and that there should be no altera^{ti}ōn of the will, as is desired in the petition, but that there be an agreem^t amongst all p^{ar}ties concerned therein, to improve the estate for the benefitt of the wife & childe.

Com^{it}tee to
lay out our
north l^{ine}.

It^s ordered by this Court, for the better disco^uerie of the north l^{ine} of our pattent, that Cap^t Symon Willard & Cap^t Edward Johnson be appointed as com^{is}sioners to peure such artists & other assistants as they shall judge meete to goe wth them, to finde out the most northerly p^{ar}te of Merimacke Riuer, and that they be supplied withall maⁿer of necessaries by the Tressurer fitt for their

journey, and that they vse their vtmost skill and abillitie to take a true obseruation of the latitude of the place, and that they doe it withall convenient speed, and make returne thereof at the next sessions of this Court.

1652.

1 June.

In ans^r to the petition of the inhabitants of the Conduite Streete in Boston, the Court doth graunt their request, that whereas James Euerill, Joshua Scottow, W^m Hudson, Hannah Hanbury, Edmond Jackson, Willjam Awbrey, in behalfe of the vnderakers of the iron workes, possessing the right of Valentjue Hill and Joseph Wormell, Willjam Cotton, J^{no} Lowe, Leonard Buttles, Thomas Yeow, Richard Norton, and J^{no} Bateman, tooke into serious consideration their oune necessitjes for the dayly vse of fresh water for their seuerall familjes, and especially the eminent dainger if any scathfier should happen amongst them, (w^{ch} God forbid,) having no water in any readjnes at all tjmes to bestede them in such extreame dainger, and duely weighing that the procuring of water into the sajd streete, not only to be a burden to heavy for any one to beare, but the privilegedge to be to great for any one solely to enjoy, it is therefore ordered and enacted by this Courte and the authoritje thereof, that from henceforth the sajd inhabitants above mentioned shallbe a corporation, and incorporated into one body or company, and that it shall and may be lawfull for the sajd company yeerely vppon the first day of July, if not the Lords day, or if it be, then on the second day of the moneth, to meete together, and the whole body so mett, by the major p^{te} of the votes, to elect two of the proprietors of the sajd body to be wardens, or masters of the sajd waterworks for that ensuing yeere, and no longer, without a new election, who shall take order for the due pajment of their annuall rent to M^r Willjam Ting, according to their couenant and agreement wth him, and to see that the conditions on both parts be truly pformed, and from tjme to tjme to see and take order that all necessary repaires about the sajd waterworkes be speedily made and finished, and that it shall be lafull for the sajd wardens for the tjme being, when and as often as occasion shall requier, to warne all the members of the sajd body to meete together, as well to consult, aduise, and conclude *of any necessary matter or worke to be donne in and about the sajd waterworkes, as to satisfy such their disbursements vnto them, and that it shall and may be lawfull for the sajd wardens for the tjme being to distrajne the goods of any person or persons, refusing to pay his due proportjon, being lawfully demaunded, and truly and plainly made knoune vnto him, rendring the ouerplus. And it is further ordered, that if any proprietor of lands, wthin the sajd streete or elsewhere, shall please to come into the sajd body, it shallbe lawfull and in the power of the sajd wardens for the tjme being, with the consent of the major p^{te} of the company, to receive them vppon such condiçõs as shall be propor-

[*94.]

1652.

1 June.

tionably answerable to the charges and disbursements in procuring and maintaining the same. And it is further ordered, that if any person or persons shall be found guilty of corrupting, wasting, or spoiling of the said water, or waterworks, or dammifying the pipes, cisternes, or fountaines, it shall be lawfull to and for the said warden for the time being to impleade such persons for and in the name of the whole company or body, and damage recouered to be improved to the benefitt of the whole body, as likewise to be impleaded, and damage lost to be æqually borne by the whole company; and for such as shall take water there without license, it shall be lawfull for the wardens for the time being, or whom they shall appointe, after warning given them, to take away and withhold such vessells from them as they shall bring to carry away such water with. And it is further ordered, that if any scathfier should happen, that then it shall be lawfull for any person or persons without leave to take water, and, if neede requier, to breake vp as many places of the couer of the said conduite as shall be needefull for the speedy help and convejanee of water as such a case of dainger requires and the place will afford. And further, it is ordered, that it shall and may be lawfull for the wardens for the time being to graunt license for a time for such poore persons as are not able to purchase a proprietie therein; provided, that no man, by this act, be barred from his proprietie or libertie for improving it in preserving of his due right in all water courses within his owne land, and that every man hath libertie of replevin, and after sentence to appeale to the next County Court. The Court is adjourned to y^e 19th October.

19 October. *Att the second Sessions of the Gennerall Court, held at Boston, the 19th of October, 1652.*

For advancement of learning.

A DECLARATION concerning the advancement of learning in New England by the Generall Courte. If it should be graunted that learning, namely, skill in the tounge and liberall artes, is not absolutely necessary for the being of a common-wealth and churches, yett wee conceive that, in the judgment of the godly wise, it is beyond all question not only laudable, but necessarje for the wellbeing of the same; and although New England (blessed be God) is competently furnished (for this present age) with men in place, and vpon occasion of death or otherwise, to make supply of magistrates, associates in Courts, phisitions, and officers in the common-wealth, and of teaching elders in the churches, yett for the better discharge of our trust for the next generation, and so to posteritie, being the first founders doe weare away apace,

and that it growes more and more difficult to fill places of most eminencje as they are emptje or wantjng ; and this Courte, findeing by mannifest experjence that though the noubmer of schollers at our colledge doth encrease, yett as soone as they growe vpp ready for publicke vse, they leave the countre, and seeke for and accept of jmplojment elsewhere, so that if tjmely provition be not made, it will tend much to the disparagement, if not to the ruine of this comonwealth, it is therefore ordered, and heereby enacted by this Court, that a voluntary collection be comēded to the inhabitants of this jurisdicōn for the raising of such a sōme as maybe jmplojed for the majntenance of the præsident, certajne *ffellowes, and poore schollers in Harvard Colledge, and for that purpose doe further order, that eury toune of this jurisdicōn doe choose one meete person to take the voluntary subscriptions of such as shall vnderwrite any sōme or sōmes of money for that purpose, and to make retourne thereof to the next Courte ; and forasmuch as all the collonjes are concerned therein, this Courte doth order the secretarje to signifie to the Gouverno^{rs} of the seuerall colonjes our endeavo^{rs} heerein, and to comēd the same vnto them for their helpe and furtherance in so good a worke.

Whereas the meetings of the freemen for the nominatjon of magistrates and associates for County Courts is appointed in the month of Nouember, and the votes so made to lye till the last weeke of the first month ffollowing, which distance of tjme is not needefull, and may admitt of soundry inconveniencjes, for preventjon whereof, itt is heereby ordered and enacted, that henceforth the tjme for the elecōn in townes shallbe in the second weeke of the first month, with the same pœnaltje the former lawe requireth, any direction in the former lawe to the contrary notwithstanding.

Whereas the way of the passing of howses and lands by sale in England is both peaceable and effectuall, namely, by deed, in writing, sealed, and deliuered with liuery and seizin, or possession given of the same before wittnes, or by deed acknowledged and enrolled, or by sueing a fine, and that diuerse within this jurisdicōn are apt to rest vppon a verball bargajne, or sale, for howses or lands of any valew, this Courte, taking this thing into serious consideration, doth heereby declare and order, for the preventjon of all clandestine and vncertajne sales and titles, that henceforth no sale or alienation of howses or lands wthin this jurisdicōn shallbe holden good in lawe, except the same be donne by deede, in writing, vnder hand and seale, and deliuered and possession given vppon parte in the name of the whole by the vender or his attorny, so authorized, vnder hand and seale, & vnlesse the sajd deed be acknowledged according to lawe, and recorded.

Whereas many merchants and seafaring men, with other straungers that

1652.

19 October.

[*95.]

Tjme for elec-
ōn in townes.No sale allow-
able wthout a
deed in writ-
ing, &c.

1652.

19 October.
Two magist^{rs} &
recorder to al-
low of wills &
graunt admin-
istraçõs.

frequently resort to the countje of Suffolke, often tjmes by their deaths leaving their estates vndisposed of, and very difficult to preserve in the jnterims from one Countje Courte to another, by reason of the distance thereof their estates is much hazarded to be lost and imbezelled, itt is therefore ordered, that it shall and may be lawfull for any two magistrates, with the recorder of the countje, meeting together, to allowe of any will of any deceased partje to the executo^{rs} or other persons in the will mentjoned, so as the will be testified on the oath of two or more witnesses; and also graunt administrations to the estate of any person that shall dye intestate within the sajd countje, to the next *of kinne, or to such as shall be able to secure the same for the next of kinne; and the recorder or clarke of the Courte is to informe the rest of the magistrates of the countje, at the next Countje Courte, of such will proved or administraçõn graunted, and recorde them, any lawe, custome, or vsage to the contrary notwithstanding.

[*96.]

4 Courts in y^e
county of Mid-
lesex annual-
ly, &c.

Vppon information of soundry inconveniencjes arising in the countye of Middlesex by the long distance betwixt the Courts there holden, and that the buisnes of Courts there is much increased, itt is ordered by this Courte and the authoritje thereof, that henceforth there shall be two Courts more there holden in a yeere, viz., one vppon the third day in the third weeke of the fowerth month, and the other vppon the third day of the first weeke in the eleventh month, both these Courtes to be kept at Charles Toune.

Indeans title
to lands, &c.

Forasmuch as there hath bene a quæstion in this Court about the Indjans title of lands, this Courte, taking it into consideratjon, and willing that there may be a free passage of justice for their right amongst vs, aswell as for the English, itt is therefore ordered and enacted by this Courte and the authoritje thereof, that what lands any of the Indeans within this jurisdicçõn have by possession or improovement, by subdouing of the same, they have just right therevnto, according to that in Gennesis, 1 and 28, chap^t 9:1, and Psalmes 115:16. And for the further encouragement of the hopefull worke amongst them, for the civillizing and helping them forward to Christianitje, if any of the Indeans shallbe brought to civillitje, and shall come amongst the English to inhabit in any of their plantaçõns, and shall there live civilly and orderly, that such Indeans shall have alotment amongst the English, according to the custome of the English in the like case. Further, it is ordered, that if, vppon good experience, there shall be a competent nnumber of the Indeans brought on to civillitje, so as to be capable of a towneshipp, vpon their request to the Gennerall Courte, they shall have graunt of lands vndisposed of for a plantaçõn, as the English haue. And further, itt is ordered by this Courte, that if any plantation or person of the English shall offer injuriously to put any of

the Indians from their planting grounds or fishing places, vpon their complaint and prooff thereof, they shall haue reliefe in any of the Courts of justice amongst the English, as the English haue. And further, it is ordered by this Courte and the authoritje thereof, and bee it hereby enacted, that all the tract of land within this iurisdiction, whether already graunted to any English plantacions or persons, or to be graunted, by this Courte, (not being vnder qualification *of right to the Indians,) is, and shallbe, accompted the just right of such English as already haue, or heereafter shall haue, graunt of lands from this Court and the authoritje thereof from that of Genesis 1: 28, and the invitacion of the Indians.

1652.

19 October.

[*97.]

As an addition to the late lawe about the councstables watches in the seuerall townes of this iurisdiction, itt is heereby ordered, and be it enacted by the authoritje of this Courte, that all the inhabitants of this iurisdiction shall henceforth, according as they are warned to serve the countrje in the councstables watches, duely and strictly observe the charge given by the councstables; and the councstable in euery towne from tyme to tyme are heereby enjoyned to give in their charge to all watchmen, that they duely examine all night walkers after tenne of the clocke in the night, vnlesse they be knowne peaceable inhabitants, to enquire whether they are going, and what their buisenes is, and in case of not giving ratiōnall satisfacion to the watchmen or councstable, then the councstable forthwith to secure them till the morning, and then the councstable to carry such pson or psons before the next magistrate or comissioner, or three men, (who shall haue power as the comissioners haue,) to give satisfacion for their being abroad at that tyme of night, and if the sajd watchmen shall finde any inhabitant or straunger, after tenne of the clocke at night, behaving themselves any way deboist, or that giveth not a reasonable ground to the councstable or watchmen, or shallbe in drinke, to secure them by comittment or otherwise, or till the lawe be satisfied; and further, the councstable is to give the watchmen in charge to see all noyses in the streetes still, and lights put out, (except vpon necessarje occasions,) that fiers, as much as maybe, be prevented, any lawe, custome, or vsage to the contrary notwithstanding.

Addition of power to the councstables.

Itt is ordered by this Courte and the authoritje thereof, that henceforth it shallbe lawfull for any of the three comissioners appointed to end smale causes in the seuerall townes, vpon the request of any person or persons, to give oath to any witnes or witnesses or others in any civil case, as any magistrate may doe; and euery such oath, so taken as aforesajd, shall be accompted authentical in lawe.

Three men in townes to give oathes in civil case.

Whereas the comon highwajes betwixt Andover and Ipswich, Andover

1652.

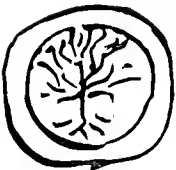
19 October.
County high-
wajes from An-
devor, &c.

[*98.]

and Rowley, and Andeuer and Newbery are not yett lajde out, by reason whereof passengers doe suffer great prejudice and inconvenjence, and the wajes vncapable of being^d mended, becawse vnknowne where they will be lajd forth, it is therefore heereby ordered, that euery of the aforesajd townes shall, wthin one moneth after the end of this sessions, nominate and appointe one or two of their respective inhabitants, who are heereby authorised and appointed, to lay out the aforesajde highwajes betwixt the townes before mentioned, and to make *retourne thereof to the next Court of Electjon. And itt is further ordered, that the inhabitants of Andevor shall give notice to the inhabitants or prudentjall men of the other townes of the tyme and place of their meeting, for the end aforesajd, in wrighting; and if any toune or townes shall neglect to doe what this order enjoynes them, they shall forfeite the some of five pounds to the comon treasury; and if any person, chosen and appointed by any toune, shall neglect his duty heerein enjoyned, he shall forfeite the some of forty shillings; provided, if any of the aforesajd townes shall send two of their inhabitants, yet they shall have but one vote in the deciding of any difference or controuersje that may arise in the laying forth or determining all or any of the aforesajd highwajes. And it is ordered, that if all fower cannot agree in any particular, then any three agreeing shall determine the same.

Mr Clarke in-
vention.

Itt is ordered by this Courte, that no person shall, for the space of three yeeres next ensuing, make vse of Mr John Clarks invention for saving of fire-wood and warming of roomes with little cost and charges, by which meanes great benefitt is like to be to the countrje, especially to these populous places; and if any family or other person doe, by the consent and direction of the sajd Mr John Clarke, or wthout, improove or vse the sajd experiment, they shall pay tenn shillings to the sajd Mr Clarke, for which the sajd Mr Clarke may sue or jmplead any person before any comissioner for the same, as the cawse shall require.



To prevent
frauds in mon-
jes.

Ten shillings
for entrie of
accons above
40^s; & 3^s 4^d
for all other.

[*99.]

For the prevention of washing or clipping of all such peices of mony as shall be cojned wthin this jurisdiction, it is ordered by this Courte and the authoritje thereof, that henceforth all peices of mony cojned as aforesajd shall have a double ring on either side, with this inscription, Massachusetts, and a tree in the center on the one side, and New England and the yeere of our Lord on the other side, according to this draught heere in the margent.

Itt is ordered by this Courte and the authoritje thereof, that all actjons trjable before the comissioners of the toune of Boston, which shall amount to above forty shillings, shallbe ljable to pay for the entry tenne shillings for euery action so entred, and for acccons *vnder the sajd valew the some of three shillings fower pence shall apertajne to ye^e sd comissioners, for the defraying

of their charges; and also y^t it shall be lawfull for any one magistrate and the three comission^{rs} appointed to end small causes in townes to require three shillings & lower pence for the entry of all acc^{ns} proper to their cognizance, any lawe or custome to the contrary notwithstanding.

1652.
19 October.

Vppon information of soundry abuses which may arise, and thereby reproach redound to the countrje, by packeing vp beife, porke, and other things in caske that is not full gage, although the packer doe carefully fill the same, as the lawe provides, it is therefore ordered by this Court, that henceforth every packer shall see that all caske he packs any beife, porke, mackerill, fish, or any other goods in, committed to his care, be of true and full asize and gage, and that he packes the same in no other caske whatsoever, on p^onaltje of ten shillings for every caske by him packed that is or shall be defective in that respect, one halfe to the informer, and the other halfe to the countrje. This order to be the next day published, and posted vp in Boston and Charles Toune, and, by the first opportunitje, in Salem and Ipswich.

To prevent abuse in packing beife, porke, &c.

The oath for packers of beife, &c.

Whereas you, A B, are chosen a packer of beife, porke, and other things for the toune of B; yow doe heere sweare, by the living God, that yow will well and truly packe all beife, porke, and other things, when yow shall be thereunto required; yow shall packe no kinde of goods but such as are good and sound, nor any goods in any caske that is not of a just and full gage; yow shall also sett your particular marke vppon all caske packed by yow; and in all things proper to the place of a packer yow shall faithfully discharge the same, from tyme to tyme, according to your best judgment & conscience. So helpe yow God.

Packers oath.

Itt is ordered by this Court, that after publication heereof, any pson whatsoever, which hath or shall have ground of action against another, shall have libertje to impleade and try any action triable in the Comissioners Courte of Boston, either in the sajd Courte or any other that hath proper cognizance thereof, as is provided in the printed lawe, page 1st, which gives libertje to y^e plaintiffe to trje in whither jurisdiction the plaintiffe pleaseth, where either plaintiffe or defendant dwelleth; provided, that the so^onions or attachment be served wthin the limitts expressed in their comission.

Acc^{ns} pp^r to y^e comissioners cognizance triable before y^{em} according to y^e law print. p. 1st.

Vppon complaint made to the Courte that severall great gunnes of the countrjes in Boston, and other townes wthin this jurisdiction, lye vnmounted and neglected, it is ordered by this Courte, that all townes that haue any such great gunnes in their *townes vnmounted are enjoyned speedily to take care

Carriages for y^e gr^t gunns to be in a readines, or otherwise to be surrendered.

[* 100.]

1652.

19 October.

Prize of corne
to y^e countrje
rates.

to provide good and sufficient carriages, to be in a readynes before the next Court of Election, or else to deliuer all such gums aforesajd to the survejour generall, to be disposed of as this Court shall give direction.

Itt is ordered by this Court, that all sorts of corne shallbe pajd into the countrje rate, for this yeere ensuing, at these prizes following, viz.: wheate and barly at five shillings p bushell, rye and pease at fower shillings p bushell, and Indjan corne at three shillings p bushell, and all other things pajd in to the countrje rate to be vallued according to the prizes of all sorts of corne above mentioned.

Vppon a motjon made to this Courte by some military officers, for resolution of a quæstion concerning superioritje of comãnders in this jurisdiction, itt is ordered and enacted by this Court and the authoritje thereof, that henceforth, according to the custome in military discipline, all captajnes, wth their companies, shall take place in standing, marching, quartering, and comãding in their regiments, as occasion shall require, in all respects, according to their antiquitje of being captajne in that regement, and no otherwise, and that no captajne shallbe capable to comãd as a capt over both a foote company and a troope of horse at the same tyme. And whereas the toune of Boston, in obedience to an order of the Gennerall Courte, have divided themselves into fower companies, and left it to the determination of this Courte which captaine should be accompted the oldest in the toune, the Court doth further order and declare Captaine Thomas Savadge shall take place next after Major Edward Gibbens, and that Captaine Thomas Clarke shall be the third. And whereas the south parte of the toune had made chojce of Cap^t Jn^o Leueret to be their captaine, who was formerly chosen captaine ouer the troope of horse in the regement of Suffolke, and confirmed in that place, it is ordered, with relation to them, that they proceede to a new election, and that their captajne take his place accordingly. By senioritje of comission, wee intend comission in the same regement, and to the same place of comãd. For personall differences concerning senioritje, it is referred to be determined by the major and officers of the regement, or the major pte of them, according to the lawe established.

Senioritje of
captajnes, &c.

[*101.]

*Whereas, by the lawe, title Millitary, page 42, sec^t 6, euery captaine, leinetenant, and ensigne is to be allowed at each County Courte, and that by the late lawe concerning the militia, made in the third moneth, 1652, euery comission officer, both of horse and foote companje, is to have comission from the Gennerall Courte, itt is ordered by this Courte and the authoritje thereof, that vppon the allowance of any such millitary officer, by any County Courte aforesajd, such as present them to the Courte shall take a certificat vnder the hand of the recorder or clarke of that Courte, which he shall forthwith deliuer

to the secretary of the Generall Courte, who shall speedily drawe vp a p̄ticular cōmission, in parchement, fairely written, for euery such officer, and deliuer them to the eldest sargeant of each companje when he comes for them, and the sajd sargeant shall carry them to the gouernor, who shall affixe the seale of the colony therevnto, the sajd sargeant paying five shillings for each seale, as the order provides, and shall carry them so sealed to the major generall, who shall transmit them to the major of each regiment, to be by him, or his order, deliuered vnto the captaine or cheife officer, to whome the same doth belong; and for such military officers, in any of the aforesajd places, as were formerly allowed, and have no written cōmission to act by, the eldest serjeant of each company shall take certificat from the recorder of the Court where such officer was allowed, and deliuer it vnto the secretary to be draume vp, which shall beare date from the tyme of their allowance, and expedited as aforesajd; provided, that if the major generall, or major of any regiment, be any tyme wanting, the Gouerno^r shall then deliuer any such cōmission vnto the officer to which it belongs, or such other officer of his company as shall repaire to him for the same, the secretary being pajd sixe pence for each cōmission, &c.

1652.

19 October.

Military officer^s
cōmissions.

The late order about swjue is repealed, and the printed lawe is in force in that respect.

Late lawe
about swine
repealed.

The lawe about jurjes is repealed, and jurjes are in force againe.

Jurjes in vs^e
againe.

Itt is ordered by this Courte and the authoritje thereof, that whereas Capt^t W^m Gerrish stands chardged wth the cōmand of a horse and foote company, [^] shall have a cōmission to cōmand the horse, and only have liberty to exerceise the foote vntill the company shall otherwise provide, and present another to take cheife cōmand thereof, as a toune company.

Capt. Gerrish.

*Itt is ordered, that Major Daniell Dennison shall supply the place of major generall, in the absence of Major Generall Sedjue, or till the next elecçōn; and that Captaine Humphry Atherton shall supply the place of major, for the county of Suffolke, in the absence of Major Edward Gibbens, or till a new elecçōn; that Capt^t Francis Norton shall supply the place of major, for the county of Midlse^x, in the absence of Major Rob^t Sedjue, or till a new election.

[*102.]

Major Dennison to supply
y^e place of major
generall, Capt.
Atherton of
major for Suffolke,
& Capt. Norton of
major for Middlesex.

This Court having given libertje to the seuerall troopers of horse in this iurisdicçōn to compleate their officers, which accordingly the troope of Suffolke hath donne, and made chojce of Capt^t Jn^o Leuerett for their captajne, M^r W^m Davis for their leiftenant, M^r Peeter Oliuer for their cornet, & Jn^o Smith, of Dorchester, for their quartermaster — all which this Courte doth allowe and confirme.

Officers of the
troope of horse
in Suffolke.

1652.

19 October.
Douer &
Strawberry
Bancke to send
3 deputjes, &c.

Whereas vpon the submission of the inhabitants vpon the Riuer of Pascataquaque to this iurisdicōn, this Court did graunt them, amongst other priuiledges, libertje to send two depu^{ts} from the sajd riuer, and whereas the freemen of Douer are increased to that nnumber that by another lawe they have libertje to send two deputjes to this Courte, this Courte doth heereby order and declare, that the sajd toune of Douer shall henceforth enjoy their libertje to send two deputjes, according to lawe, and that Strawberry Bancke shall have libertje to send one, according to former agreement.

½ barrrell of
pouder allowed
to Salem.

The toune of Salem, being debtor to the countrje for seuerall barrrells of pouder, at the request of their depu^{ts}, the Courte graunts them halfe of one of those barrrells towards what they have expended in saluting of shippes & otherwise, vpon necessary occasions.

Commissions to
officers of
troope of hors
from capt. to
quarter mstr,
&c.

The Gennerall Court of the Massachusetts, to J: L:, Capitaine, &c: Whereas you are chosen and allowed, by the authoritje of this comōn-wealth, to be captajne of a troope of horse for the countje of Suffolke, these are therefore to will and require yow to take care and chardge of the sajd troope of horse as their captajne, and dilligently to intend the service thereof, and to exercise your inferior officers and souldiers, both in peace and warre, according to lawe, comāding them to obey yow as their captajne, for the service of this comōnwealth, and yow to observe and obey all such orders and directions as from tyme to tyme yow shall receive from your major gennerall, or other superior officers, or authoritje of this comōnwealth, according to lawe. (The like comissions the Court graunts to leiftem^{ts}, cornets, & quarterm^{rs}, y^e names only altered.)

County courts
adjournment.

Itt is ordered, that the County Court at Boston shall be adjourned to the sixteenth day of Nouember next.

[*103.]

Day of humili-
ation, 10: 9 mo,
52.

*Itt is ordered, that the seuerall churches of this iurisdicōn shall observe and keepe the tenth day of Nouember next as a solemne day of humiliatiō, to humble themselves and seeke the face of God ffor these causes ffollowing. In regard to ourselves: First, for that his hand hath gonn out against vs, in taking away many persons, both menn and weomen & children, by an vnwonted disease; 2^{ly}, for his seeming to froune vpon vs by vnusuall stormes & contjnewed rajnes, breaking diuerse vessells and throwing doune souldry howses and barnes in diuerse parts of the countrje, and what other harmes wee cannot yett vnderstand of; 3^{ly}, a want of supply of meete persons for publick service, in church and comōn-wealth; 4^{ly}, in regard of too much worldli-mindednes, oppression, and hard-hartednes feazed to be amongst vs, and many other sinnes. In regard of England: 1st, the warres being great betweene them and the Hollanders; 2, the increase of errors and hæresies;

3^{ly}, that God would be pleased to give vs favor in the harts of the Parljamēt, counsell of state, the generall and army; 4^{ly}, that the Lord will vouchsafe to make a supply of such comōditjes to vs as wee stand in neede of.

1652.

19 October.

Captajne Symon Willard & Captajne Edward Johnson, a comīttee appointed by the last Gennerall Court to procure artists to joyne wth them to finde out the most northerly part of Merremacke Riuer, respecting the lye of our pattent, having procured Sarjeant John Sherman, of Water Toune, & Jonathan Ince, student at Harvard Colledge, as artists, to goe along wth them, made their retourne of what they had donne, and found, viz. : John Sherman and Jonathan Ince on their oathes say, that at Aquedaltan, the name of the head of Merremack, where it issues out of the lake called Winnapuscakit, vppon the first day of August, one thousand sixe hundred fifty two, wee observed, and by observation found, that the lattitude of the place was forty three degrees forty minutes and twelve seconds, besides those minutes which are to be allowed for the three miles more north which runn into the lake. In witnes whereof, they have subscribed their names, this nineteenth day of October, one thousand sixe hundred fifty and two. Ju^r cor. me, Jn^o Endecot, Guber^r.

Retourne of
the comīttee
about the ex-
tent of our
northerly lye.

JN^o SHERMAN,
JONATHIAN INCE.

The sajd commissioners brought in their bill of chardge, which they expended & p̄mised on, & to those that went that journey to finde out the most northerly part of Merremacke, which was twenty eight pounds twelve shillings and tenn pence, which the Court allowed, and ordered that the p̄sons concerned should be sattisfied out of the rate according as they were p̄mised; and further doth order the Treasurer to sattisfy to Captajne Willard and Captajne Johnson twenty markes a peece for their pajnes.

The Courte having p̄vsed the letter from the gen^r to the eastward, and not being sattisfied therein, doe judge it meete that our former challenge to the place be further prosecuted, and there be comīssioners sent thither wthall convenient speede, wth full power to excercise jurisdiction amongst them.

*To our trusty and wellbeloved freinds, M^r Symon Bradstreete, M^r [*104.]
Samuell Symons, Cap^t Thomas Wiggin, Majo^r Daniell Dennison, Cap^t W^m 23 October.
Hauthorne, and M^r Brjan Pendelton: Whereas yow are chosen comīssioners by
this Courte to setle the civil government amongst the inhabitants of Kittery, Commissioners
for Piscag. comīssion.
the Ile of Shoales, Accomenticus, and so to the most northerly extent of our

1652.

23 October.

patent, yow, or any three or more of yow, are hereby authorised and required wthall convenient speede to repaire to those parts, and thereby sūmon to assemble the inhabitants together in some place which yow shall judge most convenient, and to declare vnto them our just right and iurisdiccōn ouer those tracts of land where they inhabit, requiring their subiection therevnto, assuring them they shall enjoy æquall protection and priuiledg with ourselves; further, wee doe hereby give and graunt vnto yow, any three or more of yow, full power and authoritje to sūmon and keepe a Courte or Courts there to heare and determine all causes, civill and criminall, according to the power and authoritje of our Countje Courts, to nominate and appointe cōmissioners, administer oathes to them, and invest them wth such power as yourselves, or the major pte of yow, shall judge meete, as also to appointe and sweare cōnstables and such other officers as yow shall judge needefull for the preservation of the peace, to confirme and setle proprietjes, to graunt priuiledges, protecōns, and imunitjes, and to setle the government there; and further to doe and act in the pmisses, or any thing of like nature, for the ends aforesajd, till this Court shall take further order therein, as in your wisdomes and discretions yow shall judge most to conduce to the glory of God, the peace and welfare of the people there, and the maintenance of our oune just rights and interest; and wee doe heereby will and require all magistrates, cōmissioners, capts, and all other officers, civill and military, wthin the county of Norfolke, and all the inhabitants of the Ile of Shoales, and beyond the Riner of Piscatque, wthin the limitts of our patent, to be aiding and assisting to theise our cōmissioners as they shall see cause to crave or require; and in confirmation heereof wee have caused the seale of our colony to be heerevnto affixed, this 23^d October, 1652.

Cōmittee about
the Castle.

Itt is ordered, that Cap^t Humphry Atherton, Cap^t Jn^o Leueret, Cap^t Francis Norton, Cap^t Thomas Clarke, and M^r Jn^o Johnson, survejor generall, be a cōmittee to repaire the great batterye on the Castle Iland, or make a convenient batterje of it, and make report of what they conceave necessary for the vpper worke.

Letters to y^e
Parliam^t &
Lord Gem^{tl}
Cromwell.

The Court ordered two letters to be sent to England, the one to the right honorable the Parljament of the cōmonwealth of England, the other to Oliuer Cromwell, lord generall of all the forces of the cōmonwealth of England, which are in y^e book of letters.

[*105.]

Courts appro-
baōn of our
cōmissioners.

*Our cōmissioners presenting what was donne at Plimouth at the meeting of the cōmissioners for the Vnited Colonjes, the Courte doth heereby declare their approbaōn and justification of their cōmission^s in judging their last

meeting at Plimouth to be frustrate, and doe expect satisfaccōn from the jurisdiction of Pljmouth and Newhaven, and for tyme to come cannot consent that the ordjnary meeting should hold, and the acts of the cōmmissioners be valjd, except two cōmmissioners from each colony, authorised as in the 6th artickle, doe meete vppon the day appointed. The Court ordered a letter to be writt to y^e Governo^r of Plimouth, &c, requiring satisfaccōn for an affront put by one of their cōmmissioners on one of ours, w^{ch} letter is in the booke of letters.

1652.

23 October.

Letter to Gof-
n^r of Plimouth.

Whereas the tyme is expired of the Courts graunt of the customes of wjnes to those who were the farmers thereof, that for the tyme to come it maybe disposed of for the best advantage for the countrje, it is ordered and heereby declared, that any man that hath any desire to rent the sajd custome of wines for the tyme to come may repaire to the Howse of Deput^s on the morrow morning, by eight of the clock, being the twenty seventh of y^s instant October, to compound for the same.

About the cus-
tome of wines.

26 October.

The tyme being expired of the Courts graunt of the custome of wines to those who were the farmers thereof, and the Court having publickly declared that any man that had a desire to rent the said customes should repaire at a tyme appointed to the Court to compound for the same, soundry gentlemen appearing had libertje and did offer to the value of 162^{li} p añ, but the last and most was one hundred sixty five pounds, by Cap^t W^m Hawthorne. Itt is therefore hereby ordered and graunted, that Cap^t W^m Hawthorne shall enjoy the benefitt of the customes of wines for the space of five yeeres from the day of the date heereof, he giving in sufficient securitje for the pajment of one hundred sixty and five pounds p añ, during that terme, in currant country pay, to the Treasurer for the tyme being, or who else this Court shall appointe to receive the same in current countrje pay; and the sajd Cap^t W^m Hawthorne is heereby invested with full power to recouer the sajd customes in all respects as hath bin granted to others in tyme past in the like case.

In ans^r to the petiçōn of Archibald Henderson, craving a rehearing of the cawse betweene him and Samuell Bitfeild, for which the County Court fined him twenty five pounds, the Court readily graunted him a hearing or revejw of his cawse on the twenty third of this instant October, 1652, on which day, at the tyme appointed, the Court heard y^e cawse, and, after the pervsall of the evidences, doe judge and declare, that the sajd petiçōner, Archebald Henderson, was justly fined and punnished by the County Courte for his swearing, cursing, and drunkenes, that he was justly fined tenne pounds to the countrje, and that his five pounds fine to the counstable was just also. And whereas he was ordered to pay eight pounds for his strikinge of fower men

Ans^r to Mr
Henderson.

1652.

26 October.

who came to asist the counstable, the Courte, findeing that the evidence prooves y^t three persons only were so abused, doe judge that he should be abated forty shillings in reference therevnto; and further declare, that the counstable did not exceede the duty of his place in what he did to punish the petiçõner for his offences.

[*106.]

Comitte to
lay out y^e
Indjan planta-
çõn at Naticke.

*Itt is ordered, that Cap^t Eleazer Lusher, M^r Edward Jackson, the sur-vejor generall, W^m Parks, and Sarjeant Sherman, or any three of them, shallbe, and are hereby, impowred to lay out meete bounds for the Indjan plantaçõn at Naticke, betweene this and the next Court of Elecçõn, making their retourne to the Courte.

Ans^r to Martjn
Stebbins peti-
çõn.

In ans^r to the petiçõn of Martjn Stebbins, desiring license to keepe a victualing howse in Boston for one yeece, the selectmen of Boston being willing thereto, the Court graunts his request.

Alice y^e Welch-
womans re-
lease out of
prison.

In ans^r to the petiçõn of George Munnings, respecting Alice, the Welch-woman, for hir releasment from prison, the Courte doth graunt hir request.

Capt. Walkers
bill allowed, &
40 allowed to-
wds his foale.

Itt is ordered, that the auditor generall shall signe the bill which Joseph Jewet, steward to y^e Howse of Deput^s, have assigned to to Captaine Walker, and add forty shillings thereto, wth this Courte allowes vnto y^e sajd Captaine Walker towards the losse of his foale, he lending his mare freely to M^r Bellingham for the countrjes vse.

Customers
discharged.

Whereas, by an order of the Generall Courte, held in October, 1648, the custome of wjnes was lett to Major Sedjoke, M^r Treasurer, Cap^t Norton, & M^r David Yale, and that the rent of it, being one hundred and twenty pounds p añ, which was ordered to be pajd vnto Cap^t Richard Davenport, which he acknowledging to have received, the Court doth order, that the bonds of the gentlemen above mentioned shallbe deliuered vp to them, and they are discharged.

M^r Eatons debt
sattisfied.

Itt is ordered, that the Treasurer shall sattisfy M^r Benjamin Gillum the so^me of twelve pounds in corne æquivalent to mony, and is in satisfaction for so much this jurisdicçõn owes to M^r Eaton, of Newhaven, wth which M^r Gillum acknowledged himself fully sattisfjed.

Ans^r to
Edmond Rice
his petiçõn,
50 acres.

In ans^r to the petition of Edmond Rice, of Sudbury, the Courte doth grannt him fifty acres of land lying about a mile from Cochitchawake Brooke, twenty acres thereof to be meadow, if it be there to be had; and doe order, that Cap^t Sjmon Willard and Leuten^{nt} Goodenow to lay it out.

Ans^r to Mary
Woodeys
petiçõn.

In ans^r to the petiçõn of Mary Woodey, widdow, craving hir accompt of hir late husbands estate maybe examined & taken, and a certajne distribution thereof made to hir & hir child, itt is ordered, that the petiçõner make vp the accompt and produce the same, with the will and inventory,

to the next Quarter Courte at Boston, who have power heerein to determine the case.

1652.

Itt is ordered, that the clarke for the Howse of Deput^s shall account with the auditor generall for all such somes he hath from tyme to tyme received in reference to his allowance for his service, and that the auditor shall signe him a bill for the pajment of what shall be found due vnto him from the countrje.

26 October
Auditor to
account wth y^e
clarke of y^e
Deput^s & signe
his bill.

*In ans^r to the petiçon of Martha Brenton, desiring to enjoy a boy & girle, borne of English parents, brought ouer amongst the Irish, as hir servants, the Court graunts hir request, provided the p^tjes are proved before two magis^{ts} to have come from English parents.

[*107.]
Ans^r to Martha
Brentons
petiçon.

In ans^r to the petiçon of Miles Tearne & his wife, craving the allowance and confirmaçon by this Court of a certaine parell of land belonging to the heires of Robt Rise, his wifes former husband, by them sold, y^t thereby they might be enabled to place out the children of the sajd Robt Rice to good trades, the Court graunts their request, and confirms the sale of the sajd parell of land, to y^e value of twelve pounds, to the purchaser, as is desired.

Ans^r to Miles
Tearne
petiçon.

In ans^r to the petiçon of the church of Malden, the Courte doth remitt the fine formerly imposed on M^r Marmaduke Mathewes, and doe further remitt tenn pounds of the fine lately imposed on the church of Malden.

Ans^r to
Maldens
petiçon.

In ans^r to the petiçon of George Bowers, the Courte doth remitt five pounds of the fine imposed on him by the last Court.

Ans^r to George
Bowers
petiçon.

The Gennerall Courte, having received credible informatjon that the new church in Boston have chosen M^r Powell to be their minister, and that he hath accepted of their chojce, doe judge it meete, in respect of the trust the countrje hath comitted to them, lovingly to adise both the church and M^r Powell to desist from any further proceeding therein, for many reasons to long to be inserted heerein, which yett they shall comūnicate to the church or M^r Powell, if they desire it, and doubt not therefore of the churches and M^r Powells attending to this advice, and the rather because they maybe competently furnished with an able minister, which as it is mostly desired, so will it tend most to the advancement of Gods glory, and encrease of peace and Christjan love, wth comfort to themselves and their neighbo^{rs}, of which they will have no cawse to repent; for the furtherance whereof the Gennerall Court will not be wanting in their endeavo^{rs}.

Courts advice
to y^e new
church at Bos-
ton.

In ans^r to the petition of the new church at Boston, the Court declares, they have not, nor intended, in their advice given, condemned or discouraged the church or M^r Powell from exercising in publicke, till it please God to

Reasons of y^e
Courts advice.

1652.

26 October.

provide better for them; but our advice is against proceeding to establish M^r Powell a teaching elder, and the reasons which induce vs are these—that notwithstanding the judgment of the church concerning M^r Powells abillities and fitnes, yett the Courte are not satisfied of the expediency of their proceeding in respect of this place of such publicke resort, and considering the humour of the tjmes in England, inclining to discourage learning, against which wee have borne testemony this Courte in our petijtjon to the Parljamēt, which wee should contradict, if wee should approove of such proceedings amongst ourselves.

George Barber
eldest serjeant
at Meadfeild.

In ans^r to the request of the toune of Meadfeild, being not capable of choosing comission officers, the Court doth graunt, y^t George Barber, whom they have chosen as eldest serjeant, shall carry on the millitary exercise there.

[*108.]

Ans^r to y^e peti-
tion, &c, of the
South Compa-
ny at Boston.

*In ans^r to the petiçōn of the South Company of Boston, the Courte, as tender of giving any discouragement to the petitioners, and having by order confirmed Cap^t Leueret to comānd a troope of horse, a place of greater honor, and wherein he maybe more serviceable to the countrje, cannot consent to their request, which tends to our losse, and the discouragement of a deserving man, and doe therefore thinke it meete, that the petitioners proceed to a new election, and the Courte willbe ready to confirme any meete man they shall present.

Ans^r to y^e col-
ledge petiçōn.

In ans^r to the petition of y^e præsident and fellowes of Harvard Colledge, the Court doth graunt them eight hundred ackres of land, and libertje to jmploy such as they please to finde out such a place or places as maybe most comōdious and convenient for them, and to retourne to this Court what they have donne therein, to the end it maybe lajd out and confirmed vnto them.

Ans^r to M^r
Shaplejghs pe-
tiçōn.

Dated 26 8^{br},
1652.

In ans^r to the petiçōn of M^r Niccolas Shapleigh, the Court doth graunt the petiçōner free libertje to come into any parte of this jurisdiction, and depart home, wthout any restraingt to his person, for the terme of one yeere; and he shall haue libertje to sue any pson, or review any action that by any of our Courts hath past against him, or petiçōn any Court for his releife, provided, that what the sajd M^r Shapleigh shall reconer of any pson by all or any of the meanes aforesajd, shall be liable to any attachment or execution which any pson shall lay vppon them.

Ans^r to Menen
Cornelisons pe-
tiçōn.

In ans^r to the petiçōn of Menen Cornelison, itt is ordered, that the petitioner shallbe satisfjed by the administrators of Captaine Howsen the whole value of the estate put aboard Cap^t Howsen, prooved by Alexander Monrooes and Richard Stajnes, according as it shallbe vallued by M^r James Garrett, and two men chosen, the one by one pty, and the other by the other, or any two of them; and if any of the parties shall refuse or neglect to choose

a man as aforesajd, then M^r Garrett and the other shall proceed to the vauallu-
ation, and that there shallbe a true inventory of the estate brought in, vppon
oath, to the next County Court, by reason of many other debts owing by Cap-
taine Howsen, which will appeare vppon good prooffe; and that the credito^{rs}
may haue power to prosecute by lawe for recouery of their debts in any
County Courte.

1652.
26 October.

Itt is ordered, that M^r John Pinchon, M^r Eliazer Holiocke, and Samu-
el Chapin, comissioners for the toune of Springfeild, shall haue the same comission
to act by which was graunted to M^r Henry Smith the last yeere, and that they
take this oath, viz.: Wee, John Pinchon, Eliazer Holiocke, and Samu-
el Chapin, comissioners for the toune of Springfeilde, by order of the Gemnerall
Court, doe heere sweare by the living God that wee will truly indeavor, to
our best abillitje, to demeane ourselves in our places according to the lawes
of God and of this jurisdiction, and that wee will dispence justice, on all occa-
sions propper to our place and cognisance, equally and impartially, during our
aboade in this jurisdiccion and continuance of our comission, as aforesajd. So
helpe vs God, &c.

M^r Jn^o Pin-
chon, Eliazer
Holiocke, &
Samuell Cha-
pin comission^{rs}
for Springfeild,
& their oath.

*In ans^r to the peti^{ti}on of seuerall inhabitants of Boston, the Court
graunts their peti^{ti}on, viz., contjuuance of the comission graunted to the
comissioners, and doe order, that the freemen shall haue libertje to make a
new election yeerely, according to the first graunt, leaving them to choose the
same comissioners, or others, as they shall please, filling vp the whole noub-
ber of seven.

[*109.]
Ans^r to Boston
peti^{ti}on for
rewall of comis-
sion to y^e
comission^{rs}.

The counstable making retourne of the ffreemens choice of Cap^t Jn^o
Leueret, Cap^t W^m Ting, Cap^t Thomas Savage, M^r Nathaniell Duncan, M^r
Edward Ting, Cap^t Thomas Clarke, and M^r Anthony Stoddard for co^mis-
sioners, the Court approved thereof, and the Governo^r administered the oath,
suitable to their place, to them accordingly.

21: 8 mo, 1652.
Comissioners
sworne.

In ans^r to the peti^{ti}on of the inhabitants of Strawberry Bancke, the
Court seeth not how they cann graunt further accomodation to the petitioners
till Cap^t Wiggins pattent be scene, which will be brought to the next Court
of Election, and then accordingly it may be suppljed; but doe graunt, that M^r
Henry Sherborne and M^r Reinold Fernald be admitted associates, according
as in the peti^{ti}on is desired.

Ans^r to the pe-
ti^{ti}on of Straw-
berry Bancke.

Whereas the ffather of Cap^t Jn^o Leueret, deceased, was an adventurer
wth the first into theise p^{ts}, by advancing monyes to the forwarding of the
planta^{ti}on, who neuer had any allowance of land or otherwise for the same,
this Court doth therefore graunt to Cap^t Jn^o Leueret, his sonne, all those
smale ilands lying wthin the bay betweenc Allirtons Pointe and Nahant not
heeretofore graunted.

Graunt to
Capt. Jn^o Leu-
eret.

1652.

26 October.
Courts graunt
of 200^l to Joshua
Winthrop in
May, 1649.

There being a question when the countre gave the youngest child of Jn^o Winthrop, Esq^r, two hundred pounds, which is occasioned by the losse of the record, itt being yett in the remembrance of most of the Courte that that graunt was made in the third month, 1649, the imediate Courte after the decease of the said Jn^o Winthrop, Esq^r, itt is ordered, that the graunt of the Court be incerted in the Court reccords accordingly from that tyme.

Courts ans^r to
M^{rs} Eliz. Win-
throp hir peti-
cion.

In ans^r to the petiçion of Elizabeth Winthrop, the relict of Adam Winthrop, this Court doth declare and decree, that Adam Winthrop, the orphant, of about five yeeres of age, being the only child of Adam Winthrop, the ffather, and grandchild vnto Jn^o Winthrop, the grandfather, is the true proprietor of the iland called the Gouverno^{rs} Garden, to have and to hold to him and his heires; that Elizabeth Winthrop, second wife to Adam Winthrop, deceased, shall have the full thirds of the proffitts of the sajd iland for hir life; that M^r Henry Dunster, M^{rs} Elizabeth Winthrop, during hir widdowhood, M^r Edward Rawson, Cap^t Thomas Clarke, and Cap^t Richard Davenport are appointed guardjans over the sajd Adam Winthrop, the orphant, to take care of his education, and also of all his estate, reall and personall, and to be accounttable for the same vnto the sajd Adam, or his guardjan, whom he shall choose when he comes to the age of fowerteene yeeres; and that administratjon shall be æqually graunted of the goods and chattells late of Adam Winthrop, deceased, vnto M^{rs} Elizabeth Winthrop, widdowe, and vnto Adam Winthrop, the orphant.

Ans^r to James
Pembertons
petiçion.

In ans^r to the petiçion of James Pemberton, the Courte doth judge that the testemonjes produced to proove the iland mentioned in James Pembertons petiçion to belong to him doe fully proove the same, and doe therefore declare the sajd iland to be his propriety.

[*110.]

Ans^r to
Glocesters
petiçion.

*In ans^r to the petiçion of the inhabitants of Glocester, craving the remittment of a fine they lay liable vnto for not observing the lawe for nomination of magistrates the yeere 1650, the Courte graunts their request.

Ans^r to widdow
Capens
petiçion.

In ans^r to the petiçion of Joane Capen, widdow, craving the remittment of the fine the law imposeth for not prooving hir husbands will, the Court graunts hir request, and orders the petiçion to proove hir husbands will at the next County Court.

Ans^r to M^r
Houchins
petiçion.

In ans^r to the petiçion of Edward Rawson and Jerremiah Houchin, craving some order to be made by this Court for the allowance of the will of Cap^tayne Bozoone Allen, deceased, that his estate suffer not, itt is ordered, and heereby administraçion is graunted to the widdow and the two ourseers, and they to pforme the imperfect will as farr as maybe, and they are impowred to act as executo^{rs} and executrix.

In ans^r to the petiçõn of the inhabitants of Hull, the Courte doth graunt the petiçõners liberty to sòmõn those that detajne any of those ilands legally graunted to them to the next Gennerall Court, who shall give them a hearing by a cõmittee, whereby theire long complaint may have an end put to it. 1652.

26 October.
Ans^r to Hulls
petiçion.

In ans^r to the petition of David Sellecke, the Court remitts his fine for taking the Irishman ashoare, so as when he is recouered, he gives bond to send him out of this jurisdicçõn.

Ans^r to the
petiçion of
David
Sellecke.

In ans^r to the petition of Willjam Parks, of Roxbury, and of Anthony Fisher, of Dedham, and Eleazer Lusher, craving this Courts confirmatjõn of certajne lands sold to y^e petiçõners Lusher & Fisher, by W^m Parks aforesajd, attourney to Samuell Cooke, of Dublin, in Ireland, gen^t, deceased, by order & power by letter of attourney from the sajd Cooke, the Court graunts their request, allowes of and confirms the sale of the sajd Parks of y^e sajd Cooks lands in Dedham to the sajd Lusher & Fisher.

Ans^r to Capt
Lusher &
Antho. Fisher
petiçion.

In ans^r to the petiçõn of Ambrose Lane, the Courte graunts the petiçõner to have a speciall Courte for any occasion mentioned in his petition, except in Mr Hills case, who is svmoned to the next County Courte by him.

Ans^r to Mr
Lanes petiçion

In ans^r to the petiçõn of Cap^t Richard Dauenport, craving pardon for his offence in shooting in the night, when Cap^t Walker came in, and remittment of the fine the law imposeth for the same, the Courte graunts his request.

Ans^r to Capt.
Ric. Dauen-
ports petiçion.

Itt is ordered, that Roger Shawe shall and is hereby impowred to sue the late counstable of Hampton for the pajment of eight pounds two shillings and sixpence, or any other concerned therein, at the next Court at Salem, and is in sattisfacçõn of a judgm^t acknowledged by the sajd Roger Shawe, for y^e pajment of eight pounds for a barrell of powder the toun had of the countrje, together wth so much as may defray the transportaçõn of so much to the survejor generall.

Order further
to impower
Roger Shaw,
&c.

*In ans^r to the petiçõn of the inhabitants of Woobourne, desiring that a cõmittee might be appointed to lay out y^e farmes graunted to Jn^o Winthrop, Esq^r, deceased, and to Thomas Dudley, Esq^r, Dep^t Goũn^r, nere Shawshin, itt is ordered, that Cap^t Symon Willard, Cap^t Edw: Johnson, Edward Goffe, Thõ Danforth, Jn^o Bridge, Serjeant Hale, and S^rjant Sherman be cõmissjoners to lay out the farmes as is desired, and that it be donne before the twenty fowerth day of the fowerth month next. [*111.]

Cõmissjoners
to lay out M^r
Winthrop &
M^r Dudleys
farmes.

In ans^r to the petition of the inhabitants of Hauerill, the Courte, vnderstanding that Steeven Kent was fined tenn pounds by the last County Courte at Hampton for suffering five Indeans to be druncke in his howse, and one of them wounded, doe therefore order, that Stephen Kent wthin one month shall pay the sajd tenne pounds to the selectmen of Hauerill, who shall therewith

Stephen Kent
fined 10^l, &c.

1652.

26 October.

satisfy for the cure of the Indean; and in case of his refusall, the marshall shall fetch the sajd ten pounds from Steven Kent, wth chardge for his paines, and deliuer it accordingly.

Walter Tibbets
will allowed of.

A copie of the will of Walter Tibbet, of Gloucester, deceased, as it was testified by W^m Perkins and Robert Tuckers oathes, being produced, y^e originall being lost at Ipswich, the Court doth allow and approove of the prooffe of the will, as on file it may appeare.

Ans^r to
Exeters
petiçion.

In ans^r to the petiçion of the inhabitants of Exeter ffor a finall determination of the case betweene Douer and Exeter concerning their bounds about Lamprey Riuer, itt is ordered, that M^r W^m Payne, M^r Samuell Winsly, and Mathew Boyce, or the major p^{te} of them, shall vpon the place appointe and lay out the bounds betweene them, and certify this Courte, and the two tomes vnder their hands what they shall determine.

Douer lync on
y^e northwest,
&c.

Itt is ordered, that the northerne bounds of Douer shall extend from the first fall of Newitchewannicke Riuer, vpon a north and by west lync, fower miles.

Coimmittee to lay
out the west
end of Hamp-
ton bounds.

Itt is ordered, that Samuell Winsly, Thomas Bradbury, and Robt Pike shall have further liberty, as a coimmittee, to lay out the west end of Hampton bounds, till the next Court of Election.

Ans^r to M^r
Dunsters peti-
tion.

In ans^r to the petition of Henry Dunster, guardjan to the children of M^r Josse Glouer, & ffeoffee in trust in the behalfe of Adam, the some of M^r Adam Winthrop, late of Boston, deceased, desiring a coimmittee maybe appointed to veiw and examine what y^e estates of Roger and John Glouer are in the hands of the sajd Henry Dunster, Roger being slaine before any diuission was made, that so the will of the sajd Roger may be justly pformed, the Courte doth graunt the petitioners request thus farr — that Cap^t Jn^o Leueret, M^r Edward Jackson, Cap^t Frauncis Norton, Leiuetei^{nt} W^m Davies, and M^r Joseph Hills shall have power to veiw and examine the differences, as is desired, and make report of their retourne to the next County Court for Middlesex, if it may be ready against the same, or else to the next Court of Middlesex after it.

Courts appro-
bation of the
coimmittees act
about minting
of mony, w^{ch} is
on file. 8 mo.,
1652.

The whole Courte, by their generall vote, did allow and approove of the acte of the coimmittee about minting of money, & respecting their building of the mint howse at the comon charge, and allowance of the officers 15^d in euery twenty shillings for their paines, and ordered the coimmittee to continew in their power till the next elecçion.

[* 112.]

M^r Souther
publick notary.

*M^r Nathaniell Souther is appointed publicke notary for this iurisdicçion, in the roome of M^r W^m Aspinwall, and tooke the oath suiteable to the place in open Courte.

The Gemmerall Court thankfully acknowledgeth the Treasurers love in furnishing their commissioners wth ten pounds, and exprest their resolution to give him full and due satisfaccōn for the same, to his content.

It is ordered, that Rich Bellingham, Esq̄, and W^m Hibbins, Mr Jn^o Glouer, and the secretary, or any three of them, shall be a committee to pvse the lawes that have past this Courte, and to determine which of them shall goe to the townes, and also to give the Courts sentence in Mr Hindersons case, and deliuer the notarjes bookes to the present notary, who is to give his receipt of them to the present secretary, who is discharged thereof.

1652.

26 October.
Treasurers
love & thanks.
Committee to
pvse y^e lawes,
&c.

**.Att a Gemmerall Courte of Elections, held at Boston, the 18th of May, 1653.*

1653.

18 May.
[*113.]

Jⁿo ENDECOTT, Esq̄, was chosen Goūno^r, & tooke his oath accordingly.

Rich Bellingham, Esq̄, was chosen Deput^e Goū, & tooke his oath accordingly.

Thomas Dudley, Esq̄,
Mr Increase Nowell,
Mr Symon Bradstreet,
Mr Thomas Fljnt,
Mr W^m Hibbins,
Mr Samuell Symonds,
Cap^t Rob^t Bridges,
Cap^t Thō Wiggin,
Mr Jn^o Glouer,
Cap^t Daniell Gookin,
Major Daniell Demmison,

were chosen Asistants, & tooke all their oathes, excepting Mr Dudley, Mr Fljnt, & Cap^t Gookin, who were absent.

& was chosen Major Gemmerall.

Mr Symon Bradstreet,
Cap^t W^m Hauthorne,

were chosen Commissioners for y^e Vnited Colonjes.

Jn^o Endecott, Esq̄,
Rich Bellingham, Esq̄,

were chosen as Reserves.

Mr Edward Rawson was chosen Secretary.

Mr Richard Russell was chosen Treasurer.

The names of such as were returned by the seuerall townes to serve as Deputjes for this Gemmerall Court are as followeth: —

Salem: Left Lothrop, Mr Jacob Barney.

1653.

18 May.

Charles Toune: M^r Richard Russell, Cap^t Francis Norton.
 Dorchester: Lef^t Roger Clapp, Ensigne Hopstill Foster.
 Boston: Cap^t Jn^o Leneret, Cap^t Thō Clarke.
 Roxbury: M^r Jn^o Johnson, M^r W^m Parkes.
 Water Toune: Scrj^t Jn^o Sherman, Michael Berstow.
 Lynne: M^r Thomas Lajton.
 Cambridge: M^r Edward Jackson, M^r Rich Jackson.
 Ipswich: M^r Jn^o Whiple, Jn^o Gittings.
 Newbery: Cap^t W^m Gerrish.
 Weimouth: Thomas Djer.
 Hingham: Cap^t Joshua Hubbard, Ensign Jeremiah Houchin.
 Concord: Cap^t Symon Willard.
 Dedham: Lef^t Joshua Fisher, Francis Chickering.
 Salisbury: M^r Samuel Winsley.
 Hampton: Roger Shawe.
 Rowley: M^r Joseph Juett.
 Sudbury: M^r Edmond Rice.
 Braintree: M^r Peeter Brackett, Steeven Kingsly.
 Douer: M^r Valentjne Hill.
 Portsmouth: M^r Brian Pendelton.
 Glocester: M^r W^m Steevens.
 Woobourne: Cap^t Edw: Johnson.
 Wenham: M^r Phineas Fiske.
 Hauerill: M^r Robt Cleoments.
 Reading: Willjam Cowdrey.
 Springfeild: Cap^t Humphry Atherton.
 Malden: M^r Joseph Hills.
 Meadfeild: M^r Ralph Wheelocke.
 Kettery: M^r Jn^o Wincoll.
 Yorke: M^r Edward Rushworth.

Cap^t Humphry Atherton was chosen Speaker this session.

[* 114.]
 Prohibition of
 corne, &c.

*Itt is ordered by this Courte and the authoritje thereof, for prevention of any such trade as maybe of dajngerous consequence to ourselves, as the streng^hening of persons in hostilitje to our nation or ourselves, that from the publication hereof, all persons in our jurisdic^on are prohibited from carrying provissions, as corne, beefe, pease, bread, or porke, &c, into any of the planta^ons of Dutch or French inhabitting in any of the parts of America; and in case any shall so doe, they shall pay treble the value so traded, vppon

legall convictjon, to which end caution shall be given by all shippes or smaller vessells that shall transport any proviçions for trade, that they shall not deliuer, directly or jndirectly, any of the before prohibited proviçions to any of the persons, or thaire assignes, before excepted; in pursuance whereof, if any person, transporting as before intended, shall not give in cautjon to double the vallue to the clarke of the County Courts, or the secretary at Boston, whence they saje from, to assure his fidelitje to this order, he or they shall forfeite such vessell and goods, one fowerth part to y^e informer, the rest to the country.

1653.

18 May.

Forasmuch as it is of great concernment to the countrje, that in all townes there should be meete persons chosen to the office of counstable, this Court finding by experjence, and some complaints, that in greater townes, especially in Boston, many who are meete and fitt to serve the countrje in such offices, by reason of the smalenes of the fines that townes have power to impose for such refusall, which is but twenty shillings, take encouragement to wthdrawe themselves from the countrjes service in such respects, itt is therefore ordered, that henceforth it shall be in the power of the toune of Boston to impose the fine of ten pounds on euery such person that shall refuse to serve the countrje in the office of a counstable in y^t toune, y^t in his pson is able to execute it. And the selectmen of the toune of Boston are heereby, from tyme to tyme, impowred by a warrant, signed vnder the hands of y^e major pte of the selectmen for the tyme being, to the counstable, who shall levy the same by distresse, and deliuer the sajd fine to the sajd selectmen, to be jmprooved for the toune as a toune stocke; and all other townes have liberty & authority to impose the fine of five pounds for the like offence.

Townes power to fine such as refuse to serve in y^e counstables office.

This Court, taking into consideration the necessity of a right ordering of woole in this jurisdicçion, in seuerall respects, doth order, that all manner of persons who are owners of sheepe, and shall put the woole to sale, shall and heereby are enjoyned yearely to wash thaire sheepe in cleare water, not being either salt, brackish, or dirty; and also that care be taken that they may not be kept in dirty or sandy ground betwixt the tyme of washing and shearing. And it is further ordered, that in making vp the fleeces, due care be taken that no short locks, lumps of dirt, or course tajles be found wound vp therein, vpon the pœnalty of the forfeiture of twelve pence p sheepe, in defect of all or any of the particulars above mentjoned.

Ordering of sheeps woole.

Whereas the order made to regulate in pointe of rateing for the countrjes vse provided how horses, mares, and colts should be valued, which at present is farre belowe what they are worth, — for redressing of which, this Court doth order, that henceforth euery mare, horse, or guelding, of fower yeeres old or

Rating of horses.

1653.

18 May.

[*115.]

Rating of
horses.

vpwards, shall be valued in the countrije rate *at sixteene pounds, and of three yeeres old at tenn pounds, and of two yeeres old and vpwards at seuen pounds, and of one yeere old at three pounds tenn shillings, any lawe or custome to the contrary notwithstanding. And further, it is ordered, that this lawe shall continew for two yeeres only, vnlesse the Generall Courte shall see cause to contjnew or alter it.

Let alone.
None to preach
wthout appro-
bation, &c.

Whereas, by the providence of God, the noubner of our plantaçõs are increased, diuerse of which, especially in their beginning, are destitute of persons fitly qualified to vndertake the worke of the ministrje, whereby they are necessitated to make vse of such helpe as they haue to exercise and preach publicquely amongst them, by occasion whereof persons of bolder spirits and erroneous principles may take advantage to vent their errors, to the infection of their hearers and the disturbance of the peace of the countrije, for the prevention whereof, itt is ordered by this Court, that no person shall vndertake any constant course of publicque preaching or prophesying wthin this jurisdiction without the approbation of the elders of the fower next neighboring churches, or of the County Court to which the place belongs. And if any person shall, after publication of this order, continew such a practize, the next magistrate, or magistrates, who shall be informed thereof, shall forbid such person; who if he shall not forbear, he shall binde him ouer to the Courte of Asistants, who shall proceed wth such person according to the merrit of the fact.

A double levy.

There having bin more then ordjnary expenses this yeare, by reason of the troubles and other needefull and vrgent occasions, so that the annuall countrije levy will not reach to satisfaction of our engagements, itt is therefore ordered by this Courte, that the Treasurer shall forthwith issue out warrants to the constables of the seuerall townes in this jurisdiction, requiring them to signify to y^e selectmen of each toune, that at the tyme appointed for the yearly making of rates, each townes proportion be as much more as hath bin usually in tyme past, both in regard of heads and estates, and doe therefore order the selectmen to act heerein accordingly.

Itt is ordered by this Courte and the authoritje thereof, that the late levye of a proportion of money, according to the last countrije rate, shall be returned to the owners thereof, and that the souldjers that are pressed in the seuerall townes are heereby released.

[*116.]

*The retourne of the comissioners who, vpon the comission graunted by the Generall Court, bearing date 28th of October, 1652, viz., M^r Symon Bradstreet, M^r Samuell Symons, Cap^t Thõ Wiggin, and M^r Brjan Pendleton, in

order to their comission, repaired to those partes. At their arrivall at Kittery, they sumoned the inhabitants to appeare before them in forme folł: —

1653.

18 May.

To y^e inhabitants of Kittery.

Whereas the Gennerall Court, holden at Boston in the last month, did appointe vs, whose names are heerevnder written, as by their comission, vnder the scale of the colonje of the Massachusetts, doth or may appeare, by sumons, to assemble the inhabitants of this toune together in some place which wee should judge most convenjent, and to declare vnto them our just right and interest to, and jurisdiction ouer, the tract of land where yow inhabitt, requiring their subjection therevnto, assuring them they shall enjoy æquall proteccōn and priviledge wth themselves, this is therefore to desire yow, and in the name of the gouernment of the Massachusetts to requier yow, and euery of yow, to assemble together before vs at the howse of Willjam Euerett, betweene seuen and eight of the clocke in the morning, the 16th of this present Nouember, to the end aforesajd, and to settle the gouernment amongst yow, which wee hope will tend to the glory of God, and to the peace and welfare of the whole. Dated 15th Nouember, 1652, & signed

SYMON BRADSTREET,
SAM: SYMONS,
THOMAS WIGGINS,
BRJAN PENDLETON.

At the tyme appointed the inhabitants appeared, & a Court was held.

And whilst matters were in debate betweene the inhabitants and the comissioners, complainte was made against one Ju^o Bursly for vttering threatening words against the comissioners, and such as should submit to the gouernment of the Massachusetts. Michael Brauce & Charles Frost were wittnesses against the sajd Bursly. The sajd Bursly, vppon his examination at length, in open Court did confesse the words, and vppon his submission was discharged.

After long agitaçōn wth the inhabitants about the whole buisines in hand, they offered to come vnder the gouernment of the Massachusetts, provided that the articles and condiçōns tendered by themselves might be recejved as the ground thereof, which being wholly denjed by the comissioners, who told them they must first submit to the gouernment, and then they should be ready to affoord such libertjes and imunities as they should think meete to graunt; wherevppon at length they did submit, as followeth: —

1653.

18 May.

Wee, whose names are vnder subscribed, doe acknowledge ourselves subject to the gouernment of the Massachusetts Bay in New England.

| | |
|-------------------------------------|------------------------------------|
| Tho: Withers, | Jn ^o Greene, |
| Jn ^o Wincoll, | Hughert Mattoone, |
| W ^m W C Chadborn, | Gowen Wilson, |
| Hugh Gunnison, | W ^m Palmer, |
| Tho: S Spencer, | Jerre: h Sheires, |
| Tho: D Durston, | Jn ^o Hoord, |
| Robt R M Mendam, | Tho: Spinny, |
| Rise T Thomas, | Nath: Lord, |
| James Emery, | Joseph Mile, |
| Christian Remech, | Antipas Mauricke, |
| Niccolas Frost, | Niccolas Shapleigh, |
| Robt o Weimouth, | Antho: ππ Emery, |
| Humphry Chadbourne, | Reignald R Jenkin, |
| Charles Frost, | Jn ^o ^ White, |
| Abraham f Cunly, | Tho: — Jones, |
| Richard Nason, | Demis Douning, |
| Mary B Bayly, | Jn ^o g Andrewes, |
| Daniell Paule, | Daniell Davies, |
| Jn ^o Diamont, | Phillip Babb, |
| Georg Leader, | W ^m Euerett. |
| Jn ^o Symons, | |

The graunt to Kittery, 20th Nouember, 1652.

Whereas the toune of Kittery hath aeknowledged themselves subject to the gouernment of the Massachusetts Bay in New England, as by the subscription vnder their hands, bearing date the 16th of this instant, it doth appeare, wee, the comissioners of the Gennerall Court of the Massachusetts for the settling of gouernment amongst them and the rest wthin the bounds of their charter northerly to the full and just extent of their lyne, haue thought meete and actually doe graunt as followeth: —

[*117.]

*1st. That the whole tract of land beyond the Riuer of Piscataq northerly, together with the Isle of Shoales, wthin our sajd bounds, is and shallbe henceforth a county, or shire, called by the name of Yorkshire.

2. That the people inhabiting there shall enioy proteccon æquall acts of favor, & justice wth the rest of the people inhabitting on the south side of the Riuer Piscataqe, wthin the lymitts of our whole iurisdiccon.

1653.

18 May.

3. That Kittery shallbe and remajne a towneshipp, & haue and enjoy the priuiledges of a town, as others of the iurisdicōn haue and doe enjoy.

4. That they shall enjoy the same bounds that are cleere betweene town and town, as hath bin formerly graunted when cōmissioners of each bordering town hath vejwed and returned to vs or to the Gennerall Court their survey.

5. That both each town and euery inhabitant shall haue and enjoy all their just proprieties, titles, and interests in the howses and lands which they doe possesse, whither by graunt of the town, or of the Indians, or of the former Gennerall Courts.

6. That the town of Kittery, by their freemen, shall send one deputy yearely to the Court of Election, and that it shallbe in their libertie to send to each Court two deputies, if they thinke good.

7. That all the present inhabitants of Kittery shall be freemen of the countrie, and, having taken the oath of freemen, shall have libertie to give their votes for the election of the Governour, Assistants, and other gennerall officers of the countrie.

8. That this county of Yorke shall haue County Courts wthin themselves, in the most comōdious and fitt places, as authoritie shall see meete to appointe.

9. That euery towneshipp shall haue three men, approved by the County Court, to end smale causes, as other the townships in the iurisdicōn hath, where no magistrate or cōmissioner resideth.

10. That the shire shall or may haue three associates to asist such cōmissioners as the present cōmissioners or authoritie of the Massachusetts shall send, and such magistrates as shall voluntarilly come vnto them from tyme to tyme.

11. That the inhabitants of the county of Yorkshire shall not be draune to any ordjnary gennerall traynings out of their owne county wthout their consent.

12. That the inhabitants of Kittery shall also haue & enjoy the same priuiledges that Douer hath, vppon their coming vnder this government.

13. That all such as haue or shall subscribe voluntarily, as the rest haue done, before the ending this Courte, shall haue the priuiledge of indempnitie for all acts of power excercised by the former gen^r vntill the protest, and for and in respect of such criminall matters as are breaches of pœnall lawes wthin the whole government; provided, that Abraham Cunly hath libertie to appeale in respect of his case wherein he was fined ten pounds, ann^o 51.

14. Provided alwayes, that nothing in this our graunt shall extend to

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determine the infringing of any persons right to any land or inheritance, whither by graunt, by pattennt, or otherwise, where possession is had, but such titles shallbe left free to be heard and determined by due course of lawe.

Provided, and it is heereby declared, that nothing in this graunt shall extend to restrajne any civill action, or revejw for former civill cawses, which reveiw shall be brought to any of our Courts w^{thin} one yeere now ensuing. And whereas there are certajne debts and imposts due to the inhabitants of Kitterje and Accomenticus, and some debts which are owing from them to p̄ticular persons for publicke occasions, itt is therefore ordered and agreed, that M^r Niccolas Shapleigh shall haue power forthwith to collect such so^me or so^mes of money as are due to the aforesajd inhabitants, and pay such debts as are justly dew from them, and give an accompt thereof, w^{thin} one month, to the co^missioners that shallbe then in present being; and if it shall then appeare that there is not suffieyent to discharge the peoples engagement, it shall be suppljed by way of rate, according to the former custome.

SYMON BRADSTREET,
THO: WIGGIN,
SAMUELL SYMONDS,
BRJAN PENDLETON.

[*118.] *Whereas the Gennerall Court, holden in Boston in October last, graunted M^r Niccolas Shapleigh protection for one yeere freely to come into the jurisdiction of the Massachusetts, and to retourne to his oune howse wthout molestation, wee, the co^missioners appointed by the said Court to settle the ciuill gouernment at Kittery, &c, vpon the request of the sajd M^r Shaplegh, haue thought meete, and accordingly graunted, that no former judgment or execution formerly obtjned by any credito^r in any Court of the Massachusetts against the sajd M^r Shapleigh shallbe of force against his person for one yeere from the date of the sajd protection, notwthstanding the place of his habitation is wthin the jurisdiction of the Massachusetts aforesajd; provided, neuerthesse, that this priuledge and protection now graunted shall not barr or lett any person w^{ts}oeuer from suing or recouering by lawe any debt due by bond, bill, or otherwise from the said M^r Shapleigh vpon a new acc^ōn, either in the County Court of Yorke or Kittery, or wthin the jurisdiction where any such credito^r may inhabitt, his person still to be free from restrajnt for y^e terme aforesajd. Given at Kittery, vnder our hands, this 24th Nouember, 1652.

Constables of
Kittery.

Thomas Dunston and Robert Mendam were chosen and sworne constables for the toune of Kittery.

Phillip Babb, of Hogg Iland, was appointed & authorized counstable for all the Iland of Shoales, Starr Iland excepted. 1653.

Mr Hugh Gunnison was licensed to keepe an ordjuary, and to sell wine and strong water; and for one yeere he is to pay but twenty shillings the butt. 18 May. Constables of Ile of Shoales.

Whereas the Generall Court, holden at Boston in October last, hath appointed and authorized vs, whose names are vnderwritten, to settle the ciuill gouernment in this place of Kittery, now in the county of Yorkshire, as by their comission, vnder the scale of this colonje, dat̃ 28 of October, doth or may appeare, wee, therefore, the sajd comissioners, wth the free and full consent of the inhabitants of Kittery, haue and heereby doe constitute and appointe the right trusty Mr Brjan Pendleton, Mr Thomas Withers, comissioners, and Mr Hugh Gunnison as an associate, and invested them wth full power and authoritje, together wth one Asistant of the gouernment of the Massachusetts, to keepe one County Court at Kittery; and euery one of these comissioners hereby haue magistratticall power & authority to heare and determine smale cawses, like as other magistrates that are Asistants haue, whither they are of a ciuill or criminall nature; also power is heereby giuen to the sajd comissioners and associate assembling together betweene the County Courts, to heare and determine, wthout a jury, in the sajd toune any cawse not exceeding tenn pounds. Any of the comissioners may graunt suñons or attachments, and execution, if neede requier. Any of the sajd comissioners heereby haue power to examine offenders, to comitt to prison, vnlesse bajle be giuen and taken. Also each of these comissioners haue heereby power, when they shall judge needefull, to binde offenders to the peace or good behauiour; also each of these comissioners haue heereby power to administer oathes, according to lawe; also marriage shall be solemnized by any of the comissioners, according to lawe; also the County Court shall appointe a shire treasurer, to whom fines and matters of the like nature are to be accompted and pajd, for the vse of the countrje; also any of the sajd comissioners may administer the oath to such of the present inhabitants as shall desier to be made free; also two of these comissioners may, till other order be taken, graunt or renew licenses for ordinarjes, or selling wine or strong water; also two of the sajd comissioners heereby haue authoritje to impower military officers vnder the degree of a captajne; also power is heereby giuen to two of the sajd comissioners, and they are required to enjoyne *the toune of Kittery to procure the bookes of lawes, and such also as are not as yett printed & enacted since the last booke came forth in print; and it is intended that both grand jurjes and

[*119.]

1653. jurjes for trjalls shallbe suṁoned for the County Court out of Yorke & Kittery proportionably. Given vnder our hands, at Kittery, this 20th of Nouember, 1652.

18 May.

SYMON BRADSTREET,
THO: WIGGIN,
SAMUELL SYMONS,
BRJAN PENDLETON.

The retourne of the coṁmissioners who, vpon the coṁmission graunted by the Gennerall Courte, bearing date 28 of October, 1652, viz., M^r Symon Bradstreet, M^r Samuell Symonds, Cap^t Thomas Wiggin, and M^r Brjan Pendleton, in order to their coṁmission, after they had bin at Kittery, repaired to Accomenticus, or Gorgeana, and suṁoned the inhabitants thereof to appeare before them.

Whereas the Gennerall Court holden at Boston in the last month did appoint vs whose names are heerevnder written, as by their coṁmission vnder the scale of the colony of the Massachusetts doth or may appeare, by suṁons to assemble the inhabitants of this toune together, in some place which wee should judge most conuenient, and to declare vnto them our just right and interest to, and iurisdicōn ouer, the tract of land where you inhabitt, requiring their subjection therevnto, assuring them they shall enjoy æquall protecōn and priuiledge wth them-selves, — this is therefore to desire yow, and in the name of the gouernment of the Massachusetts to require yow, and euery of yow, to assemble together before vs at the howse of Niccolas Davis, betweene seven and eight of the clocke, on Monday next, in the forenoone, to y^e end aforesajd, and to settle the gouernment amongst yow, which wee hope will tend to the glory of God, and to the peace and welfare of the whole. Da^t 20th day of Nouember, 1652. Subscribed,

SYMON BRADSTREET,
SAMUELL SYMONDS,
THO: WIGGIN,
BRJAN PENDLETON.

And was directed to M^r Niccolas Davis and M^r Jn^o Davis, who were required and authorized to warne the inhabitants abovesajd.

Vpon the 22th of Nouember, 1652, the coṁmissioners held their Court, and the inhabitants appeared, and after some tjme spent in debatements, and

many questions answered and objections remooved, wth a full and joint consent acknowledged themselves subject to the gouernment of the Massachusetts in New England; only Mr Godfry did forbear vntill the vote was past by the rest, and then imēdiately he did, by word and vote, expresse his consent also. The names of those that tooke the oath of freemen were, —

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| | |
|--|--------------------------------|
| Mr Edward Godfrey, | Mr W ^m Hilton, |
| Thō Crocket, | W ^m Moore, |
| Jn ^o Alcocke, | Henry Donell, |
| W ^m Dixon, | Edward Stirt, |
| Rice: Codogan, | Rowland Young, |
| George Parker, | Jn ^o Parker, |
| Andrew Euered, | Arthur Bragdon, |
| Robt Knight, | W ^m Ellingham, |
| W ^m Rogers, | Jn ^o Tuisdale, Juñ, |
| Sañ Alcocke, | Thō Courteous, |
| Joseph Alcoke, | Silvester Stouer, |
| Peter Wjer, | Thō Dennell, |
| Philip Adams, | Mr Edward Rushworth, |
| Mr Frauncis Raines, | Jn ^o Harker, |
| ^ Lewis, | Niccolas Davis, |
| Robt Edge, | Sampson Angier, |
| Phillip Hatch, | Mr Henry Norton, |
| Jn ^o Davis, | Robt Hetherse, |
| Niccolas Bond, | W ^m Freathy, |
| Mr Edward Johnson, | Jn ^o Davis, |
| Hugh Gajle, | Jn ^o Tuisdale, Scñ, |
| W ^m Garnsey, | Mr Abra: Preble, |
| Rich: Banckes, | Mr Jn ^o Gouch, |
| Edw: Wentom, | Mr Thō Whelewright. |
| George Brancen, | |
| Mary Topp:, acknowledged herself subject, &c, only. | |

The comissioners (soone after) graunted vnto tmem seuerall priuiledges and libertjes, subscribed vnder theire hands, the same which they graunted to the inhabitants of Kittery, wth these additions, viz. : —

Further, wee, the comissioners aforesajd, doe consent and agree that the toune now called Accomenticus shall henceforth be called Yorke.

3. *And that one Court shall be kept yearly in the sajd toune, by such [*120.]

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magistrate or magistrates and other commissioners as the Gennerall Court of the Massachusetts shall from tyme to tyme appointe, and for the present by such commissioners as shall be authorized by the aforesajd commissioners of the Massachusetts, which Court shall haue the same power for trjall of all cawses, ciuill or crjminall, arising in the county of Yorke, as other County Courts haue in the Massachusetts jurisdiction.

4. That such of the present inhabitants as shall take the oath of freedome shall be thenceforth capable of giving their voate for the choise of Governo^r, Asistants, and other gennerall officers, and of being chosen to any of the aforesajd places of honor and trust.

5. It is further agreed, that the inhabitants of Yorke and Kittery shall sett out their bounds betwixt them, and the inhabitants of Wells and Yorke shall sett out their bounds betwixt them, wthin one yeare now next ensuing; otherwise it shall be donne by commissioners appointed by the Gennerall Court, and the head l^jne of Yorke bounds into the countrje shall be in a streight line by the south east side of a certajne pond, about two miles into the countrje beyond the northerly braunch of a certaine marish, now improved by some of the inhabitants of Yorke, and so to the divi^cion l^jnes betwixt the townes before mentioned; and if it so fall out that any part of the marshes now reputed to belong to Yorke, and improved by the inhabitants thereof, shall fall wthin Kittery bounds, yett the sajd propriety of the said marish shall belong to the inhabitants of Yorke to whom it is graunted; and if any of the lands or marshes now reputed to belong to Kittery, and improved by any of the inhabitants thereof, shall fall wthin the bounds of Yorke, yett the propriety of the sajd lands or marish shall belong to such of the inhabitants of Yorke or Kittery to whom it is graunted.

SYMON BRADSTREET,
THO: WIGGIN,
SAMUELL SYMONDS,
BRJAN PENDLETON.

At the same Court held at Yorke y^e 22 of Nouember, 1652, M^r Niccolas Davis was chosen and sworne counstable.

M^r Edward Rushworth was chosen recorder, & desired to exercise the place of clark of the writt.

M^r Henry Norton was chosen marshall there.

Jn^o Davis was licensed to keepe an ordjinary.

Then was the com^{is}sion graunted to the Court of Yorke as followeth:—

Whereas the Gennerall Court, holden at Boston, in October last, hath

appointed and authorized vs, whose names are vnderwritten, to settle the ciuill gouernment in this place, now called Yorke, in the county of Yorkshire, as by their comission, vnder the scale of this colony, daſ 28 of the aforesajd October, doth or may appeare, — wee, therefore, the sajd comissioners, wth the free and full consent of the inhabitants of the sajd toune, haue and doe heereby constitute and appointe the right trusty M^r Edward Godfry, M^r Abraham Preble, M^r Edward Johnson, and M^r Edward Rushworth comissioners, invested wth full power and authoritje, together wth one Asistant of the gouernment of the Massachusetts, to keepe one County Court yearely at Yorke; and euery of these comissioners heereby haue magistratticall power to heare and determine smale cawses, like as other magistrates that are Asistants haue, whither they are of a ciuill or of a crjminall nature. Also power is heereby given to any three of the sajd comissioners, assembling together, betweene the County Courts, to heare and determine, w^{thout} a jury, in the sajd toune, any cawse not exceeding ten pounds. Any of the comissioners may graunt sumons or attachments and execucion, if neede require. Any of the sajd comissioners heereby haue power *to examine offenders, to comitt to the prison, vnlesse bajle be given and taken; also each of these comissioners haue heereby power to administer oathes according to lawe. Also any of the comissioners haue heereby power, when they shall judg needfull, to bind offenders to the peace, or good behaviour. Also marriage shallbe solemnized by any of the comissioners, according to lawe. Also the County Court shall appoint a shire treasurer, to whome fines and matters of the like nature are to be accompted and paid for the vse of the county. Also any of the sajd comissioners may administer the oath to such of the present inhabitants as shall be made free. Also two of these comissioners may, till other order be taken, graunt or renew licenses for ordinarjes, or selling wine or strong waters. Also two of the sajd comissioners heereby haue authoritje to impower millitary officers vnder the degree of a captajne. Also power is heereby giuen to two of the sajd comissioners, and they are required, to enjoyn the toune of Yorke to procure the books of lawes, and such also as are not yett printed, and enacted since the last booke came forth in print. And it is intended that both grand jurjes and jurjes for trialls shall be sumoned for the County Court out of Yorke and Kittery proporconably.

Giuen vnder our hands, at Yorke, this 22th of Nouember, 1652.

Signed,

SYMON BRADSTREET,
TH^o WIGGIN,
SAMUELL SYMONDS,
BRJAN PENDLETON.

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Yorke.

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The Court, having vjewed this retourne of the com̄issioners at Kittery and Yorke, doe approve thereof, and orders, that due & hartly thanks be rendered to them by this Court for their paynes and service therein, and shall be willing and ready to make them further satisfacc̄on, in the graunt of some land to each of them respectively, when any shall be presented.

Who to keepe
Courts at
Yorke &
Kittery.

Itt is ordered, that Richard Bellingham, Esq̄, wth Thomas Wiggin, M^r Godfry, M^r Niccolas Shapleigh, and M^r Edward Rushworth, shall keepe the County Courts at Yorke and Kittery for this yeere, at the tjmes appointed, and that they send out warrants to thè inhabitants of Yorke and Kittery forthwith to proceed to a faire elec̄c̄on and nomination of three associates from amongst themselves, to asist such magistrate and com̄issioners as this Gennerall Court shall appointe to keepe their County Courts for the next yeare.

Com̄issioners
Court at Ports-
mouth power.

Itt is ordered by this Court, that the Com̄issioners Court at Portsmouth shall haue æquall power for trjall of actions wthin themselves, to the value of tenn pounds, as Yorke and Kittery haue, which shall continew till the Court shall take further order; and the County Courts of Douer and Portsmouth shall annually haue their Courts vppon the last Tuesday in June; and the county of Yorkeshire shall haue their County Court the Thirsday following.

Judgment of
Court about
Nodles Iland.

In the case of Left Jn^o Sayers, attorney of Colonell Jn^o Burch, assignee of Cap^t George Briggs, against M^r Samucll Mauericke, for Nodles Iland, at a speciall Court held at Boston, 28th December, 1652, the Court not receiving the verdict of the jury, the case, by course of law, fell to the Gennerall Court, to be determined. This Court, having heard and p̄ysed the evidences in y^e case produced by both partjes, determined the same by resolution of a question, viz. : resolved on the question in the case betweene Colonell Jn^o Burch & M^r Mauericke, that Nodles Iland and appurtenances, in the same condiç̄on as is expressed in the deede of sale to Cap^t Briggs, doth belong vnto Collonell Jn^o Burch, and possession is to be deliuered vnto him, his heires or assignes, vppon the payment of legall *tender of seven hundred pounds starling, at the storehowse next the waterside, at the bridge in Barbadoes, in good, marchantable sugar, at price current, as for bills of exchange, payable in London im̄ediately after the expiraç̄on of thirty dajes sight of the judgment of this Court in this case, and that there should be no charges allowed to Collonell Jn^o Burch.

[*122.]

The Courts
sence & desire
of M^r Norton
acceptance of
office in y^e
church of
Boston.

Though this Court cannot but on all occasions expresse their sence of the heavy stroake of God on the whole countrje, as well as on the toune of Boston, in that he hath scene meete to deprive them of so vsefull an instrument as M^r Jn^o Cotton was, yett would not be wanting to rejoyce in Gods goodnes in making vp that sad breach wth such a comfortable supply to the church of Boston, in that the Reuerend M^r Jn^o Norton, by the gracious blessing of God

on the endeavours of the church of Boston, with his owne good liking, is now resident amongst them, the Court judgeth it no more then necessary that this Court should, by the honored Gouverneur, with the Speaker of the Deputjes, expresse to the Reuerend Mr Norton, not only how acceptable it is to them that God hath mooved his hart to accept of the call of the church of Boston as hitherto, but also to declare to him that they doubt not but if God shall proceed in mooving him to proceed with that church in their desires, and his acceptance of office amongst them, itt will tend much to Gods glory and the good satisfacōn and contentment of this Court and the countrje, of which they belejve he will have no cause to repent; and further orders, that a letter be draune vp, and sent from this Court to the church of Ipswich, with thanks for their love and self deniall thus farr, and desires that they would dismisse Mr Norton to the church of Boston. Which letter is in the booke of records for letters.

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In ans^r to the petiōn of Hugh Gunnison, craving the remittment of halfe a yeeres rent dew to the countrje for his drawing of wjnc, the Court graunts his request, provided that he allow as his act the being and acting of Evan Thomas as his compleat agent and debto^r for all rents dew to the countrje from the tyme he left the place and implojment heere, & pay the tenne shillings for his petiōn.

Ans^r to Hugh
Gunnisons
petiōn.

In ans^r to the request of Mr Jn^o Coggan and Willjam Parks, ourseers of the will of Jn^o Wooddey, the Court doth graunt libertje to Mr Jn^o Coggan, Willjam Parkes, and Richard Wooddey, Señ, or any two of them, to make sale of all the whole estate, viz., of howseing and pte of the mill, together wth all goods belonging to the estate of Jn^o Wooddey, or any debts belonging to that estate, for the benefitt of the mother and child; provided, that securitje be given by Mr Coggan, or any other that will take the estate, for the childes proporōn at twenty one yeares of age, and that due education and majntenance be given out of the proceed of the estate so sould, from y^t tyme till he come to age, as aforesajd, and that the securitje be given in at the next County Court, and ratified vnto the partje that receives the childes porōn.

Mr Coggan &
W^m Parks
power to sell
y^e lands, &c, of
Jn^o Woodey.

Att the request of the inhabitants of Douer, Cap^t Rich Walderne and Mr Valentine Hill are appointed and authorized as associates, to sitt wth the Magis^{ts}, and keepe the County Court at Douer for this yeare.

Associates for
Douer.

In ans^r to the petiōn of George Addams, the Courte, finding that he was found guilty of selling two gunnes and strong waters, having nothing to satisfy the lawe, determined that he shall be severely whipt the next lecture day at Boston, and then discharged of the prison.

George
Addams cen-
sure.

The Courte, being informed that Joseph Fletcher, servant to Mr Hall, of

1653.

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Salisbury, who is now in England, & hath sustajned great losse in his cattle of late, is impressed for a souldjer, and if he should be sent forth vppon any expedition, it would be extreame damage to him, this servant being the cheife stay of his family, judge it meete, therefore, to exempt the sajd Joseph from any presse this sommer.

[*123.]

300 acres of
land to W^m
Parks.

*There being formerly fower thousand acres of land granted to the toune of Roxbury, of which Mr W^m Parks was to have one hundred fower score, and which vppon his request to this Court is heereby ordered, with the addition of so much as may make the same three hundred acres, to be lajd out by Capt Willard and Sarjant John Sherman, neere the land lately granted to Mr Joseph Hills, at a place called Nanacanus.

Jn^o Hawthorns
censure.

Forasmuch as the crjme confessed by Jn^o Hawthorne could not easily be legally proved against him had he not confessed it, and that the lawe in that case ordajnes æquall punishment for all offences of that nature, although of different degrees, according vnto which all inferior Courts are bound to proceed, yett the Gennerall Court, being at more libertje, may proportion the punishment according to the difference of offences of that nature; and therefore this Court doth order, that the petiçõner, in leiw of the punishment in the lawe appointed, shall pay double damages, which is twenty pounds, to the party wronged, and tenn pounds to the coimonwealth to be forthwith levyed, and be disfranchised. If he doth not submit to the sentence, then the law provided against forgerje is to take place in every particular thereof.

Co^mmission^s to
to lay out Ham-
ton bounds.

Itt is ordered, that Samuell Winsley, Thomas Bradbury, and Left Robt Pike shall haue further libertje to lay out the west end of Hampton bounds, till the next sessions of this Court.

Resolution of a
quæstion about
sealing of
measures.

The quæstion being put, whither, by the lawe, title Weights and Measures, one chosen for proving of weights and measures being a tounesman when chosen, and being left out the yeare following from being a tounesman, may not yett remajne in y^e place of sealer and proover of such weights and measures, the Court resolves it on y^e affirmative, so as by a tounsman be meant a selectman.

Ensigne How-
let & Corporall
Gage to lay out
500 ac^s for
Rowley.

Whereas there was an order past the first session of the last Court, that the toune of Rowley should have five hundred acres of land lajd out neere the bounds of Andeuer, there being none appointed to lay it out, this Court, on their request, doth order that Ensigne Howlet and Corporall Gage shall and hereby are appointed to lay out the sajd five hundred acres.

Co^mittee for
lessening of
charges.

This Court taking into serious consideraçõn the insupportable charge the countrje is at in regard of the vast expences at the Courts that are kept in this jurisdicçõn, which this Court is willing, if it maybe, to redresse, and doe

therefore order and appoint, that Richard Bellingham, Esq̄, M^r W^m Hibbins, M^r Jn^o Glouer, Cap^t Jn^o Leueret, M^r Rich Russell, Cap^t Atherton, M^r Jn^o Jn^oson, survejor, Cap^t Willard, M^r Edward Jackson, M^r Joseph Juett, and Cap^t Edward Johnson be a com^{it}tee to consider of such wajes and meanes as may lessen the charge of the countrje by lessening a n^umber of deputjes, giving more power to com^{is}sioners in tounes for ending of cawses, referring what maybe to inferior Courts, that the Gennerrall Court be not troubled with smale matters, but to act only in matters of higher concernment, and what els they, or the major p^t of them, meeting, shall judge meete for the attajnement of those ends ; and that it shallbe in the power of Richard Bellingham, Esq̄, to appoint both t^jme and place for the meeting of this com^{it}tee.

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18 May.

In ans^r to the peti^{ti}on of Steephen Kent for the remittment of the fine y^t was imposed on him by the last sessions, the Court seeth no reason to grant his request.

Steephen
Kents fine
continewed.

In ans^r to the peti^{ti}on of John Guppy, craving remittment of y^e fine the law imposeth on such as give in more voates then one for Magistrates at the elec^{ti}on, professing what he did in such a way was through his ignorance of the lawe, the Court abates the fine to twenty shillings.

Jn^o Gupp^s
fine abated to
20^s.

In ans^r to the peti^{ti}on of Cap^t Thomas Wiggin for a writt of divi^{si}on of the two pattents of Swampscott, the Court refers the divi^{si}on thereof vntill the yeare 1654, in October, and order, in the meane t^jme, there be a forbearance of falling of wood and t^jmber vppon the lands exprest in y^e peti^{ti}on.

Ans^r to Capt.
Wiggin
peti^{ti}on.

*The inhabitants of the toune of Springfield, presenting their desires by their deputy, for severall things, viz., that they might have some man authorized to give the freemans oath to such as are capable to take the same, that they might haue a great gunn lent to their toune, & that their millitary officers chosen two yeares since may by this Court be allowed and confirmed, any late lawe notwithstanding, — in ans^r whereto this Court doth order, that M^r Jn^o Pinchon and M^r Elitzur Holiocke shall and heereby are impowred to give the freemans oath to such as are capable to take it there ; and that they shall haue a great gunne lent them during the Courts pleasure, if any such gun can be found vndisposed of ; and as touching their millitary officers, this Court judgeth it meet for y^e present only to confirme M^r Jn^o Pinchon for their lef^t, and M^r Elitzur Holiocke for their ensigne ; referring the confirmation of M^r Smith to be their cap^t vntill he shall retourne from England.

[*124.]
Courts graunt
Springfeild.

In ans^r to the peti^{ti}on of the inhabitants of the Ile of Shoales, itt is ordered, that the peti^{ti}oners shall haue libertje of determining ciuill actions which shall concerne them, where either one or both parties are inhabitants, and taken there, to the value of tenn pounds, and that M^r Brjan Pendleton,

Ans^r to y^e Ile
of Shoales
peti^{ti}on.

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18 May.

Mr Niccolas Shapleigh, Hercules Hunkins, Richard Seely, and Phillip Babb be cōmissioners for such cases, and that they, or any three of them, Mr Pendleton or Mr Shapley being one, may heare and determine all such cases legally brought before them, according to lawe, till this Court take further order therein; and for setling of the millitary officers and company, the Court hath already provided in that case, in the order for setling of the militja, made anno 1652, which gives the cheife officer of every company power to act heerein; and for clarke of the writts, none being presented, its left to the discretion of the cōmissioners aforesaid, or the major part of them, to appoint a meete man for that service, till the Court shall take further order therein.

A new planta-
cion graunted to
ye inhabitants
of Springfeild.
Vide p^a 188.

In ans^r to the petiçion of seuerall inhabitants of Springfeild, &c, craving liberty & authoritje to erect a new plantaçion and tonneship at Nonotucke, &c, itt is ordered, that Mr Jn^o Pinchon, Mr Elitzur Holioko, and Samuell Chapin shallbe, and heereby are, appointed a cōmittee to diuide the land petiçoned for into two plantaçons, and that the petiçoners make choice of one of them, where they shall haue libertje to plant themselves, provided they shall not apropiate to any planter above one hundred acres of all sorts of land, whereof not above twenty acres of meadow, till twenty inhabitants haue planted & settled themselves vpon the place, who shall have power to distribute the land, and give out proporçons of land to the seuerall inhabitants, according to their estates or eminent qualiffications, as in other townes of this jurisdicçon.

2000 acres of
land graunted
to Harvard
Colledge.

For the encouragemēt of Harvard Colledge and the society thereof, and for the more comfortable majntenance and proviçon for the p̄sident, ffellowes, and students thereof in time to come, this Court doth graunt vnto the sajd society and corporation, for the ends aforesaid, two thousand acres of land wthin this jurisdicçon, not formerly graunted to any other, to be taken vp in two or three places, where it maybe found convenient; and to this end it is desired that the sajd corporation of the colledge doe appoint some persons in their behalfe to finde out the places where such land may be freely taken, and to make retourne assoone as they may, that the Court may more p̄ticu- larly and expressly confirme the same.

[*125.]
Ans^r to Con-
cord petiçon.

*In ans^r to the petiçion of seuerall of the inhabitants of Concord & Woobourne for the erecting of a new plantaçion on Merremacke Riuer, neere to Pawtucket, the Court doth graunt the petiçoners of Concord and Woo- bourne the tract of land mençoned in their petiçon, excepting some part of it joyning to Merremacke Riuer, provided that the sajd petiçoners shall suffi- ciently breake vp full so much land for the Indjans in such place as they shall appointe, wthin such plantaçon as shall there be appointed them, as they

haue of planting ground about a hill called Robbins Hill, and that the Indjans shall haue vse of theire planting ground, aforesajd, free of all damages, vntill the petiçoners shall haue broken vp the land for the Indjans as aforesajd.

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18 May.

2^{dy}. For the plantaçôn petiçoned for by M^r Eljott, the Court judgeth it meete to be graunted them, wth the exceptions and proviissions aforementioned, and for the stating of both, that Cap^t Willard and Cap^t Johnson be appointed to lay out the sajd plantaçôns or touneshippes, the English at the charge of the petiçoners, the Indjans at the charge of the countrje, wthin one month after the end of this sessions, that neither of the plantaçôns be retarded.

Ans^r to M^r Elliotts petiçôn in behalfe of the Indjans.

3^{dy}. That if the petiçoners of Concord and Woobourne shall not, wthin two yeares, setle a competent nnumber of familjes there, by building and planting vppon the sajd tract of land twenty familjes or vpwards, so as they may be in capacitje of injoying all the ordjnances of God there, then the graunt to be vojld.

Condiçion of Concord & Woobern plantation.

In ans^r to the petiçôns of M^r Roßt Knight and Menen Cornellison, the Court, having heard and considered all the evidences in the case betweenc Menen Cornellison and M^r Roßt Knight and the rest of the administrators to the estate of Cap^t Howsen, doe approve and confirme the judgment of the former Gennerall Court in that respect, and declare the proceeding of the marshall and the apprizers of certajne lands on the Fort Hill to be null, and orders, that the secretary shall issue out an execution for the seventy eight pounds sixe shillings, determined by the award of M^r Davisson, M^r Garrett, and M^r Walker, the dew of Menen Cornellison on the estate of the sajd Roßt Knight, or any of the administrators.

Courts judgment in Menen Cornellisons case.

In ans^r to the petition of Job Lane, in the behalfe of Ebedmeleck, his servant, for the remittment of the rigor of the lawe, &c, the Court judgeth it meete, that the sajd Ebedmelecke, for his stealing victualls and breaking open a window on the Lords day, shall, the next lecture day, be whipt with five stripes.

Ebedmelecks y^e negros censure.

In ans^r to the petiçôn of M^r Thomas Gayner, the Court, finding vppon record that M^r Gayners attourney, in May, (52,) proffered, that if M^r Aspinwall would take his oath that the buisnesse of the ship Planter was included in the acquittance produced, that it should issue and determine the case, the which also M^r Aspinwall did, and therefore judge M^r Gayner is thereby barred, and hath no ground of farther complajnt to this Court in respect to that case, but should therein acquiesce.

Ans^r to M^r Gayners petiçôn.

In ans^r to the petiçôn of the toune of Lynne, itt is ordered, wth relation to the Courts former engagement, that the toune of Lynne shall be allowed tenn pounds p annum by the country, so long as the iron workes shallbe

10th p ann. annually allowd to Lynne.

1653. continued, or during the tyme of their imunitjes from publicke charges graunted by the Court.

18 May.
A great gunn
lent to Ded-
ham, &c.

Whereas the toune and plantaçõn of Dedham being somewhat remote, and maybe in more dainger then some others are, this Court doth therefore order, that the surveior generall shall deliuer vnto the selectmen of Dedham one of those drakes at Roxbury, (pyided they sattisfy them what charge they haue expended in mounting the sajd gun, and also keepe it in good repaier,) fitt for service, and the survejo^r generall is heereby impowred to fetch a greater gun from Dorchester to Roxbury, if it be desired, paying for the mounting of it.

Ans^r to M^r
Rocks petiçõn.

In ans^r to the petition of M^r Joseph Rocke, the Court declares, that a man chosen to the office of a counstable, and refusing to accept it, is liable to no more then one fine, and may not be put vpon the same office the same yeare, and that the petitioner, paying the first fine, w^{ch} is twenty shillings, is to pay no further fine.

[*196.]
M^r Hills
recompenc.

*In ans^r to the petiçõn of M^r Joseph Hills, desiring due recompense for his service donne the country about the lawes, the Court judgeth it meet to allow him tenne pounds out of the next countrije rate.

M^r Knights
judgment agt.
M^r Shapley re-
list.

In ans^r to the petiçõns of M^r Niccolas Shapleigh and M^r Robt Knight, the Court graunted a hearing of the case betwixt them; and, on the hearing and examination of all the evidence produced in Court, the Court judgeth it meete to reuerse the judgment of the Court of Asistants, the 5th of the 7^m, 48, so farr as it any way respects the sajd M^r Shapleigh.

Case bet. M^r
Mason & M^r
Leader referd
to y^e next ses-
sions.

In ans^r to the request of M^r Joseph Mason, agent for M^{rs} Ann Mason, and M^r Thaddeus Riddan, agent for M^r Richard Leader, the determination of y^e action betweene them is respited till the next session.

Countrje high-
wajes fro. An-
dever to Ips-
wich, New-
berry, & Row-
ley.

Whereas, by order from the Generall Court, these fower tounes, Ipswich, Newbury, Rowley, and Andevor, should appointe men to lay out the eomõn highwajes for the country from toune to toune, wee, the men appointed, haue accordingly donne it, beginning at the south end of Andiuer, contjnewing it in the cartway noere half a mile, vnto a hill at the foote of a hill called Bare Hill, as it is marked wth trees; then coming into the beaten way which leadeth ouer a plajne belonging to Rowley, so leading on the southwest of a pond called Five Mile Pond; so continuing the cartway vnto a pond called M^r Bakers Pond, leaving the pond on the south, and so passing ouer a little stripp of meadow; so on the cart way to M^r Winthrops plajne, and so still the cart way on the south side of Cap^t Turners Hill, and from thence the beaten way to Ipswich.

Now, halfe a mile short of the Five Mile Pond, from Andiuer, begins the way to Rowley and Newbery, going in the beaten way of the south side of the Bald Hills, and contjning the beaten way vntill it come to the yppermost Falls Riuer, then by marked trees leading into the cart path leading from Hauerell to *to* Rowley, so on to a new feild of Rowlejes on the south side, and from thence, as it is marked by trees, to Rowley. Now, the way from Andiuer to Newbery goes on y^e old cart way, leaving Rowley way at the begining of a plajne by a litte swampe called Bearberry Swamp; so on y^e old way to the Falls Riuer, and from thence streight vppon the north side of M^r Sewalls feild, as still doth appeare by marked trees; from thence keeping the old cart way ouer the head of Cart Creeke; and so runing on the north side of Richard Thorleys feild, as it is now fenced, and so to John Hulls bridge, and so ouer the end of John Hulls plajne, vnto M^r Woodmans bridge, nere the mill at Newbery. Witnes our hands, all these wayes gemn^{ly} is to be six rod broad.

1653.

18 May.

THO: HALE,
JN^o PICKARD,
JAMES HOW,
RICH: BARKER.

The Court approved of this retourne.

In ans^r to the petiçõn of the inhabitants of Nashaway, the Court finds, ^{Nashaway} according to a former order of the Gennerall Court, in ann^o 1647, no: 6: 95, ^{petiçõ.}

1. That the ordering and disposing of the plantaçõn at Nashaway is wholly in this Courts power.

2. Considering that there is already at Nashaway about 9 familjes, and that senerall, both freemen and others, intend to goe and setle there, some whereof are named in this petiçõn, the Court doth graunt them the libertje of a touneship, and orders that henceforth it shall be called Lancaster.

3. That the bounds thereof shall be sett out according to a dedde of the Indjan sagamore, viz., Nashaway Riuer at the passing ouer to be center, five miles north, five miles south, five miles east, and three miles west, by such commissioners as the Court shall appoint to see these lines extended and their bounds limited.

*4. That Edward Breeke, Nathaniell Hadlocke, Willjam Carby, Thõ [*127.]
Saujer, Jn^o Prescott, and Ralfe Haughton, or any fower of them, whereof the major pte to be freemen, to be for p^sent the prudentiall men of the sajd toun, both to see all alotments to be lajd out to the planters in due proportion to their estates, and also to order other prudentiall affaires, vntill

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18 May.

Courts graunt
to Lancaster.

it shall appeare to this Court that the place be so farr seated wth able men as the Court may judge meete to give them full libertjes of a touneshipp, according to lawe.

5. That all such psons who haue possessed and continewed inhabitants at Nashaway shall haue theire lotts, formerly lajd out, confirmed to them, provided they take the oath of fidelitje.

6. That Sudbury and Lancaster lay out highwajes betweene toune & toune, according to order of Court, for the countjjes vse, and then repajer them as neede shall be.

7. The Court orders, that Lancaster shallbe rated wthin the county of Middlesex, and the toune hath liberty to choose a counstable.

8. That the inhabitants of Lancaster doe take care that a godly ministry may be maintajned amongst them, and that no evill persons, enemjes to the lawes of this comon-wealth in judgment or practize, be admitted as inhabitants amongst them, and none to lottes confirmed but such as take the oath of fidelitje.

9. That although the first vndertakers and copartners in the plantaçõn of Nashaway are wholly evacuated of theire clajme in lotts there by order of this Court, yett, that such psons of them who haue expended either charge or labor for the bennefitt of the place, and haue helped on the publicke workes there from tyme to tyme, either in contributing to the ministry, or in the purchase from the Indeans, or any other publicke worke, that such persons are to be considered by the toune, either in proporçõn of land, or some other way of satisfaçõn, as may be just and meete, provided such persons doe make such theire expenses cleerely appeare wthin twelve months after the end of this sessions for such demands; and that the interest of Harmon Garrett, and such others as were first vndertakers, or haue binn at great charges there, shallbe made good to him, them, his, or theire heires, in all allotments, as to other the inhabitants, in proporçõn to the charges expended by him and such others aforesajd, provided they make improovement of such allotments, by building and planting, wthin three yeares after they are, or shallbe, lajd out to them; otherwise theire interest heereby provided for to be vojld, and all such lands so heereby reserved to be thenceforth at the tounes dispose. In further ans^r to this petiçõn, the Court judgeth it meete to confirme the above mentioned nine p̄ticulars to the inhabitants of Lancaster, and order that the bounds thereof be lajd out in proporçõn to eight miles square.

Comissioners
for the col-
lonjes desired
to stay.

Itt is ordered, that the comissioners for the Vnited Colonjes shall, & heereby are desired to, continew heere, and not depart till the messengers sent to the Monhatoes be retourned; and then, vppon the answere brought

from the Dutch, there may be ground of proceeding accordingly; and if the commissioners please, the Court doeth thinke it will be convenient to send a messenger away speedily to bring away the commissions for such as are, or shallbe, chosen commissioners for the two jurisdictions of Connecticut and New Hauen, that so if God call vnto a warre, there may not be any interruption.

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18 May.

Three questions being propounded by the commissioners to y^e Court, viz.,—

1. Whither the last meeting of the commissioners at Boston were not legally called, and maybe legally continewed.

*2. Whither the commissioners of Connecticut, whose tyme is expired, may not joyne wth the other commissioners, and act wth them. [*128.]

3. Whither the adjournement of the meeting to New Hauen from Boston doth binde the new commissioners to attend it.

1. To the first quæst, the Court resolved, that the last meeting was legally called, but is, and was, dissolved vpon the expiration of the commissioners of Massachusetts and Connecticut.

2. The second quæst the Court resolved on the negative.

3. The third quæst the Court resolved on the negative.

Vpon the case stated in reference vnto the injurjes and differences with the Dutch, this Gennerall Court doth desire a consultaçõn wth the gentlemen the commissioners, taking in the advise of such elders as shallbe present at the tyme appointed.

M^r Samuell Symons, Major Gennerall Dennison, Cap^t Jn^o Leucet, and Cap^t Humphry Atherton, as a comittee to joyne with such of the commissioners for the United Colonjes as they shall please to nominate, to draw vp the case respecting the Dutch and Indeans.

The commissioners returned Cap^t Hawthorne, M^r Bradford, M^r Ludlow, & M^r Eaton, to joyne in y^t comittee.

The comittee, considering of the case, and not agreeing in one, presented the case in two draughts, which are on file, together wth the advice of y^e elders.

Itt was put to the question, whither the commissioners of the United Colonjes should be called by this Gennerall Court to assemble together to consult of, and *and* determine the weighty affaires of the seuerall colonjes heere in Boston forthwith, or assoone as maybe; the Courte resolved it on the affirmative.

M^r Samuell Symons, Majo^r Gennerall Daniell Dennison, Cap^t Humphry Atherton, M^r Rich Russell, M^r Joseph Hills, & Cap^t Edward Johnson are appointed a comittee to consider of this quæstion — whither the commissioners

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18 May.

of the United Collonjes haue power, by the artickles of agreement, to determine the justice of an offensive or vindictive warre, and to ingage the collonjes therein.

The answer of the com̄ittee to the quæstion, first more particularly from the artickles.

The whole power of government and jurisdiction is, in the third and sixth article, reserved to euery collony who sawe not meete to diuēt themselves of their authority; to invest the com̄issioners with any part thereof being altogether vn̄safe and vn̄necessary to attajne the end of the confederacy.

The ninth and tenth artickles constitutes the com̄issioners judges of the justice of a defensive warre.

The fowerth and fifth setles rules for leagues, aids, number of men in a defensive warre, and diuission of spoiles, but no where provides for the determination of the justice of an offensive warre, which therefore is reserved wholly to the determination of the supreme power of the seuerall confederate jurisdictions, who would otherwise haue provided in that case.

[*129.]

The sixth artickle, which, at first vjew, seemes to inable the com̄issioners, will evidently evince the contrary, for the confederacy being betwixt the collonjes, the 4th, 5th, 9th, & 10th artickles provides rules in seuerall *cases, according to which the confederates haue bound themselves to act, and the sixth artickle only orders and appoints who and in what manner the said rules and agreements should be executed, viz., by com̄issioners, (impowred to act in the cases specifjed and regulated in the former artickles, who were also bounded and regulated for their noub̄er, manner of proceeding, t̄jmes and places of meeting in the 6 and 7 artickle,) and that by necessity, because the supreme powres of the seuerall jurisdictions could not assemble; they were enforced to substitute delegates to order such things as were of present and vrgent necessity, or meerey prudentiall and polittical, or of inferior nature, and that according to the rules prescribed by the confederates; but such things as requier the highest acts of authorit̄je are in their nature of morrall consideration, and may admitt of more t̄jme of deliberation; as an offensive warre, the wisdom̄e of the contrin̄ers of the confederacy did not judge meete to referr to com̄issioners, and therefore haue not provided any rules in those cases of highest concernment, as they did in all cases of an inferior nature. 2^{ly}. More generally, the com̄issioners of the United Collonjes are not (so farr as wee can discern̄e) invested with power to conclude an offensive warre, and to ingage the collonjes to which they belong to put the same in execution, further then they are inabled by com̄ission or instructions, vnder the seale of their collonjes; much lesse can it stand wth the jurisdiction and right of

government reserved to every collony, for sixe com̄issioners of the other collonjes to put forth any act of power, in a vindictive warre, whereby they shall com̄and the collony dissenting to asist them in the same; neither can it be the meaning of the seuerall collonjes, who are so tender of their power in gouerning their oune, that they should put this power out of their oune hands, in the most weighty points—a bondage hardly to be borne by the most subjected people, and cannot be conceived so free a people as the Vnited Collonjes should submitt vnto.

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18 May.

It can be no lesse then a contradiction to affirme the supream power (which wee take to be the Gennerall Courts of each iurisdic̄ōn) can be com̄anded by others; an absurdity in pollicy, that an intier government and iurisdic̄ōn should prostitute itself to the com̄and of straungers; a scandal to religion, that a Gennerall Court of Christjans should be obliged to act and ingage vpon the faithe of sixe delegates, against their conscience—all which must be admitted in case, if wee acknowledge ourselves bound to vndertake an offensive warre, vpon the bare determination of the com̄issioners, who cannot, nor euer did, challeng authoritje ouer vs, or expect subjection from vs.

And to add this further: the case in hand may be considered vnder a double head; first, what a supream gouernor of a com̄onwealth, in point of confederation with another nation, may doe.

Secondly, what this government, in reference to the quæstion in hand, hath donne. Concerning the first of these, itt is to be considered what they may not, nextly, what they may doe. Touching the last first, they are to act in all cases not reserved expressly or implicitly; concerning the other, they may not act against fundamentall lawes, or what else the people have referred to themselves.

The next thing is to consider, (in some instance,) what the fundamentall lawes are:—

A fundamentall lawe of a people or com̄onwealth is, to haue liberty and to exercise j̄mediate chojce of their oune gouernors, because the supream gouerno^{rs} are betrusted wth their liues and estates, in whom, vnder God, they doe acquiesse; but if they may deligate others, in the ade of themselves, that are im̄edjately chosen, then they may elect or accept of straungers, that is to say, such as are of another com̄onwealth; and such deligates may also, vpon the same ground, impower others, and that wthout restriction of nation or nouber; which principle must needs be destructive to such a com̄onwealth, for then they may act to make an offensive warre, which is an act of power in the highest nature.

Concerning the second quæstion:—

1653.

1 June.
[*130.]

*What this gouernement, in reference to this confœderation, hath donne : Itt is a rule in lawe, that in any legall act, what expressions or sentences are in it of dowbtfull construction, the same are to be vnderstood for the firming thereof, as farr as maybe, viz., not being contradictory, not being impfect or vuintelligible, or not above or beyond the power of the acto^{rs}.

This being graunted, then the artickles touching offensive warr maybe referred either to the beginning of the warre, or to the directing or maunaging of it by the cõmissioners.

If any of the artickles should be taken in the first sence, namely, to give power to the cõmissioners to make an offensive warre, then it is against fundamentall lawe, as before appeareth ; and besides the ground before mentioned, this maybe added : in case the cõmissioners should conclude a warre offensive against the judgment of the gouerno^{rs}, (who are to act in their oune jurisdiction.) then they must act to effect it either against their oune consciences, or else leaue the worke in a distractiue condiçõn.

But if it be taken in the latter sence, namely, to direct the warr, being begunne, it is safe and prudentiall, because the fower gouernments in this confederation cannot carry on a warre that doth joyntly concerne them to act in ; though to conclude or accept of such a proppositiõn or determination, by the cõmissioners, for such a warre, may and doth properly belong to all the gouernments before they be ingaged. This retourne was signed by

SAMUELL SYMONS,
RICH: RUSSELL,
DANIELL DENNISON,
JOS: HILLS,
HUMPIRY ATHERTON,
EDWARD JOHNSON.

2^d June, 1653.

And was approved of by the Gemmerall Court.

Courts decla-
raçõn still to
continew y^e
confederac-
çõn.

Whereas it is conceaved by some, that the end of this Courts sending their judgements concerning the artickles of confœderation vnto the honored cõmissioners was, or is, the breaking of the league of confederation with the rest of the colonjes, this Court doth therefore signify vnto all whom it may concerne, and that there may be a right vnderstanding betwixt this Court and the honored cõmissioners, that it was not in the least intended, neither is it desired ; but as God hath bin pleased hitherto to keepe vs together in peace and love, so wee desire he will so doe still, to his glory and all our comforts.

Whereas the Court at Salisbury was adjourned to the 2^d 3^d day of the p̄sent 4th month, by reason of troubles about the Indjans, and some p̄sons

having questioned the legallitje thereof, this Court doth order the foresajd adjournement shall stand good, and the sajd Court to be kept accordingly.

1653.

2 June.

Jn^o Betts, of Cambridge, being at a Court of Asistants, on his triall for his life, for the cruelty he exercisid on Robt Knight, his servant, striking him wth a plowstaffe, &c, who died shortly after it, the jury brought in their verdict, which the Magis^{ts} not receiving, came, in course, to be trjed by the Gennerall Court. Jn^o Betts, the prisoner, came accordingly to his triall, submitted himself for triall to God and the country, & pleaded not guilty to his indictment. The evidences against him being examined & heard, the Court proceeded to censure him, viz.: —

The Gennerall Court doe not finde Jn^o Betts legally guilty of the murdering of his late servant, Robert Knight; but forasmuch as the evidence brought in against him houlds forth vnto this Court strong presumptions and great probabilitjes of his guilt of so bloody a fact, and that he hath exercisid and multipljed inhumaine crueltjes vpon the sajd Knight, this Courte doth therefore thinke meete, that the *said Jn^o Betts be sentenced, viz.: 1. That the next lecture day at Boston, (a convenjent time before y^e lecture begin,) the said Betts haue a rope put about his necke by the executioner, and from the prison that he bee carjed to the gallows, there to stand vpon the ladder one hower, by the glasse, wth the end of his rope throune ouer the gallows; 2^y. That he be brought backe to prison, and, imediately after the lecture, to be seuerely whipt; 3^y. That the sajd Betts shall pay all the wittnesses brought in against him 2^s p day for so many dajes as they haue attended vpon the Court of Asistants and the Gennerall Court vpon his trjall; 4^y. That he shall pay fiueteene pounds into the countrje treasury for and towards the charges the Courts haue binn at vpon his trjall; 5^y. That the sajd Betts be bound to the good behaviour for one whole yeare in the somē of twenty pounds.

[* 131.]

Courts sentence ag^t Jn^o Betts.

In ans^r to the petiçōn of M^r Symon Lynde, itt is ordered, that the County Court for the county of Suffolke shall, and heereby are jmpoured to, give M^r Lynde just damages, (the verdict of the jury being vnvsuall.)

Ans^r to M^r Lynds petiçōn.

In the case betweene the widdow Wilson, of Brainry, plaintiff, ag^t Thomas Faxon, defendant, about Joseph Wilson, sonne of the sajd widdow Wilson, being an apprentize wth the sajd Thō Faxon, the Court, vpon a full hearing what both partjes could say in the case, judge meete, that the sajd Joseph Wilson shallbe freed from his sajd master, and be put apprentice to a new master, by the select men of the sajd toune, and consent of two magistrates, and that the sd Faxon haue twenty shillings allowed him, in reference to all damages, & that the cow formerly restrajned may be releast.

Judgment of y^e Court in widdow Wilsons case.

In ans^r to the propositiçōns from the toune of Boston, 1st. About measur-

1653.

2 June.

Ans^r to Boston
ppositions.

ing of boards, the Court judgeth it meet to the select men of the townes of Boston and Charlestowne to order therein, and to appointe meete psons to carry on the same. To y^e 2^d pposition, in reference to the building of a powder howse in Boston, the Court judgeth it meet that it shall be left to the deputjes of Boston and Charles Towne to act therein for the furtherance of the same, and to p̄sent such orders for the securing thereof as they judge necessary, to the next session, to be allowed and confirmed. To y^e 6th pposition, about the annuall chojce of y^e audito^r and survejo^r gennerall, the Court judgeth it meet that it be left to the consideraçõ of the next session; the rest of y^e p̄ticulars being provided for by orders already made, & thought meete to be past by.

Ans^r to Rich:
Lowles mo-
tion, &c.

Vppon a motion made to this Court by Richard Lowle, of Newbery, brother to Jn^o Lowle, deceased, this Court doth order, and heereby give full power to the County Courts, either of Salem or Ipswich, to appoint some meete person to receive the porçõs of James and Joseph Lowle, sonnes to the s^d Jn^o Lowle, the sajd Richard being very sickly and ill, and vncapable thereby to looke any farther after the same, that so it may be improved for their best advantage.

Secret allow-
ance for tran-
scribing y^e
comissioners
acts y^e last
Court.

The secretary and his man having for this monthis tyme and more bin very much imployed to write for our comissioners, both their acts and transcribing the letters and artickles to the Dutch, &c, the Court doth judge it meete, and orders, that the secretary be satisfied out of the next country rate, eight pence p page, as the lawe provides in another case; and that the seuerall proportions of the other colonjes be by the auditor taken notice of, that it maybe brought to account.

Edward Mitch-
elson to execut
executiõs frõ
G. Court &
Court Asist-
ants.

It is ordered, that the execution of all judgm^{ts} issued by the Gennerall Court or Court of Asistants shall belong to y^e gennerall marshall, Edward Mitchellson.

Comittee to
lay out Ande-
ver highwajes.

Itt is ordered, that Cap^t Richard Walker, Lef^t Thomas Marshall, Niccolas Holt, and Richard Barker, or any three of them, shall lay out the comõn highway betwixt Andever and Redding, as may be most convenient for the vse of the countrje, and make their retourne heereof to the next sessions of this Court.

[* 132.]

Capt. Leuet
liberty to
transport
pviçions to
La Tour.
Executioner
exempt^d from
trajngs &
watchings, &c.

*This Court doth graunt liberty to Cap^t Jn^o Leueret, Mr James Oliuer, and Ensigne Scottou to send forth a vessell of seventeene tonnes, wth flower, pease, and such proviçions as they haue occasion now to send forth, to Mouns^r La Tour.

Itt is ordered, that Thomas Bell, the executioner, shallbe allowed out of the next levy the som^e of fowerteene shillings, expended by him for ropes and

ladders, for the better executing of his office, and that henceforth he shall be exempted from traynings, watchings, and wardings.

1653.

In ans^r to the petiçõn of W^m Thompson, crauing the remittment of a fine of five pounds y^e law imposeth on him, for making a motion of marriage to Sarah Coggan before he had liberty so to doe from hir freinds, the Court judgeth it meet to abate him fifty shillings of that fine.

2 June.
Ans^r to W^m
Thompsons
petiçõn.

It is ordered, that the survejo^r gennerall shall lend two barrells of good powder to M^r Pendleton for present, to be returned againe vpon the tender of the so^me of thirteene pounds nineteene shillings and tempence; and that the futeene pounds dew to the country from Jn^o Betts be pajd to the survejo^r gennerall, to purchase powder wthall.

15th gr^{ted} to y^e
survejo^r to buy
powder wthall.

The Court thankfully acknowledging the good service of our present honored Gouvernor, in regard of his vnwearjed pajnes and constant care in the discharge of the trust comitted to him the last yeere, in the place of Gofin^r, as a testemony thereof desires his acceptance of the so^me of one hundred pounds, which they order to be pajd out of the next country rate.

Gofin^rs gra-
tuity.

In ans^r to the petiçõn of M^r Symon Bradstreete and Capt^r Thomas Wiggin, itt is ordered, that Elder Hate Evill Nutter and Thomas Cunny shall lay out for them one thowsand acres of land, vpon the great riuer of Ne-witchawannet, in such place as they shall make chojce of, not intrenching on any toune lands, p^ticcular mens proprieties, or to hinder a plantaçõn.

1000 ac^s of
land to be lajd
out to M^r
Bradstreet &
Capt. Wiggin.

In ans^r to the petiçõn of the inhabitants of Strawberry Bancke, now Portsmouth, this Court doth order and declare, that the inhabitants of Strawberry Bancke should be satisfyed wth the priviledges graunted by the Court at their coming vnder this gofiments; 2^{ly}. That the Court of Douer or Strawberry Bancke may nominate & confirme comissioners for the ending of smale causes vnder 40^s, as in other; 3^{ly}. That the sajd Court may confirme such military officers as they shall present.

Courts ans^r to
Strawberry
Bancke peti-
çõn.

In ans^r to the petiçõn of M^r Samuel Cole, of Boston, itt is ordered, that Capt^r Symon Willard shall and heereby is impowred to lay out fowre hundred acres of vpland, at Nonacoike, and is in satisfaction of fifty pounds by the sajd Samuell Cole, adventured in the comõn stocke 23 yeeres since.

400 acres of
land graunted
to M^r Cole.

In ans^r to the petiçõn of M^r Jn^o Johnson, survejo^r gennerall, the deed of sale of a parcell of land sold vnto him by Thomas Hawly and Dorothy, his wife, lying in Roxbury, is confirmed to him, the sajd Jn^o Johnson, and his heires.

Hawleys deed
of sale con-
firm^d to Jn^o
Johnson, sur-
veio^r, &c

In ans^r to the petiçõn of Thomas Edsall, craving remittment of y^e fine the lawe imposeth on such as give in more voates then one, or any voates for magistrates where y^e lawe prohibitts, proffessing that what he did in such a

Tho: Edsell
fin^d 20^s.

1653.

2 June.

[*133.]

Francis Jn^{son}
left.Ans^r to Elias
Stilemans peti-
cō.200 ac^s g^{ted}
to Edmo. Rice.Allowance to
such as build
Misticke
bridge.Court agreem^t
wth Edw. Raw-
son for y^e Mas-
sachusetts
p^{por}cōn of
pouder.Ans^r to Ded-
ham p^{pos}alls.Ans^r to M^r
Deane Win-
thropps peti^{cōn}.

way was through ignorance of the lawe only, the Court abates the fine to twenty shillings.

*In ans^r to the peti^{cōn} of the inhabitants of Marblehead, the Court doth graunt and order, that M^r Frauncis Johnson shall be their leutenant.

In ans^r to the peti^{cōn} of Elias Stileman, desiring l^{ic}ence to drawe w^jne, the Court refers it to the County Court at Salem to give the peti^{cōner} ans^r.

There being a graunt formerly made of 200 acres of land to Cap^t W^m Jeanison, and sold by him to Edmond Rice, of Sudbury, and to be lajd out by M^r Edward Alen & M^r Jn^o Oliuer, neere the bounds of Dedham, the sajd cōmissioners being dead, and the worke not finished, itt is ordered, on the request of the sajd M^r Rice, that Cap^t Willard and Serjant Sherman shall lay out the sajd land, according to order, makeing their retourne to the next session of Court.

Itt is by this Court ordered and declared, that if any person or persons shall appeare that will engage suffieyently to builde, repaier, and maintajne the bridge at Misticke at his or their propper costs and charges, it shall be lawfull, and all and euery such p^{son} or p^{sons} so engaging are heereby authorized, and haue full power, to aske, requier, and reconer of euery single p^{son} passing ouer the sajd bridge I^d; and for euery horse and man, 6^d; for euery beast, 2^d; for euery cart, 1^s; and this to continew so long as the bridge shall be suffieyently majntajned as aforesajd.

The Gemmerall Court, considering of the proportion of pouder which according to the divi^{cōn} of the cōmissioners of the Vnited Colonjes as belonging to the Massachusetts jurisdic^{cōn}, doe heereby order and agree to haue and make due satisfac^{cōn} for the same, and from this day to stand to the hazard thereof, and losse of it, if it should so happen before due pajment be made and pajd to Edward Rawson on behalf of the colonjes.

In ans^r to the proposalls of the inhabitants of Dedham, itt is ordered, that M^r Glouer, Captaine Gookin, M^r Jn^o Johnson, M^r Edward Jackson, and Left Roger Clapp shall be a cōmittee impowred to consider and determine what they shall judge necessary to be determined in rela^{cōn} to what is propounded for and desired, making their retourne to y^e next sessions of this Court.

In answer to the petition of M^r Deane Winthrop, itt is ordered, that M^r Deane Winthrop, M^{rs} Elizabeth Winthrop, and Amos Richardson shall and heereby are impowred as attorneys for Majo^r Steeven Winthrop, to receive his debts or rents, or to pay any thing justly due from the sajd Steeven Winthrop, or to doe any other buisenes requisite concerning the estate of the sajd Stephen, and to prevent any damage that might happen for want of one

authorised therein, provided they give caution to secure the country to the next County Court.

1653.

Jn^o Harts case, of Marblehead, for taking M^r Gardjners shipp, is refer'd to the next County Court at Salem to determine.

2 June.
Harts case re-
fer'd to Salem
Court.
Courts allow-
ance towards
fortification.

The whole Court, being mett together, entring into debate about fortifications in reference to the Castle, itt was voted, that two hundred pounds should be allowed out of the next country levy for the building or repaying of the great battery at Castle Iland, and that twenty pounds more should be allowed out of the next countrje levy for the repaying of the Castle presently; and further, that one hundred pounds should be allowed to Salem out of the next levy towards their fortifications.

Itt is ordered, that the same comittee appointed by the last Gennerall Court ffor the repaying of the battery shall take care for the repaying of y^e Castle and battery, and they are heereby impowred to impresse mcete psons and what else they shall judge necessary for the speedjest accomplishment thereof.

Comittee to
repaier y^e
Castle, &c.

*Itt is ordered, that Miles Tearnes shall and is heereby impowred, for one whole yeare, to purchase or impresse tenn doz: of goates or calves skins for the making of drum heads for the vse of the country, he giving the same pay and satisfacōn for them as others doe.

[*134.]
Miles Tearnes
power, &c.

Itt is ordered, that the lawe for choosing of majors in the countyes of Suffolke and Middlesex shall be put in execution by the major gennerall, who shall, according to lawe, send out his warrants to the seucrall townes to send in their votes for sarjant majors, in the roome of those that are out of the countrje, wthin one month.

Order for a
new chojee of
sgt majors in
Suffolke &
Middlesex.

M^r Bellingham, M^r Glouer, and M^r Hill are appointed wth the secretary to pvse the lawes that is past this Court, comparing them wth the originall copies.

Comittee to
pvse the
lawes, &c.

Itt was ordered, that the servants of both howses, M^r Phillips and Left Hudsons, shall be allowed forty shillings each howse for their attendance on the Court.

In ans^r to the petiçōn of W^m Arnold and other the inhabitants of Patuxit, itt is ordered, a letter, with a protest, shall be sent from this Court or the councill to and against all such as shall vsurpe vppon the inhabitants of Patuxit, either by challenging jurisdicōn over them, or levying rates vppon them; and that the inhabitants of Patuxit, (being wthin our jurisdicōn,) or any of them, shall or may arest and impleade in any of our County Courts any person of any other jurisdicōn that shall vsurpe over them, when they shall finde any of them, or their goods, within our jurisdicōn, where they shall recouer full damage.

Ans^r to W^m
Arnolds peti-
çō.

1653.

2 June.
No apprentice
liable to pay
m^rs debts but
by assignment.

In ans^r to the peti^on of M^r Thomas Makepeace & Willjam, his some, the Court, on pvsall of the indenture, attachment, and the judgment of the Co^mmissioners Court, and the lawe, title Masters & Servants, doe declare, that the proceedings of M^r Hutchingson in reference to Willjam Makepeace, the apprentice, to be wthout and against lawe; and farther, that no apprentice or servant is any way l^jable to ans^r his masters debts, or become servant to any other then his master, but by assignment, according to lawe, and that the sajd apprentice, being deserted by his master, is thereby released from his a^ptishipp.

The Courte is adjourned to the 18th of October, 1653, vnlesse the Gouvernor call one in the meane t^jme.

[*135.] **.Att a Gennerall Court called by the Gouverno^r and Councill, and held at Boston, the 30th of August, 1653.*

30 August.

ITT is ordered, that Major Gennerall Daniell Dennison shall supply the place of secretary, in the absence of the secretary.

Itt is ordered, that this Court shall be instead of the Court that is appointed to be in October next.

To prevent
pphanation of
the Lords day.

Vppon information of soundry abuses and misdemeanors, co^mmitted by soundry persons on the Lords day, not only by childrens playing in the streetes and other places, but by youths, majds, and other persons, both straungers and others, uncivily walking the streetes and feilds, travailling from toune to toune, going on shipboard, frequenting co^mon howses and other places to drinke, sport, and otherwise to mispend that pretjous t^jme, which things tend much to the dishonor of God, the reproach of religion, greiving the soules of Gods servants, and the prophanatj^on of his holy Saboath, the sanctificatj^on whereof is sometj^mes put for all dutjes i^medjately respecting the service of God contejⁿed in the first table, itt is therefore ordered by this Court and the authoritj^e thereof, that no children, youths, majds, or other persons shall transgresse in the like kinde, on penaltj^e of being reputed greate provokers of the high displeasure of Almighty God, and further incurring the penaltj^e heereafter expressed, namely, that the parents and gouverno^rs of all children about seven yeeres old, (not that wee approve younger children in evill,) for the first offence in that kinde, vppon due prooffe before any magistrate, toune co^mmissioner, or selectmen of the toune where such offence shallbe co^mmitted, shall be admonished; for a second offence, vppon due prooffe

as aforesajd, shall pay as a fine five shillings; and for a third offence, vppon due prooffe as aforesajd, tenne shillings; and if they shall againe offend in that kinde, they shallbe presented to the County Court, who shall augment punnishment according to the merrit of the fact; and for all youths and majds above fowerteene yeeres old, and all elder persons whatsoeuer, that shall offend and be conuic̃t as aforesajd, either for playing, vnciuill walking, drincking, travayling from toune to toune, going on shipboard, sportjng, or in any way nuispending that pretjous tjme, shall for the first offence be admonished, vppon due prooffe as aforesajd; for a second offence, shall pay as a fine five shillings; and for a third offence, tenn shillings; and if any shall further offend that way, they shall be bound ouer to the next County Court, who shall augment punnishment according to the nature of the offence; and if any be vnable or vnwill- ing to pay the aforesajd fines, they shall be whipped by the counstable, not exceeding five stripes for tenn shillings fine; and this to be vnderstood of such offences as shall be com̃itted during the daylight of the Lords day. This lawe is to be transcribed by the counstable of each toune, and posted vppon the meeting howse doore, there to remajne the space of one month at least.

*Vppon complajnte of soundry abuses and inconuenjencies, by occasion of the libertje for selling beere at three pence the quart, it is ordered by this Court and the authoritje thereof, that henceforth no beere shall be sould for more then twopence the quart, and that braunch of the lawe that allowes beere to be sold at three pence the quart is heereby repealed.

Whereas the last sessions of this Court passed an order concerning publicke preaching without allowance, which order the Court vnderstands is dissatisfactory to diuers of the inhabitants whom the Court hath cause to respect and tender, although the Court conceaves the sajd order, rightly vnderstood, to be safe and much conducing to the preservation of peace and truth amongst vs, yett, that all jealousies maybe remooved, this Court doth repeale the sajd order, ^A and doth heereby enact, that every person that shall publish and majntajne any heethrodexe and erronejous doctjrne shallbe ljable to be quæs- tioned and censured by the County Court where he liveth, according to the merrit of his offence.

Vppon soundry complaints of the great taxatjons vppon the countrje in reference to publicke charges respecting the weighty occasions of this com̃on- wealth, and for satisfaction of the countrje therein, itt is ordered by this Court and the authoritje thereof, that M^r Increase Nowell, M^r Edward Ting, and M^r Joseph Hills shall joyne with the auditor gennerrall to examine and take the Treasurers accompts, who shall present the same vnder their hands vnto the next session of the Gennerrall Court, according to the lawe, page 26,

1653.

30 August.

[*136.]

Lawe for selling
beere at 3^d p^r
quart repealed
& 2^d p^r quart
only allowed

To p^rvent er
ronjous preach
ing, &c.

A.

Accompt of
annual ex-
pences, &c.

1653.

30 August.

in the second booke ; and itt is further ordered by the authoritje aforesajd, that in case of nonappojntment as that lawe provides, that then the Treasurer shall tender his annuall accompts vnto the Gennerall Court ; and further, itt is ordered by the authoritje aforesajd, that the seuerall grosse somes of all the incomes, viz., vpon the annuall rate vpon imposts, vintners, entring of accōns, fines, forfeitures, &c, as also of all expences, viz., of all Courts, comissioners, gratutjes, allowances, pajment of debts, &c, be exactly by the auditor certefied vnto the Gennerall Court annually, and expressed in all the coppies of the lawes sent vnto the seuerall tounes, made in the first sessions of the Court of Elecōn, whereby the true state of things in that respect may be vjous to all that are concerned therein.

Rectifying of
appeales, &c.

For a more cleere and æquall hearing and determining all matters of appeales, itt is ordered, and bee it henceforth enacted, that no pson that hath sate as judge, or voted in any inferior Court in that cawse he is appealed from, shall haue any voate in the superior Court appealed to, but the case shallbe there determined by such as are no way ingaged in the same by judging or voating in the same *fformerly, provided there be more magistrates appealed to then those that sate in the Court appealed from.

[*137.]

Grand jurors
allowance at
County Courts.

Itt is ordered by this Court and the authoritje thereof, that the grand jurors at County Courts shallbe allowed three shillings by day out of the fjnes and other proffitts not disposed of by any former order arising in each Court where they shall doe such service, or by the county if those incomes fall short.

Impost on
strong waters
x^s p^h h^d, &c.

Itt is ordered by this Court and the authoritje thereof, that euery pson whatsoever that shall bring any strong waters into any of our harbors, (except it shall appeare by request that they came directly from England,) before he lands any of them shall first make entrije of all and euery such caske or other vessell of strong waters as he, or any for or vnder him, shall put on shoare, by a noate vnder his hand, deliuered vnto the officer at his dwelling howse, appointed to receive the customes, on pajne of forfeiture of all such strong waters landed before such entrije made, wheresoeuer it shallbe found, the one halfe to the countrje, the other halfe to the officer ; and the merchant, or other pson, owner of such strong waters, shall, vpon the landing of them, pay vnto the officer, in the same comōditjes for all strong waters, after the rate of tenn shillings p hogshead ; and itt is further ordered, that the officer may further doe in all respects as neede shall requier, in the execution of this lawe, as is provided in the lawe, title Impost, page 27.

Whereas all marshalls and counstables for serving attachments and executions haue binn by lawe allowed as their ffecs, in all tounes not exceeding one mile, twelve pence for their pajnes in serving attachments, and for execu-

tions twelve pence in the pound to ten pounds, & sixpence in the pound to thirty pounds, &c, it is ordered by this Court and the authority thereof, that all marshalls and constables throughout this jurisdiction shall have for serving every attachment not exceeding one mile one shilling and three pence, and so proportionably as the miles increase, their fees to increase as heretofore; and all marshalls and constables from time to time shall henceforth allow and pay unto Edward Michelson three pence out of every fiveteene pence they receive for serving of attachments; and further, also, shall allowe and pay the said Edward Michelson three pence out of every shilling which they or any of them shall levy in any part of this jurisdiction, by way of fines or executions, which this Court allowes him as a meete encouragement for his service in the place of generall marshall; and it is further ordered, that the said Edward Michelson shall have not only y^e sole benefitt of y^e arreares due to y^e countrie from all such as have retayled strong waters wthout license, two pence p each quarte, and shall also have the sole benefitt of the custom graunted by this Court of two pence p each quart of strong waters retayled by any in this jurisdiction, by license or otherwise, which if any shall refuse to *satisfy on his complaint, and proove made by him of any strong waters retayled wthout license, the party y^e hath offended shall be liable to pay as a fine to the countrie five pounds, one halfe whereof shall be to the country, and the other halfe to the said Edward Michelson. And further, this Court graunt the said Edward Michelson the sole benefitt of the late impost graunted on strong waters, to enjoy to his owne vse, and his sallery of ten pounds p anⁿ is taken of during his enjoyment of the custome of strong waters; and this law is to be in force two yeares. And it is ordered & heereby declared, that he that sells by license but a gallon of strong water, or vnder, at any one time, is a retayler, and liable to pay 2^d for every quart so retayled, according to law, title Inkeepers.

1653.

30 August.
Generall
marshalls fees
out of evey at-
tachment or
execution, &c

[*138.]

Whereas by a late lawe made in October, 1648, there was some encouragement, both to English and Indjans, for the destruction of woolves, which hath bin found profitable vnto the countrie, but now is expired, it is therefore ordered by this Court and the authority thereof, that the said lawe of October, 1648, be revived, and stand in force.

Law to encour-
age to destroy
woolves re-
vived.

Vppon informatjon of many inconveniencies and differences by meanes of defieient fences, it is ordered by this Court and the authority thereof, that the selectmen of all townes shall make wholesome orders for the repajring of all fences, both generall and pticular, within their severall townships, excepting farne fences of one hundred acres, and have power to impose fines vppon all delinquents, not exceeding twenty shillings for one offence; and if any select-

Selectmens
power to regu-
late fences, &c.

1653.

30 August.
Castle.

Committee to re-
pare the
Castle, &c.

men shall neglect to make such orders as aforesajd more then one month after the first of the last moneth next, they shall forfeite five pounds to the vse of the toune, and so for euery monthis defãlt for after tyme.

The Court, taking the condition of the Castle into their consideration, doe judge it necessary that something should be donne by way of repaying the same, and doe therefore order, that there shall be a smale fort erected there, the charge whereof shall not exceed three hundred pounds, the one halfe of which shall be paid out of the next levy, and the other halfe out of that which will be the next yeere ; and for the better carrying an end of that worke, Major Edward Gibbens, Major Robt Sedjake, Cap̃ Jn^o Leneratt, Cap̃ Humphry Atherton, Cap̃ Thomas Clarke, Cap̃ Frauncis Norton, and M^r John Johnson are appointed as a com̃ittee, and heereby are impowred to make composition with any workemen for effecting thereof, according to their best discretion ; and what shallbe by them so donne, this Court will confirme and allow, provided they exceed not the some above mentioned.

Allowance to
magistrates,
&c.

[*139.]
Pay of officers
of govern-
ment.

This Court, considering the many complajnts of the countrie, in respect of publicke charges, which they are sensible of, and very willing to their vttermost to remooove, doe order and enact, and bee it heereby ordered and enacted, that euery the magistrates who haue borne the burden of that place for the space of ten years *past shall henceforth be allowed to defray their oune expences at all Gennerall Courts, Courts of Asistants, and other meetings, as they are magistrates and standing counsell of this com̃on wealth, thirty pounds a peece p annũ ; and all other magistrates of lesser standing, for their expenses as aforesajd, twenty pounds a peece p annũ ; and such magistrates as heereafter shallbe called to that service fiveteene pounds a peece p añ, for all their expence, as aforesajd ; and that the Gouverno^r for the tyme being, from yeare to yeare, shallbe allowed in like manner, for himself and his attendants, one hundred and twenty pounds p añ ; and that the secretary be allowed for his pajnes and expences for the Gennerall Court and counsell, florty five pounds p annũ ; and that all the charges of the seuerall County Courts, both judges, jurjes, and officers, shallbe borne by the actjous arising in each countje in which they are holden ; and that all grand jurymen be allowed for their expences three shillings a man by day, and the jury for trjall of cawses fower shillings by actjon. And if, vpon trjall heereof, it shallbe found burdensome to any county, in respect of the charges of County Courts, vpon complaints to this Court, it may be remedjed by increase vpon actions, or otherwise ; and that such townes as have not more then thirty freemen shall henceforth be at libertje for sending or not sending deputjes to the Gennerall Court ; and all such townes as shall send deputjes vnto the Gennerall Court shallbe the whole charge of their respective deputjes. It is further ordered by this Court, that

henceforth the rate vpon the polle shallbe twenty pence, and no more; and this lawe is to take effect the 20th of this instant October, and that the Court of Eleccōn be kept at Boston.

1653.

30 August.

Vppon observation of some inconuenjencies in seuerall respects in reference to the militja, and for the better improouement both of the horse and foote, and great artillirje, wthin this iurisdiction, itt is ordered by this Court and the authoritje thereof, that no com̄ission officer of any ffoote company shallbe a ljusted trooper. 2^v. That in case of alarum euery trooper shall fit himselfe in all respects for service, on p̄naltje of five pounds, and that the troopers in each toune shall duely attend such expeditjons as the com̄ittee for militja, in their seuerall townes, shall require, vntill they shall otherwise be com̄anded by some present order from their im̄ediate cheifetajne or other superior officer. 3^v. That henceforth all millers, boatemen, and fishermen, vnlesse such as be constantly implojed in fishing at all ffishing seasons, shall attend all traynings and watchings, as other souldjers, or make allowance to the company as their cheife officer, or the cheife officers of the regiment, shall appointe. 4^v. That such ffarmes as haue twenty aeres or vppwards of land in tillage, and twenty head of great cattell, improoved vpon, or belonging vnto such ffarmes, whose mansion or dwelling howse is or shallbe more then fower miles from *the place of exercising the company to which they belong, or that haue any ferry to passe ouer, shall not be called to their townes to military watches, but shall watch and ward as their cheife officers shall direct otherwise. 5^v. That all warrants for impressing of men for warre shall henceforth be directed to the com̄ittee of militja in such toune, to execute the same by the counstable. 6^v. That the com̄ittee of militia in Boston shall henceforth be of the magistrates residing in the sajd toune, the cheife officer of the horse, if dwelling there, and the cheife officer of each company of the ffoote wthin the sajd toune, or the major part of them. 7^v. That the ffoote companjes may henceforth be exercised at any tjmes in the yeare, as their cheife officers shall appoint, according to lawe. 8^v. In respect of superioritje of com̄anders and companjes, itt is ordered, that all com̄anders shall take place according to the senioritje of companjes, as formerly, which on long experience hath bin found peacefull and satisfactory to the souldjers.

Militia regulations.

[*140.]

Further to regulate the militja, &c.

Whereas the majors of the seuerall regiments are jnoyned by lawe to meete in their respective regiments twice in euery yeare, for the rectifying of such things as are amisse, itt is heereby ordered, that from henceforth each major shallbe left to his libertje in that respect, and that part of the lawe which requires the same is heereby repealed.

Majors liberty to keepe Courts or not.

Vppon the motion and request of the creditors to the iron works, this

A speciall Court grted. 10 Sept., 53.

1653.

3^d August.
Was adjourned
from y^e 14 to y^e
15th of s^d Sep-
tember, 53.
The Courte.

Court doth graunt that they may haue a speciall Court to sitt at Boston, vpon the fowerth day the next weeke, to heare and determine such case or cases as shallbe brought before them by the sajd credito^{rs}, provided the comissioners for the vndertakers of the sajd works shall agree thereto.

Vppon examination of the case respecting M^{rs} Ann Mason and M^r Richard Leader, on a hearing of M^r Joseph Mason and M^r Thaddeus Riddan, agents and attorneys for either partje, considering also the late retourne of the comittee, touching the extent of the northerly lje of theire pattent, doe fynd that the lands clajmed in the right of Cap^t Jn^o Mason, and now possessed by M^r Richard Leader, or others for or vnder him, together with other the lands pretended vnto by M^{rs} Ann Mason, are wthin this patent; and that M^r Joseph Mason, as attourney for and on the behalfe of M^{rs} Ann Mason, as also most of the people there inhabitting, haue voluntarily submitted to the jurisdiction of gouernment to this colony of the Massachusetts; and that some lands at Newitchawomicke, with the riuers there, was, by agreement of S^r Ferdinando Gorges and others, apportioned vnto Cap^t Jn^o Mason, and that he also hath right, by purchase of the Indjans, to some lands there, as also by possession and improouement by building and otherwise; and that Cap^t John Mason did bequeath vnto his wife, M^{rs} Ann Mason, during hir life, all lands & hereditaments not otherwise p^ticulerly disposed of by his will; *and that the lands in question betwixt M^{rs} Ann Mason and M^r Leader are not p^ticulerly disposed of by Cap^t Jn^o Mason, or otherwise then they are in the generall bequeath in the will given to hir during hir life, and that the sd lands possessed by M^r Leader, as aforesajd, are p^te of the lands disposed to the sajd M^{rs} Ann Mason for terme of hir life; and doe therefore judge that M^r Leader hath vnjustly entered vpon and dispossessed M^{rs} Anne Mason of that p^t of the riuer, and of some lands where he hath erected a sawemill, in his oune wrong, and orders, that a quantitje of land, with priuiledge of the riuer, at Newitchawannicke, p^portionable to Cap^t Jn^o Masons disbursments, be lajd out by order of this Court to the vse of M^{rs} Ann Mason and other the heires of Cap^t Jn^o Mason.

[*141.]

And the Court graunts the bill of costs, presented by M^r Joseph Mason, of sixe pounds tenn shillings and fower pence, ag^t M^r Richard Leader.

The Court being informed, that, at the publishing of the last Court orders at Salisbury, Lef^t Rob^t Pike demanded if that lawe which was made to restrajne vnfit p^{so}ns from constant preaching, &c, whither that lawe was in florece after the next Gennerall Court, to which ans^r being made that the Court had declared theire minde therein, on which he repljed that such persons as did act in making that lawe did breake their oath to the country, or acted contrary

Courts judg-
ment in M^{rs}
Mason & M^r
Leaders case.

Robt. Pikes
impeachment.

expressing the freemans oath; for, sajd he, it is against the libertje of the countrey, both ecclesiasticall and civill, and that he stood there ready to make it good; and farther sajd diuers or seuerall churches had called their members to accompt which did act in that lawe making, and that some places were about to shew their minds to the Gennerall Court about it.

1653.

30 August.

By Sañ Winsley, Sañ Fellowes, Willjam Buswell.

I doe very well remember that L: Pike spake words to that effect, as is above specified, p me, Thō Bradbury.

The Court doth order, that Leifř Rořt Pike should be sent for wth His triall. speede to answer such things as are lajd to his charge.

He was sent for by attachment accordingly, and appeared before the Court, 7th September, 1653. The Court, on a full hearing of the case about Leifř Rořt Pike, and all the evidences that haue testified in the case, doe judge that he is guilty of defameing of the Gennerall Court, and doe therefore order, that the řd Rořt Pike shallbe disfranchised, and disabled to beare any publicke office in toune or coñonwealth, and from pleading any case except his oune in any Court; and further, that he be bound to the good behaviour during the Courts pleasure, and be fined the soñe of twenty marks to the country. Rořt Pike accordingly acknowledged himself bound in tenn pounds to the Treasurer, M^r Richard Russell, on this condicōn — that he will be of good abearing till the next Court of Asistants. His sentence.

This Court taking into consideration that Major Edward Gibbons (of whose fidelitje and serviceableness this coñonwealth haue manifold experience) hath a very considerable soñe of money due vnto him from the French in the easterne řts, who, by the reason of the prohibitjon of trade, bearing date the 18th of May, 1653, *is cutt of from going forth to gett in the sajd estate, therefore this Court doth hereby give libertje to the sajd Major Edward Gibbons, by himself or his assignes, to goe wth any vessell or vessells to the sajd French wth provisions for trade, and not otherwise, whereby he may endeavor the getting in his sajd debt, notwthstanding the sajd phibition of trade wth the sajd French, which is still contjnewed, except by this libertje to the sajd Major Edward Gibbons; and this order to be in force during the pleasure of this Court. [*142.] Major Gibbons licence to trade wth ye French, &c.

The retourne of the coñmissioners, who, vpon the coñmission graunted by the Gennerall Court, bearing date the 7th of June, 1653, viz., Richard Belingham, Esq̃, Dep^t Goũ, Capř Thomas Wiggins, Daniell Dennison, Sar^t Major Gen^{ll}, Edward Rawson, Secreř, and M^r Brjam Pendleton, who, in order to their coñmission, repaired to Wells, and sent out suñions to the inhabitants of Wells, Saco, and Cape Porpus to appeare before them the 4th of July, 1653. Coñmission^{rs} retourne.

1653.

7 September.

Att Wells, 4th of July, 1653, at Mr Emersons howse, the com̄issioners above men̄oned, by virtue of their com̄ission, held and kept Court there, and cawsed the inhabitants of Wells, by name p̄ticularly, to be called, according to their sūmons; and those whose names are hereunder written made their appearances, and acknowledged themselves subject to the gouernment of the Massachusetts, as wittnes their hands, this 4th July, 1653. Joseph Emerson, Ezek: Knight, Jn^o Gooch, Joseph Boules, Jn^othan Thing, John I Barret, Sc̄ñ. After their subjection, the com̄issioners judged it meete to graunt them to be freemen, and accordingly administered the oath of freemen to them.

Counstable of Wells.

And for the better effecting the ends of their com̄ission, they appointed Jonathan Thing to be counstable there for one whole yeere, and gaue him the counstables oath accordingly.

Wardells contempt.

And whilst the names of the inhabitants of Wells wē calling ouer, Willjam Wardell, one of the inhabitants there, com̄ing by, was called to come in and answer to his name, which he refused, and contemptuously turned his backe on the Court; for w^{ch} contempt the Court graunted out a warrant to the counstable to fetch the sajd W^m Wardell before them to ans^r his contempt, and so adjourned the Court to Mr Ezekiell Knights; to which place the counstable brought the sajd Wardell, the rest of the inhabitants of Wells accompanying him; the Court demaunding a reason of the sajd Wardell for his contemptuous behaviour, who excused himself that his intent was not to contemne the Court, but rather to endeavor to get the rest of the inhabitants of Wells that had not appeared to come in and make their appearances, the Court, at the request of the inhabitants, who p̄mised the sajd Wardell should be forth coming the next day, dismiss the sajd Wardell, and adjourned the

July 5, 53.

Court till the next day at eight of y^e clocke. At which time the Court mett againe, and the inhabitants of Wells were called, according to their sūmons, and appearing did subject themselves as ffol̄: Wee, whose names are heerevnder written, inhabitants of Wells, doe heereby freely acknowledge ourselves subject to the gouernment of y^e Massachusetts, as wittnes our hands, this 5th of July, 1653. Henry Boade, Jn^o Wadly, Edmond Litlefeild, Jn^o Saunders, Jn^o White, Jn^o Bush, Robt Wadly, Frauncis Litlefeild, Sc̄ñ, W^m Wardell, Samuel Austin, W^m Hamans, Jn^o Wakefeild, Thō Milles, Anthō Litlefeild, Jn^o Barrett, Juñ, Thō Litlefeild, Frauncis Litlefeild, Juñ, Nichō Cole, W^m Cole. The Court, at the request of these inhabitants, accepted the submission of W^m Wardell; and to these above men̄oned, also, the com̄issioners graunted they should be freemen, and in open Court gave them the freemans oath. And further, whereas the toune of Wells hath acknowledged themselves subject

Inhabitants of Wells subjection.

Wardells dismission.

to the goūnment of the Massachusetts Bay in New England, as by their subscriptions may appeare, —

*Wee, the com̄issioners of the Gennerall Court of the Massachusetts for the settling of government amongst them and the rest wthin the bounds of their charter northerly to the full and just extent of their l̄jnc, haue thought meete and doe actually graunt, —

1653.

7 September.

[*143.]

Priviledges
g^{ted} to inhabit
ants of Wells.

1. That Wells shall be a towneship by itselfe, and alwayes shall be a part of Yorkshire, and shall enjoy protection, æquall acts of fauor, and justice with the rest of the people inhabitting on the south side of the Riner of Piscatque, wthin the limitts of our jurisdiction, and enjoy the priviledges of a toune, as others of the jurisdicōn haue and doe enjoy, wth all other libertjes and priviledges to other inhabitants in our jurisdicōn.

2. That every inhabitant shall haue and enjoy all their just proprietjes, titles, and interests in the howses and lands which they doe possesse, whither by graunt of the toune possession or of the former Gennerall Courts.

3. That all the p̄sent inhabitants of Wells shall be freemen of the countrje, and, hauing taken the oath of freemen, shall haue libertje to give their voates for the election of the Gouverno^r, Asistants, and other gennerall officers of y^e countrje.

4. That the sajd toune of Wells shall haue three men, approved by the County Court from yeere to yeere, to end smale cawses, as other the towneshippes in the jurisdicōn hath, where no magistrate is, according to lawe; and for this present yeere M^r Henry Boade, M^r Thomas Wheelwright, and M^r Ezekiell Knight are appointed and authorized com̄issioners to end smale cawses vnder forty shillings, according to lawe. And further, these com̄issioners, or any two of them, are and shall be impowred and invested with full power and authoritje as magistrates to keepe the peace, and in all civill cawses to graunt attachments and executions, if neede require. Any of the sajd com̄issioners haue power to examine offenders, to com̄itt to prison, vnlesse bajle be given according to lawe; and when these, or any of these, shall judge needefull, they shall haue power to binde offenders to the peace or good behaviour: also any of these com̄issioners haue power to administer oathes according to lawe; also, marriage shall be solemnized by any of the com̄issioners according to lawe.

3 com̄issioners
to end smale
cawses, &c.

Itt is further heereby ordered and graunted, that for this present yeere, M^r Henry Boad, M^r Thomas Wheelwright, M^r Ezekiell Knight, Jn^o Wadly, and Jn^o Gooch shall be the selectmen to order the prudentiall affaires of the toune of Wells for this yeere.

Selectmen for
Wells.

1653.

7 September.
Inhabitants of
Wells to beare
their oune
charges, &c.
Clarke of y^e
writts.

Mr Henry Boad, Mr Thomas Whelewright, and Mr Ezekiel Knight tooke their respective oathes as commissioners or associates vse to doe.

Lastly, it is graunted, that the inhabitants of Wells shall be from tyme to tyme exempted from all publicke rates, and that they shall alwayes beare their oune charges of the Courts, &c, arising from amongst themselves. Mr Joseph Bowles was appointed clarke of the writts to graunt warrants, attachments, &c.

Grand jury-
man.

Mr Ezekiel Knight is appointed to be a grand juryman for the toune of Wells for one yeere, and tooke his oath accordingly.

Morg. Howell
ac^on ag^t Jn^o
Baker res^d toy^e
County Court,
&c.

The cawse betweene Morgan Howell and Jn^o Baker is contjnewed and referred, to be determined by the next County Court in Yorkshire.

Jn^o Baker did acknowledge himselfe bound in twenty pounds to Richard Russell, gen^l, Treasurer of the Massachusetts jurisdic^on, on this condi^on — that he shall appeare before the next County Court in Yorkshire to ans^r y^e sajd ac^on or complaint of Morgan Howell.

[* 144.]

6 July, 1653.

*Seuerall artickles were exhibitted against Jn^o Baker for abusive and opprobious speches vttered by him against the ministers & minist^re, and for vpholding private meetings and prophecying, to the hinderance and disturbance of publicke assemblings, &c, some of which being prooved against him, he tendered voluntarily to desist from pphcying publickly any more. The Court proceeded to censure him to be bound to his good behaviour, and forbad him any more publickly to p^rach wthin this jurisdic^on.

Jn^o Baker did accordingly acknowledge himself bound in twenty pounds to Mr Richard Russell, Treasurer of the Massachusetts, on this condi^on — that he will be of good behaviour betweene this and the next County Court, and make his appearance at the sajd Court, if he be wthin this jurisdic^on.

Differences in
church matters
at Cape Porpus
& Saco.

Wee, the commissioners of the Massachusetts for settling the government at Wells, Cape Porpus, and Saco, being informed of seuerall differences amongst the inhabitants of Wells, which were principally occasioned (as was professed in the Court) by those that called themselues the church there, which differences wee were very desirows to compose, and therefore were willing to be informed of the proceedings of those persons, and the successe of their church estate, after wee had heard what both partjes could say, wth the relatjon of Mr Boad, Edmond Littlefeild, and Willjam Wardell, wee were ffully satisfied that their church relation was dissolved, wherevpon wee advised them to desist from further disturbance of the place by asserting their pretended church relatjon, and to apply themselues for the future to some other course, which might conduce more to the peace and settlement of the

place, which if they shall neglect to doe, and shall contjnew their vn-grounded assertjion of their church relatjion, wee professe ourselues bound to beare wittnes against them for endaingering the disturbance of the peace and welfare of those people vnto whom (wee haue cause to hope thrō the blessing of God) our endeavors for their good will not prooue successesselesse, and doe therefore earnestly desire they may not be rendered fruitelesse by those especially who professe themselues, before others, to be the children of peace.

The Court also proceeded to make this protestaçon, which was by the marshall publickly publisht.

Whereas wee haue declared the right of the Massachusetts gouernment to the townes of Wells, Cape Porpus, and Saco, and the inhabitants thereof, being suūoned, did appeare before vs at Wells, on this 5th of July, 1653, and acknowledged themselues subject therevnto, and tooke the oath of freemen and fidelitje to the sajd gouernment, which by vs their coūmissioners haue appointed and setled a gouernment ouer them. Wee doe therefore heereby protest against all persons whatsoeuer, that shall challenge iurisdicōn or excercise any act of authoritje ouer them, or ouer any other psons to the northward inhabitting within the lymitts of our patentts, which doth extend to the lattitude 43 degrees 43 minnits & $\frac{1}{2}$ of northerly lattitude, but what shall be derived from vs the commissioners, or the Generall Court of the Massachusetts. Giuen vnder our hands, at Wells, in the county of Yorke, 6th of July, 1653, & signed,

RICHARD BELLINGHAM,
THOMAS WIGGIN,
DANIELL DENNISON,
EDUARD RAWSON,
BRJAN PENDLETON.

*Itt was ordered also, that the select men of the toune of Wells shall, and are heereby impoured to appointe a meete pson to keepe an ordjnary there for entertajnement of straungers. [*145.]

Jn^o Saunders & Jonathan Thing, as serjants, are appointed to excercise the souldjery there.

Att a Courte held at Wells by the aboue mentjoned coūmissioners the 5th July, 1653.

The inhabitants of Saco, being by name p̄ticularly called, made their appearances according to their suūons, and those whose names are herevnder

1653.

7 September.

1653. written acknowledged themselves subject to the government of the Massachusetts, as wittnes their hands, this 5th of July, 1653.

7 September.

| | |
|---------------------|-----------------------|
| THOMAS WILLJAMS, | ROBERT BOOTH, |
| WILLJAM SCADLOCKE, | RICHARD COWMAN, |
| CHRISTOPHER HOBBS, | RALFE TRISTRAM, |
| THOMAS READING, | GEORGE BARLOW, |
| RICHARD HITCHCOCKE, | JN ^o WEST, |
| JAMES GIBBINS, | PETER HILL, |
| THOMAS ROGERS, | HENRY WADDOCKE, |
| PHILLIP HINCKSON, | THOMAS HALE. |

Saco.

The comissioners judged it meete to graunt them to be freemen, and accordingly gaue them the freemans oath, which they tooke in open Courte.

And whereas the inhabitants of Saco hath acknowledged themselves subject to the government of the Massachusetts Bay in New England, as by their subscriptions may appeare, wee, the comissioners of the Gemerall Court of the Massachusetts, for the settling of government amongst them and the rest wthin the bounds of their charter northerly, to the full and just extent of their l^hue, haue thought meete, and doe actually graunt, —

1. That Saco shall be a towneship by itselfe, and alwayes shallbe a parte of Yorkeshire, and shall enjoy protection, æquall acts of fauor and justice with the rest of the people inhabitting on the south side of the Riuer of Piscataque, or any other wthin the l^hmitts of our jurisdiction, and enjoy the priuiledges of a toune, as others of the jurisdiction haue and doe enjoy, wthall other libertjes and priuiledges to other inhabitants in our jurisdiction.

2. That euery inhabitant shall haue and enjoy all their just proprietjes, titles, and interests in the howses and lands which they doe possesse, whither by graunt of the toune possession or of the former Gemerall Courts.

3. That all the present inhabitants of Saco shall be freemen of the countre, and having taken the oath of freemen, shall haue libertje to giue their votes for the election of the Governor, Asistants, and other gemerall officers of the countre.

4. That the sajd toune shall haue three men approved by the County Courte, from yeere to yeere, to end smale cawses, as other the towneshippes in the jurisdiction hath where no magistrate is, according to lawe. And for this p^sent yeare M^r Thomas Willjams, Robert Booth, and Jn^o West are appointed and authorized to end all smale causes vnder forty shillings, according to lawe ; and further, these comissioners, or any two of them, are and shallbe impowred

and invested with full power and authoritje, as a magistrates, to keepe the peace, and in all civill causes to graunt attachments and executions, if neede require. Any of the sajd com̄issioners haue power to examine offenders, to com̄itt to prison, vnesse bajle be given according to lawe. And when theise, or any of theise, shall judge needefull, they shall haue power to bjnde offenders to the peace *or good behavior. Also any of theise com̄issioners haue power to administer oathes according to lawe. Also marriage shallbe solemnized by any of the com̄issioners, according to lawe.

1653.

7 September

[*146.]

Itt is further heereby ordered and graunted, that for this present yeere Mr Thomas Willjams, Robert Booth, and Jn^o West shallbe the selectmen to order the prudentjall affaires of the toune of Saco for this yeere ; and they took theire respective oathes as com̄issioners or associates vse to doe.

Lastly, itt is graunted, that the inhabitants of Saco shallbe, from tjme to tjme, exempted from all publicke rates, and that they shall alwayes beare theire oune charges of the Courts, &c, arising from amongst themselues.

Ralph Trustrum was appointed counstable there, and tooke his oath.

W^m Scadlocke was appointed clarke of the writts there, and also grand-juryman for this yeere, and tooke his oath. Richard Hitchcocke was appointed and authorized as a sarjant, to exerceise the souldjery at Saco.

The com̄issioners being informed that John Smith, of Saco, is necessarily detajned from coming to yeild subjection to this gouernment, and that it is his desire to subject himselfe to this gouernment, they doe graunt that on his acknowledgment of subjection to this gouernment, any two of the com̄issioners at Saco may and hereby haue libertje to giue him the oath of a freeman.

The like libertje, on the like termes, is graunted to the com̄issioners of Wells to administer the like oath to Richard Ball, Richard Moore, Jn^o Elson, Arthur Wormestall, and Edward Clarke.

The com̄issioners being informed that Saco is destitute of a good minister, which is much desired, that all due care be taken to attajne the same, and in the meane tjme that theire peace maybe preserved, they doe declare and order, that Robert Booth shall haue libertje to exerceise his guifts for the ædificatjon of the people there. Seuerall of the inhabitants complayning that George Barlow is a disturbance to the place, the com̄issioners, at theire request, thought it meete to forbid the sajd George Barlowe any more publicquely to preach or p̄phecy there, vnder the p̄nalty of tenn pounds for euery offence.

Itt is ordered, that the inhabitants of Wells, Saco, and Cape Porpus shall make sufficjent highwajes within theire townes, from howse to howse, cleere and fitt for foote and carte, before the next County Court, vnder the p̄nalty

1653. of tenn pounds for enery tonnes defect in this particular, and that they lay
 out a suffieient highway for horse and foote betweene toune and toune, within
 7 September. that tyme.

At a Court held at Wells, 5th July, 1653.

The inhabitants of Cape Porpus was called, and made their appearances according to their summons, and acknowledged themselves subject to the government of the Massachusetts, as followeth:—

Wee, whose names are vnder written, doe acknowledge ourselves subject to the government of the Massachusetts, as witnesses our hands.

MORGAN HOWELL,
 CHRISTOPHER SPURRELL,
 THOMAS WARNER,
 GRIFFIN MOUNTAGUE,
 JOHN BAKER,
 W^m RENOLLS,
 STEPHEN BATSONS,
 GREGORY JEOFFERJES,
 PETER TURBAT,
 JN^o COLE,
 SYMON TROTT,
 AMBROS BURY.

[*147.] *To these above mentioned also the commissioners granted they should be freemen, and in open Court gave them the freemen's oath. And further: whereas the town of Cape Porpus hath acknowledged themselves subject to the government of the Massachusetts Bay in New England, as by their subscriptions may appear, wee, the commissioners of the Gennerall Court of the Massachusetts for the settling of government amongst them, and the rest wthin the bounds of their charter, northerly, to the full and just extent of their line, have thought meete and doe actually graunt, —

1. That Cape Porpus shall be a towneship by itselfe, and alwayes shall be a part of Yorkshire, and shall enjoy equall protection, acts of fauor and justice with the rest of the people inhabiting on the southside of the Riuer Piscataque, or any other within the limits of our jurisdiction, and enjoy the priuiledges of a town, as others of the jurisdiction haue and doe enjoy, wthall other libertjes and priuiledges granted to other inhabitants in our jurisdiction.

2. That every inhabitant shall haue and enjoy all their just proprietjes,

titles, and interests in the howses and lands which they doe possess, whither by graunt of the toune possession or of the former Gennerall Courts.

1653.

7 September.

3. That all the present inhabitants of Cape Porpus shall be freemen of the countrje, and having taken the oath of freemen, shall haue libertje to giue their votes for the election of the Gouverno^r, Asistants, and other gennerall officers of the countrje.

Morgan Houell, of Cape Porpus, did acknowledge himself bound in fifty pounds to the Treasurer of the countrje, on this condiçõn — that he will psecute his acçõn against Jn^o Baker at the next County Court to be held at Yorke.

Griffen Montague was chosen and sworne counstable there. Gregory Jeofferyes was chosen grand juryman there for one yeare, and tooke his oath accordingly. Cap^t Nicholas Shapleigh was chosen Treasurer for the county of Yorke, & is allowed.

Signed,

RI: BELLINGHAM, Dep^t Gov^r,
DANJELL DENNISON,
EDWARD RAWSON.

The Court, having vejwed this retourne of the cõmissioners that went to Wells, Saco, and Cape Porpus, doe approove thereof, provided that the county of Yorke beare their pportjon of charge æquall to and wth ourselues, and orders, that due and hartly thanks be rendered to them by this Court for their pajnes and service therein, and shallbe willing and ready to make them further satisfacçõn in the graunt of some lands to each of them respectiueley, when any shallbe presented.

Whereas Major Gennerall Daniell Dennison did, vppon intelligence of some thousands of Indians at Piscataque, and the great affright of the people in those parts, the last spring, order a party to make a true discouery, and to quiet the minds of the inhabitants, who were much distracted and taken of their employments at that busy time of the yeare, itt is heereby ordered, that the counstables of Ipswich, Rowley, out of which plantaçõns all the souldjers were taken, shall, by order from the majo^r gennerall, pay to eũy foote souldjer for cuery dajes servis one shilling, and to y^e sarjant that cõmanded y^e party, consist of 23 or 24 men, two shillings for each day, and to two troopers y^t were sent before y^e partje, and were on y^e service from Friday morning to Monday night, two shillings 6^d p day, which sõmes shallbe allowed y^e counstables by y^e Treasurer.

Major Gen.
Dennison.

*The Court having pervsed and considered the letters and papers from [*148.]

1653. the Gennerall Courts of Conecticott and New Hauen, which were directed to the Governor and counsell, and by them referred to the consideration of this Court, the contents whereof wee finde to be of great concernment to the seuerall Vnited Collonjes, and the rather becawse we perceive the opinions of the sajd Courts seeme different from our oune, and therefore wee judge it most conducing to peace to waue disputes concerning the point in controversy, not becawse wee haue not reason to justify the substance of our declaratjon, or to answer the reasons brought to maintajne their assertjon, which conclude not the quæstion in difference, but only that which wee neuer denyed, viz., that the comissioners haue, by the words of the articles, power to determine the justice of an offensive warre, our assertion, which they seeme to oppose, being this, viz., the comissioners haue not power to determine the justice of an offensive warre, so as to oblige the seuerall colonjes to act accordingly, which, if it had binn observed, would haue prevented that opposition that hath binn made, ffor wee haue no cawse to doubt but the rest of the colonjes, well considering the case, will readily joyne with vs in this explication of the articles: Whereas it is agreed that, for the mannaging & concluding of all affaires, &c, two comissioners shallbe chosen by, and out of, each of these fower jurisdictiones, &c, which shall bring full power to heare, examine, weigh, and determine all affaires of peace or warre, &c, provided, that, in case of an offenciu or vjdictiu warre, taking in more confederates, making of leagues, and sending aides to any other then our confederates, the Gennerall Courts of each jurisdiction be at their libertje to act according to their oune light and conscience, notwithstanding any determination of the comissioners in the sajd cases; and this reason may induce all the colonjes, becawse the Gennerall Courts will in the sajd cases, de facto, be judges of the justice of their oune acts, itt not being to be supposed they will act in such weighty occasions without satisfaction to their consciences, and therefore, de jure, they ought to be free, and not to be vnder a djlemma, either to act without satisfaction against their light, or be accounted couenant breakers, which will hazard the breach of the confederacy, which may by this meanes be preserved.

1st Sept. 53. The comissioners of the three Vnited Colonjes, on receipt of y^e Courts judgment, returned this as an ans^r thereto:—

In answer to a writing newly received from the honored Gennerall Court of the Massachusetts.

The comissioners for the three smaller colonjes haue brought with them full power from their respectiue jurisdictiones to heare, examine, weigh, and determine all affaires of peace, warre, leagues, aides, &c, according to the

grammaticall and true sense of the artickles of confederation, and hoped the comissioners for the Massachusetts should haue bin invested with the same power, w^{ch} the former interpretaçõn and the present writing received from this Gennerall Court doe seeme to crosse.

1653.

7 September.

They know well that no authoritje or power, either in parents, magistrates, comissioners, &c, doth, or ought to, hold against God, or his comãnds; but they conceave that is not *the quæstion heere, nor is any clawse or caution more clearly and fully (as they apprehend) inserted in the framing of any comonwealth, jurisdicçõn, &c, to preserve peace and righteousnes then in these artickles of combjnation. The comissioners haue mett these ten yeares, and, through the presence and asistance of God, doe not yet know of one vnjust conclusion made or passed by them, though heerein they assume nothing to themselves, who are men subject to infirmitje as well as others. This, then, is not the cawse of the late interpretaçõn, or present difference; it seemes to haue some other bottome; they conceave this Gennerall Court resolve, from tyme to tyme, not only to judge of the justice, but of the conveniency, of what the comissioners conclude, and that each of the fower Gennerall Courts shall doe the like, and to act no further then themselves will professe to see light, and to receave satisfaction to their consciences; so that though the comissioners determine vppon grounds good and safe in themselves, yett their conclusions (as most things are) shall, in one Courte or other, be still liable to doubt and quæstion, which apparently tends to breake the confederation; for they conceave that neither colonjes nor comissioners will finde encouragement to beare such charges, and make such journejes, vppon such vncertajne and unsatisfying termes.

[*149.]

Comissioners
1st reply.

Dat. 2 Sept, 53.

Subscribed,

THO: PRENCE,
JOHN BROUNE,
RO: LUDLOWE,
JNO: CULLICKE,
THEOPH: EATON,
JNO: ASTWOOD.

Vnto which reply of the comissioners the Court sent them this answer.

The Courte cannot but judge it necessary that the explicatjon presented in our last paper be incerted into the artickles of confederation, as much conducing to the right vnderstanding of the confederacy, and the office and nature of comissioners, who at first, and in some colonjes to this tyme, were chosen by the Gennerall Courts to be their counsell in these wejghty affaires, not to be their gouerno's to comãd or enjoyne them, the consequence whereof wee

Courts 2 ans.
3 Sept. 53.

1653.

7 September.

suppose will, in a little tyme, be resented by others as well as ourselves ; therefore wee, being desirous to avoide contests or prolix disputes with the comissioners, doe desire this maybe accepted as our finall conclusion for the present, viz. : that wee cannot graunt that the seuerall iurisdiccōns are subordinate or subject to the authoritje of the comissioners, and therefore not bound, in foro ciuilj, to execute their determinatjōns, nor act according to their judgments in making offencive warre, leagues, or aides, because potestas bellj gerendj aut pacis sancjendæ, salua majestate jmperij eripi nequit ; notwithstanding, if their judgement and determinatjōn be just and according to the word of God, wee doe acknowledge the colonjes to be bound to act accordingly, not only in foro conscientjæ, because the determinations are just, but in foro civilj, because of the contract and league betweene the confæderates, although not by the authoritje of the comissioners.

An answer to a second writing received from the honored Gennerall Court of the Massachusetts.

The fower colonjes, vnitjng, did, by expresse words and according to the true sence of the artickles, enter into a perpetuall league and couenant for themselues and their posteritjes, that their eight comissioners, or any sixe of them, should haue full power to heare, examine, weigh, and determine all affaires of warre and peace, leagues, ajdes, &c, proper to the confæderation, wherein no one colonje or Gennerall Court alone can haue power to act for the rest ; though the comissioners still readily *acknowledge that all counsells, lawes, and conclusions, whither of magistrates, Gennerall Courts, or comissioners, so farre as they are manifestly vnjust, are, and ought to be, accounted of no force. Let God be exalted, and all sorts of men sett (where they should be) at his feete ; but the power of determining cannot be taken from the comissioners without vjolation of the couenants. They haue no power to make new artickles, nor may act as comissioners. If the former be broken, they shall acquaint their respective Gennerall Courts with the finall conclusion of this colonje, dated and received this present day, and leaue it to their consideration, propounding only to yo^rs, wither it will not be a great sinne against God, and very scandalous before men, that a confæderation five yeeres vnder deliberation in New England, and since contjnewed tenn yeeres without inconuenjence, nay, with a blessing, — a confæderatjōn wherein euery artickle was considered and weighed, not only by a comittee from each of the fower iurisdiccōns, but by the whole Gennerall Courte of the Massachusetts then sitting ; a confæderation for which prayer was put vp publicquly while it was vnder treaty, and publicque thanks retourned when it was finished, —

[*150.]

Comissioners 24
reply.
6 Sept. 53.

should by this Courte bee first disturbed by a strajned interpretaçõn, as if the artickles gaue no power to the cõmissioners to act in an offensive warre, and after, when that was cleered and yeilded, to deprjue them of all power in offensive warre, leagues, aides, &c. They must meete only to giue advice, which any of the seuerall jurisdicçõns might take or leaue, as themselues see cawse, and so make all vojld; and that because the majesty or honor of goũment cannot be preserved, if the power of making warre and setling peace be in the hands of cõmissioners, and chosen generally out of and by the ffreemen of the fower colonjes, which, by the confæderation, are made and ordered to contjnew one, and to be called by the name of the Vnited Colonjes of New England; whereby the couenant and league, so solemnly, seriously, and religjously made, must necessarily breake and be dissolved; but whither this vjolation proceed from some vnwarrantable scruple of consejence, or from some other ingagement of spiritt, the Massachusetts neither expresse, nor will the cõmissioners determine, but leave it to the wise and righteous God, who is the only Lord of the consciences and spiritts of men.

Subscribed,

| | |
|-------------------------|---------------------------|
| TH ^o PRENC:, | JN ^o CULLICKE, |
| JN ^o BROUNE, | THEOPH: EATON, |
| ROG: LUDLOW, | JN ^o ASTWOOD. |

Vnto which reply the Court sent them this answer, as followeth: —

Gent^t: —

Wee conceaue wee had some reason to thinke yourselues were not vnfurnished with power at this tjme to declare the true sence of the articles of confæderation which was in quæstion betweene vs and some of your Generall Courts, this Courte being called on purpose to giue the oppertunitje, that by a speedy and amicable way the sajd quæstion might be cleered and resolved to mutuall satisfaccõn; and, in pursuance thereof, this Courte hath tendered to yo^r consideration (not any new articles concerning which they neuer desired or accepted yow should be in a capacitje to treat) some propositions concerning their desired explanation of the articles, and their oune sence of them, by which they conceave (notwithstanding your *former and present intimaçõns) they are no violaters of the articles; and if yo^r vnderstanding shall for that reason render vs such, and vppon that accompt yow shall refuse to proceede with our cõmissioners, whom wee haue authorized according to the articles, wee are confident to be secured from that jmputation before jnpartiall judges. Seing, therefore, yow are not in a capacity, wee shall not any further make applicatjon to yow, which vppon that accompt willbe

1653.

7 Septemoer.

[*151.]

1653. rendered fruitless. Wee shall henceforth adresse o'selves to the seuerall
 7 September. Gennerall Courts of our confederates, to whom wee doubt not but our sence
 of the articles presented vnto yow will (if rightly understood) be most accept-
 able, being, as wee conceiue, the true and genuine sence — not any p'ticular
 interest of this colonje, or any member thereof. And for the present wee doe
 declare (in the sinceritje of our harts) our vnfeigned desires of the p'petuitje
 of the confederation, and of the comissioners actjng at this present meeting
 according to their comissions, which if they doe not wee must protest our
 innocency. Wee take leaue, further, by answering some other passages in
 your last paper, to cleare our oune meanings in our proppositions tendered
 to yow: that this confederacy was the result of some yeares labours,
 and the subject of prayer and praises, wee doe confesse, and yow may please to
 beleive (as wee haue professed) is so to this day with vs in the true sence
 thereof; the guilt of the violation whereof, because scandalows, wee are re-
 solved not to draw vppon ourselves, and hope our confederates will, in their
 wisdomes, avoijd.

Your confession that the manifestly vjjust determinatjns of the comis-
 sioners are of no force, is of litle force in this case, where yow aequalize
 them with the lawes of magistrates, or Gennerall Courts, whose authoritje,
 (though the conclusion be in its oune nature vjjust, and so judged by the sub-
 ject,) yett judged by themselves just, will oblige the person concerned, though
 not to obedience, yett to pœnalties.

Wee doe not nor will not deny but by the articles of confederatjōn, 8 or
 6 comissioners haue power to heare, examine, wejgh, and determine all af-
 faires of peace, warre, leagues, aides, &c, propper to the confederation; neither
 did wee euer jmagine, and therefore wonder, it should, at least seemingly, be
 jmposed vppon vs, that any one colonje or Gennerall Courte, alone, had power
 to act for the rest, or that wee doe affirme the comissioners must meete only
 to giue advice, which the seuerall iurisdicçōns may take or leaue, as themselves
 see cawse, and so make all vojde. Haue wee not in terminis acknowledged
 ourselues bound to act according to their just determinatjns before God and
 man, by virtue of our confederacje, (though not by any other authoritje,) what
 bonds yow lay vppon vs? Cann wee be jmaged to be obliged to act the
 determinatjns of more then eight of the ablest and wisest gen̄ in all the col-
 lonjes, were wee not bound by our confederacje? Wee may, therefore, with
 lesse offence, challenge, and assert our oune interest, because wee are ready to
 giue others their due; neither is it a point of majesty or honnor wee labor
 for, but an essentiall part of that jntire gouernment which is reserved to each
 colonje in the articles, before the very office; much more, the power of comis-

sioners be provided for, which being preserved to vs inviolable, wee shall be farre from opposing the power of the comissioners, but doe acknowledge ourselves bound to assert and defend the same. But if oure owne rights are invaded, wee shall be thereby disenabled from maintayning others: though wee desire to keepe ourselves free from infringing them, wee will not take vpon vs to determine the cause of this interest betwene the Courte and yourselves; wee shall challenge the like libertie wth the comissioners, and leave it to the Lord, the Judge of the spiritts of all men.

1653.

7 September.

*To which the comissioners made this reply: —

[*152.]

8 September.

Honored Gentlemen:

The comissioners of the three smaller colonjes did suppose the answer given by two of the Gennerall Comtes had sufficiently cleared the sence of the articles and power of the comissioners. The colonjes confederating, and the freemen choosing and sending them, doe impower them to conclude and determine in all affaires proper to the confederatjon. If any doubt yett remaine, wee conceave it maybe further cleared by what was presented by or from yo^rselves to the comissioners at Pljmouth, anno 1648, about explanation and settling a right vnderstanding some things in the articles.

Comissioners
3^d reply.

1. That by 'safety,' in the second article, is only intended safety from an enemy, not from comon pvidences, as famine, pestilence, &c., and the same of 'comon welfare.'

2. That the scope of the eight articles extend only to causes which concerne diuerse of the colonjes, (not any one in itself,) or some one or more of the colonjes, and some neighbors plantaçõn, not wthin the confederation; and by 'Indjans' to be meant Indjan strangers, &c.

3. In cases of a ciuill nature, where the comissioners may haue power to make orders, &c, yett not to haue power to make any gennerall officer of a ciuill nature to execute such orders, but the same to be executed by the officers of such iurisdicçõn as shall be concerned therein; and if such iurisdicçõn or colonje shall not submitt and performe, &c, after due admonitjon, then to be responsall to the rest of the colonjes for breach of league and couenant, and to be declared what further power the comissioners haue in such case, &c.

The comissioners then concurred with the Massachusetts in these explanations, as cleerey agreeing with the true scope of the artickles, as may appear by the records of that session, but could not admitt of any alterations propounded.

Whereas this honored Court expresse their confidence to be secured from any imputation of violating of the articles before impartiall judges, they

1653. mention not who those judges are, but the commissioners conceive they intend our impartial superiors in England, wherewith they readily close.

8 September.

What addresses this Court shall please to make to the other three Generall Courts, the commissioners are assured, will be according to righteousness duly attended.

The difference you would put betweene the power of Generall Courts and the commissioners, within their proper concernments, we understand not, nor doe we conceive yourselves were of that minde. Ann^o 1648, we have sufficiently expressed our apprehensions, and shall only add, that when any authority impose penalties in cases where the subject cannot according to God obey, guilt will be charged. Joab sinned in obeying in the death of Uriah, and David had also sinned had he punished Joab for his disobedience to such a command. As no colony hath power to act for the rest, so no one colony within this covenant of confederation may, to the prejudice of the rest, reject the determinations of the commissioners, not manifestly unjust.

That peculiar jurisdiction with the articles reference to each colony the commissioners never questioned, nor they (they hope) shall ever have any thought in the least to encroach upon; but wherein that consists yourselfes expressed in your propositions, 1648, before mentioned, and by a due consideration of the passages in other articles, compared with the 11th, you may possibly receive further light.

[*153.] *To conclude: we may safely (to say no more) protest our owne readiness to preserve the articles in their full strength.

And to attend our duty in the present meeting, objections cast in by this Court being duely removed, if you therefore please to expresse your resolution to continue the just power of the commissioners, according to the true sense of the articles, as till this yeare ever intended and understood, both by yourselfes and all the other colonies, till any other articles, explication, or provision be agreed by the fower Generall Courts, the commissioners shall presently and cheerfully proceed; if not, (without further losse of time,) they desire to returne to their other occasions, and shall close with your close in leaving the whole cause to the wise and just Judge who knowes both our severall ayms and all the passages betwixt vs in this dispute. Sept 8th, 1653.

Subscribed,

THO: PRENCE,
JN^o BROUNE,
ROGER LUDLOW,
JN^o CULLICKE,
THEOPH: EATON,
JN^o ASTWOOD.

To the commissioners of the United Colonjes.

1653.

Gentlemen :

9 September.

Wee see not reason to protract tyme in fruitelesse and needles retournes ; Courts 4th ansr. wee shall acquiesce in o^r last paper, and comitt the successe to God. By y^e Court, 9 September, 1653.

EDW: RAWSON, Secret.

To which this answer was returned : —

10 September.

The commissioners for the three colonjes judged of the meaning of the Massachusetts Gennerrall Courte by thaire expressions in former writings, and accordingly returned answers to which they still referr. What that Courte doth this day declare, the commissioners so farr accept that they purpose presently to proccede referring all further quæstions to the addresses the Massachusetts shall please to make to the other Gennerrall Courts. Sep^r 10, 1653.

The Court, being informed by one of our commissioners, that o^r true meaning concerning the question in debate is not rightly vnderstood by the rest of the commissioners, wherein if they were satisfied all obstrucçõs of thaire present actings, according to thaire commissions, would be removed, doth declare, that they judge and graunt, that by the articles of confederation, so farr as the determinations of the commissioners are just and according to God, the seuerall collonjes are bound before God and men to act accordingly, and that they sinne and breake couenant if they doe not ; but otherwise they judge they are not bound, neither before God nor men. By the Court.

EDW: RAWSON, Secret.

The Courts letter to y^e seuerall colonjes is incerted in the Court booke of records for letters, &c.

In ans^r to the request of the toune of Roxbury for the confirmatjon of Isacke Jn^oson to the place of captaine, Sarj^t Griffith Crosts to y^e place of leftennant, and Serjant John Boles to the place of ensigne, the Court allowes thaire choice, & graunts thaire request. Roxbury military officers confirmed.

In ans^r to the petiçõn of Peter Bent for reparaçõn of damages sustajned in his horses going on the countrjes service to Conecticott, the Court vnderstanding the petiçõners horse was by that journey worsted at least sixe pounds in the value of it, besides his charge for the cure and the hire of it, they therefore judge meete and order, that he shallbe allowed tenn pounds out of Bents recom-penc for his horse.

1653.

10 September.
Mr Dudleys estate free from y^e rate.

the countrje levy, if he accept thereof, or otherwise he may haue libertje to sue the Treasurer, and recouer what damage he cann justly prooue.

In ans^r to a question, whither the estate of Thomas Dudley, Esq^r, late of Roxbury, deceased, should be lable to the countrje levy, now to be gathered, the Court judgeth it to be free & exempt from being lable to pay to his countrje rate.

[*154.]

Courts judgm^t in Boswells case.

*In ans^r to the petiçōn of Isacke Boswell, the Court, on the examination of the case, and all the evidences thereabouts, betweene him and Jn^o Cheny, doe finde that the petiçōner Boswell hath a legall deed of sale from Mr Batt for the howse and land in quæstion, and possession thereof, & payment for it; and doe declare, that Cheny, nor any in whose behalf he sued at Salisbury Court, hath any legall right to it; and therefore judgeth the sentence of the Court at Salisbury to be of no force, and that Boswell, the petitioner, shall remajne in peaceable possession of the premisses, and shallbe satisfied all his charges expended in the case.

Courts judgm^t in Blantons case & y^e Indjans.

In ans^r to the petiçōn of W^m Blanton for releife ag^t two Indjans now in prison on suspition of breaking his chest open & taking out twenty pounds in money, the Court, hauing heard the case, and examining all the evidences betweene the petiçōner and the Indjans, cannot finde the Indjans legally guilty of what is charged on them, and doe therefore judge, that the petiçōner should pay what charge hath bin expended by the Indjans in prison.

Blantons allowance of 5^p week for diet of 2 Frenchmen.

In ans^r to the petiçōn of W^m Blanton for satisfaction for the diet of two Frenchmen a month, itt is ordered, that the Treasurer shall satisfy the sajd Blanton after the rate of fiue shillings p weeke for each man.

Courts ans^r to Becketts petiçō, &c.

In ans^r to the petiçōn of Jn^o Becket, Anthony Bing, & others, the Court declares the petiçōners must sceke their legall redresse at a County Court or speciall Court, this Court not being willing to medle wth such cases.

Courts judgm^t in y^e case of Mr Batt & toune of Salsbury.

In the case of Christopher Batt against the toune of Salisbury, p appeale from the Court at Salisbury, att the Court of Assistants, the jury finding for the plaintiff, the Court not consenting to receive the verdict, it came to the Gennerall Court of course. This Court, on hearing of the case & examination of all evidences, finds for y^e toune of Salisbury.

Mr Allens farne at Bogerstow lajd out & confirm'd.

Whereas Cap^t Eleazer Lusher & Edmond Rice were appointed by this Court to lay out a farne of two hundred acres, at Bogerstow, vppon Charles Riuer, to Mr Jn^o Allen, pastor of Dedham, which they hauing donn, appearing by a platt brought into Court, the Court approoves thereof.

West end of Hampton bounds lajd out.

In ans^r to y^e request of the deputy of Hampton, itt is ordered, that the retourne of the comiissioners appointed to lay out the west end of Hampton

bounds shall be recorded, which this Court approves of, & is as followeth: Wee, whose names are heerevnder written, being chosen by the Gennerall Court to lay out the west end of Hampton bounds, vpon o^r best informa^{ti}oⁿ, haue concluded that the west l^{ine} shall runne from the extent of the l^{ine} formerly agreed vpon, to come wthin two miles of Exitur meeting howse, vpon a direct l^{ine}, to that parte of Asse Brooke where the high way goes ouer, and from thence vpon a direct l^{ine} so as to leave Exitur Falls a mile & halfe due north of the same, and from thence vpon a west & by north l^{ine} as farr as the vtmost extent of Salisbury bounds that way; wee intend the falls at the toune bridge.

1653.

10 September.

SAM: WINSLEY,
THO^s BRADBURY,
ROBERT PYKE.

*In ans^r to a motjon or request of M^r Cleve, the Court returned him this ans^r: M^r Cleve, according to yo^r desire, wee tender this account of our proceedings at Wells, Cape Porpuss, Saco, &c. In the yeare 1652 wee ordered some members of this Court, with two artists, to make a true discouery of the most northerly branch of Merrimacke, that accordingly wee might lay out the northerly l^{ine} of our pattent, which is to extend three miles beyond the most northerly parte of Merrimacke Riuer, which l^{ine} is to runne through the maine land of America, from east to west, in the lattitude of 43^{d} : 43^{d} : $\frac{1}{2}$. And in further prosecution of the same, wee did, in July last, dispatch our co^missioners to Wells, Cape Porpuss, and Saco, to challenge our right by pattent ouer those parts, where the inhabitants did voluntarily acknowledge themselves subject to this gouernment, & tooke the oath of fidellity & freemen to the same; our co^missioners publishing a protestation at Wells against any person or persons that should challenge iurisdic^{ti}oⁿ, or exercise any act of authoritje ouer them, or any other persons inhabitting wthin the l^{im}itts of our pattent, (which doth extend to the lattitude of 43^{d} : 43^{d} : $\frac{1}{2}$ of northerly lattitude,) but what shallbe derived from the Gennerall Court of the Massachusetts; all w^{ch} acts of our co^missioners wee haue ratified and confirmed, and shall endeavor, by all lawfull meanes, to majntaine & defend our just right in those parts graunted vnto vs in our pattent.

[*155.]

Courts ans^r to
M^r Cleves.

The Court being informed by Lef^t W^m Davies and M^r Henry Shrimpton, that M^r Dickery Caruithen is this morning departed this life, and that by reason thereof the affaires of the ouners of the sajd shipp and goods, respecting the accomplishment of his vojage, is wholly left destitute, both of a meete ma^{tr} and power to carry on both the accompts of the sajd ouners and M^r

Lef^t W^m Davies
& M^r Shrimpton
pow^r to act
about M^r Caruithens
estate & freight, &c.

1653. Caruithens oune affaires, and having perused the last will and testament of the sajd Dickery Caruithen, finding his care, both for the ouners and his oune affaires, to be such as by a letter of attourney and last branch of his will, desiring that the sajd Lef^t Davis, & M^r Henry Shrimpton, as his agents and attourneys, should fully be impowred to sue, demand, and receave all debts, goods, freight, &c, due to him or the sajd ouners; the Court judgeth it meete, that the sajd Lef^t W^m Davis and M^r Henry Shrimpton shall and hereby are impowred to acte according to the sajd letter of attourney and last branch of the sajd will, and they are to be responsall so farr as the estate they receave into their hands reach vnto; also for all debts ouing by the sajd Caruithen, or w^t else may justly be challenged from the ouners of the sajd shipp, that so the estate of the ouners and M^r Caruithen may not suffer by their defects.

10 September.

Ans^r to widow Cartars petico.

In ans^r to the peticoⁿ of Mary Carter, and Thomas, Samuell, and Joseph, hir sonns, the Court judgeth the way propounded is best for the good of the grand children, and therefore are willing that tenn pounds be deliuered to each of the parents of the legatees, with the proportion of the price the acre of land is sould for, they giving securitje to the excecutors to pay the widdow for her life what shallbe æquall, and to the child of each of them according to the will.

Capt. Jeani-
sons 200 acers
laid out to
Edmond Rice.

Wee, whose names are vnderwritten, being appointed by the last session of this Court to lay out the two hundred acres of land graunted vnto Cap^t Jeanison vnto Edmond Rice, the purchaser, doe heereby testify, that wee haue laid it out accordingly on the 27 of the 6th m^o last past, and is bounded vpon the east nere Water Toune bounds, vpon the west partly wth M^r Dunsters ffarme, vpon the south it points neere Dedham bounds, vpon the north it ljethe nere the bounds of Sudbury, w^{ch} the Court approoves of.

SYMON WILLARD,
JN^o SHERMAN.

[*156.]
Redding way
laid out.

*Wee, whose names are vnderwritten, being legally chosen by our townes, by virtue of a Court order, to lay out the countrje way betwixt Redding and Winnesemett, and having vejwed the sajd wajes, wee asphend it most convenient to be as followes: from Redding Toune through Malden bounds, betwixt the pond and John Smiths land, and so by the east side of M^r Joseph Hills land to New Hoeces Hole, and so in the old way by the Cowpen, and thence along on the east side of Thomas Coitmores lott, by Ell Pond, in the old way, to Thomas Lynds land, then through his first feild, and so by the

feild by his howse, from thence in the old way by y^e meeting howse through Stony Swampe, from the roade there vpp betwixt Richard Addams & John Vphams lotts into Charles Toune bounds, through Willjam Johnsons & Richard Dexters land, into the way by the south spring, and so on the south side of Whittamore Howse into M^r Bellinghañ land, into the way that goeth to the ferry, the sajd way to be fowre pole broad in good ground and six or eight pole, &c, where neede requires. 30 : 6 m^o, 1653.

1653.
10 September.

Signed,

TH^o MARSHALL,
JN^o SMITH,
JN^o SPRAUGE.

Y^e act of which comissioners the Court approved of.

In ans^r to the petiçõn of Christopher Gibson, Michael Willis, Jn^o Farnam, and George Davis, in behalfe of the rest of the new church in Boston, for the taking away an injunction of y^e County Court forbidding them to proccede to call or ordajne M^r Powell to office amongst them, the Magis^{ts} deny that any order was made by them absolutely to forbidd the new church in Boston to call M^r Powell to office, but only to the office of pastor or teacher, for either of which two sajd offices this Court cannot but judge M^r Powell to be vnfit, nor can they consent thereto, because they are not satisfied that he hath such abillitjes, learning, and quallifications as are requisite and necessary for an able minister of the gospell, whereby he might be able rightly to divide the word of trueth, and be able to convince gainesayers; besides the vnsuitableness of these times complying wth such vnsound tenments as now abound for the subversion of an able ministrje. They conceave the church may call M^r Powell to the office of a ruling elder amongst them, and then they may enjoy all the ordinances of Christ saue the sacraments, which they are supplied with in the church of Boston; and their waiting till the Lord shall send in to them an able minister of the gospell they hope will not be in vaine, but maybe conducing to the peace and comfort of themselves, and to the toune and countrje also, who is much concerned therein.

Courts ans^r to
y^e new church
in Boston
petiçõn.

Itt is ordered, that Heyden, of Brauntrje, shall haue five pounds pajd him this yeare by the Treasurer towards the keeping of his distracted sonne, as in tjes past.

Heidens gratui-
tje.

In ans^r to the petiçõn of M^r Symon Bradstreete and Cap^t Thomas Wiggins, M^r Samuel Winsly is appointed to joyne with Elder Nutter instead of Thomas Canny, who hath lost is sight, to lay out the land graunted to them by this Court, on Quamhiggin Riuer, according to y^e graunt.

Ans^r to M^r
Bradstreet &
Capt. Wiggins
petiçõn.

1653.

10 September.
Ans^r to M^r
Bradstreet, &
executors of
M^r Dudley will
(petiçon.)

In ans^r to y^e petiçon of M^r Bradstreet, in behalf of himself & M^r Jn^o Woodbridge, Major Dennison, Th^o Dudley, Jn^o Dudley, Samuell Danforth, Jn^o Johnson, & W^m Parks, excecuto^{rs} of y^e last will of Thomas Dudley, Esq^r, deceased, desiring that the parents or guardjans of the children to whom y^e sajd M^r Dudley gave Watertoune mill haue power to sell or dispose of it for y^e vse of the heires, the Court graunts thaire request.

[*157.]

Andouer high-
way to Read-
ing.

*Wee, whose names are herevnder written, being appointed by the honored Court to lay out the countrje highway from Andeuer to Redding, haue thus agreed to follow the cartway from Andouer to Nicholas Holts farme, leaving his howse about a quarter of a mile on the left hand, and so in a streight lje south, or neere south, to the falls of Ipswich Riuer, according to the marked trees, and so from the riuer vpon the like streight lje, to the heade of a meadow called the Great Medow, and so vpon the same lje, ouer the sajd meadow, to the sawemill in Reading, and from thence through the comon corne ffeild to the meeting howse, leaving the lot of Josias Dordin on the right hand and Zackary Fitts his lott on the left hand; and wee agree that the sajd way shall be fower rodd wjde at the least in all places except through the comon ffeild at Redding, and there not to be lesse then two rods.

M^r Andrews &
Jonas Clarke
to rune y^e lyne
of o^r patent on
y^e sea coast.

This Court doth appointe M^r Samuell Andrewes & Jonas Clarke, of Cambridge, with all convenient speede to finde out the place vpon the sea coast where the vtmost bounds of our pattent is, and there to erect some marke or heape of stones at the place, and runne the lyne forty rods into the countrje, east and west, paralell to the lattitude, and to make retourne vpon oath before the Deputy Gouernor, or any other magis^{ts}, which is to be entred by the secretary; and for thaire pajnes and skill in this worke, the Court doth appointe Cap^t Gookin to make agreement wth them, which agreement the Treasurer is heereby appointed to pay accordingly, and the former order in reference to this worke wth M^r Ince & Sarjt Sherman is heereby repealed.

Ans^r to M^r
Donnings
petiçon.

In ans^r to the petiçon of M^r Emanuell Downing, itt is ordered, that M^r Samuel Winsly, M^r Thomas Bradbury, and W^m Eastow, they or any two of them, M^r Winsly being one, shall and heereby are appointed and authorized to lay out the farme of six hundred acres formerly graunted him, (in sattisfacçon of fifty pounds heeretofore payd and layd out by him for the countrje,) on the further side of the riuer, neere to Douer bounds, being cleere of all graunts.

Colledge
comitte.

This Court, being informed that the present condiçon of the colledge at Cambridge calls for supply, doe order, that Cambridge rate for this yeare, now to be collected, be pajd into the steward of the colledge, for the discharge of any debt due from the countrje to the sajd colledge; and if there be any

ouerplus, to be and remajne as the colledge stocke ; and for further clearing and settling all matters in the colledge in reference to the yearely maintenance of the præident, ffellowes, and necessary officers thereof, and repaying the howses, that so yearely complaints may be prevented, and a certajne way settled for the due encouragement of all persons concerned in that worke, doe hereby appointe M^r Increase Nowell, Cap^t Daniell Gookin, Cap^t Jn^o Leueret, Cap^t Edward Jn^oson, and M^r Edward Jackson, or any three of them, to be a comittee to examine the state of the colledge in all respects, as hereafter is expressed, M^r Nowell to giue notice of the time and place of meeting. 1. First, to take accompt of all the incomes of the colledge proffitts arising due to the officers thereof, either by giufts, reueneues, studdjes, rents, tuitions, comencements, or any other proffitts arising due from tyme to tyme, as neere as may be, since the præident vndertooke the worke.

2. To examine what hath binn paid and disbursed, either for buildings, repayings, or otherwise, paid and received annually for the maintenance of the præident, ffellowes, and other officers thereof.

*3. To consider what hath binn yearely received by the præident out of any of the incomes and proffitts, for his oune vse and majntenance, (as neere as conveniently may be,) euer since he came to the place of præident ; also what allowance yearely haue binn made to the ffellowes and other officers.

4. To weigh and consider what maybe fit for an honorable and comfortable allowance annually, for the præident, heretofore and for the future, and how it may be paid heereafter.

5. To consider what nounge of ffellowes may be necessary for carying on the worke in the said colledge, and what yearely allowance they shall haue, and how to be paid.

6. To direct some way how the necessary officers, as steward, butler, and cooke, maybe provided for, that so the schollers comons may not be so short as they now are occasioned thereby.

7. To take cognizance of all and euery matter or thing concerning the said colledge, in reference to the welfare thereof in outward things, and to present a way how to regulate and rectify any thing that is out of order.

8. To examine what somes haue binn, and of late are, promised by seuerall tounes and persons for the vse of the colledge, and to giue order for the collectjon thereof, and propose a way how such monjes may be improved for the best bennefitt of that society for the future ; and this comittee are heereby authorized wth full power to act in all the premises, and to make retourne of

1653.

10 September.

[*158.]

1653.

10 September.

Vide p^a 165.p^a 206.p^a 26.Ans^r to Mr
Newgats
petiçon.

what they doe to the next Court of Election, to be confirmed, if they shall judge meete.

In ans^r to the petition of M^r John Newgate, the Court declares, that what euer goods of the petiçoners were intermixed wth his sonnes, and managed by him, and legally forfeited through his default, is but just that the lawe take place, especially it being donne in such a season as it was; but if the petiçoner haue had any of his goods taken illegally out of his warehouse, or otherwise, he may haue his remedy against those that haue donne him wrong, in a legall way.

Ans^r to capt^l of
y^e Castles mo-
çon.

In answer to the request of Cap^t Richard Davenport, itt is ordered, that the Treasurer shall satisfy and pay the secretary, Edward Rawson, for the barrell of powder he had of him, & was spent at the interring of Thomas Dudley, Esq^r, both for price and pay, according to a former agreement made with the secretary, out of this next countrje rate now levyng.

Courts graunt
of lands to M^r
Bradstreet &
M^r Symons.

This Court doth graunt to M^r Symon Bradstreet and M^r Samuel Symonds five hundred acres of land apeece, to be lajd out to them when they shall present the place, according to lawe, free from other graunts; and is in refer-
ence to their service donne for the countrje at Yorke, Kittery, &c.

The comission graunted to the Court at Springfeild by this Court is renewed for one yeare more.

Itt is ordered, that the servants of both howses shall haue twenty shillings allowed them each howse for their attendance on the Courte.

[*159.]

Who to keepe
y^e County
Courts at Nor-
folke.Comitte to
pvse y^e lawes.

*Itt is ordered, that Cap^t Thō Wiggin and Major Gennerall Dennison, wth M^r Duñer and M^r Cleoments, associates for the county of Norfolke, shall keepe the next County Courts at Hampton and Salisbury for this yeere.

Itt is ordered, that the Deputy Gouernor, M^r Hibbins, M^r Glouer, and the secretary, M^r Hills, or any two of them wth the secretary, shall be a comitte to examine the lawes that past this Court.

Old booke to
be transcribed.

Itt is ordered, that the secretary shall take care that the old booke of reccords shall be fairely written out, for which he shall haue satisfacçon by the page, as the Court allowes.

Comissioners
expences at
Wells, &c,
allowed.

A bill of charges for the expences of the comissioners going to and coming from Wells, &c, in July last, being presented to this Court, of twenty eight pounds thirteene shillings & three pence, the Court allowes thereof, and orders the Treasurer to make satisfacçon for the same out of the next levy, it being for mony lajd out.

**Att a Gennerall Court of Elecçions, held at Boston, the 3d of* 1654.
May, 1654.

3 May.

[*160.]

RICH: BELLINGHAM, Esq̄, was chosen Goũn^r, & tooke his oath accordingly.

Jn^o Endecott, Esq̄, was chosen Depu^t Goũr, & tooke his oath accordingly.

Mr Increase Nowell,

Mr Symon Bradstreete,

Mr W^m Hibbins,

Mr Samuel Symonds,

Cap^t Robert Bridges,

Cap^t Th^o Wiggins,

Cap^t Daniell Gookin,

Major Daniell Dennison,

Major Symon Willard,

Cap^t Humphry Atherton,

} were chosen Asistants, and tooke their oaths.

Mr Edward Rawson was chosen Secretary.

Mr Richard Russell was chosen Treasurer.

Mr Symon Bradstreet,

Cap^t W^m Hawthorne,

} were chosen Commissioners for the Collonjes.

Major Dennison & y^e Dep^t Goũno^r, in reserve.

The names of such as were returned from the severall townes to serve at this Gennerall Court as Deputjes are as followeth: —

Salem: Mr W^m Broune, Mr Henry Bartholmew.

Charles To^w: Mr Rich Russell, Cap^t Francis Norton.

Dorchester: Lef^t Roger Clap, Mr Jn^o Wisewall.

Boston: Cap^t Th^o Sauage, Cap^t Th^o Clarke.

Roxbury: Mr W^m Parks, Mr Phillip Elliot.

Water Toune: Mr Rich Broune, Mr Ephrajm Child.

Lynn: James Aixey.

Cambridge: Mr Edw: Collins, Mr Edw: Jackson.

Ipswich: Mr George Gittings, Mr Joseph Metcalfe.

Newbery: Mr Jn^o Saunders.

Weimouth: Th^o Dyer.

Hingham: Cap^t Josh Hubbard, Ensiĝ Je^r Houchin.

Coneord: Major Symon Willard.

Dedham: Cap^t Eliazer Lusher.

Salisbury: Thomas Masy.

1654.

3 May.

Hampten: Anthony Stanjon.
 Rowley: Joseph Jewett, Maximilljan Jewett.
 Sudbury: Edmond Rice.
 Brauntry: Samuel Basse.
 Douer: Cap̃ Rich Waldernes, Mr Vallentjne Hill.
 Portsmouth: Cap̃ Brjan Pendleton.
 Woobourne: Cap̃ Edward Johnson.
 Wenham: Mr Charles Gott.
 Hauerill: Mr Jn^o Cleoments.
 Malden: Mr Joseph Hills.
 Kittery: Lef̃ Jn^o Wincoll.
 Yorke: Mr Edw: Rushworth.
 Wells: Hugh Gummison.

Mr Richard Russell was chosen Speaker for this session.

[*161.]
 The lawes to
 be printed.

*Itt is ordered by this Court, that henceforth the secretary shall, within tenn dajes after this present sessions, and so from tyme to tyme, deliuer a copie of all lawes that are to be published vnto the president, or printer, who shall forthwith make an jmpression thereof, to the noubner of five, six, or seven hundred, as the Court shall order; all which coppies the Treasurer shall take of and pay for in wheate, or otherwise, to content, for the noubner of five hundred, after the rate of one penny a sheete, or eight shillings a hundred for five hundred sheetes of a sorte, for so many sheetes as the bookes shall contejne; and the Treasurer shall distribut the bookes, to enery magistrate one, to enery Court one, to the secretary one, to each toune where no magistrate dwells one, and the rest amongst the townes that beare publicke charge wth the jurisdiction, according to the noubner of freemen in each toune; and the order that jnageth the secretary to transcribe coppies for the townes and others is in that respect repealed, this Court allowing him tenn pounds this yeere only, in respect of w^t bennefit heereby is wthdrawne from him.

Coūittee about
 the lawes.

And it is further ordered, that Mr Samuel Symonds, Major Dennison, & Mr Joseph Hills shall examine, compare, reconcile, and place together, in good order, all former lawes, both printed and written, and make fitt titles and tables for ready recourse to any particular contained in them, and to present the same vnto the next Court of Elecōn, to be considered of, that so order maybe taken for the printing of them together in one booke, whereby they be more vsefull then now they are or can be.

Education of
 youths.

Forasmuch as it greatly concernes the welfare of this countrie that the youth thereof be educated, not only in good litterature, but sound doctryne,

this Court doth therefore comēnd it to the serious consideratjon and speciall care of the ouerseeres of the colledge and the selectmen in the seuerall townes, not to admitt or suffer any such to be contjuewed in the office or place of teaching, educating, or instructing of youth or child in the colledge or schooles that haue manifested themselves vsound in the faith or scandalous in their liues, and not giving due satisfaction according to the rules of Christ.

1654.

3 May.

Vppon observation of many and great inconueniencies by this Courts taking in of petiçōns which are presented from tyme to tyme, not only in the begining but often tymes towards the close of the Court, itt is therefore ordered, by this Court and the authoritje thereof, that from henceforth no petiçōn whatsoeuer shallbe received into the Gennerrall Court, after the first fower dajes of the Court of Election, nor after the first weeke of all other sessions, from tyme to tyme, any lawe or custome to the contrary notwithstanding.

Time of entry
of petiçōns in
y^e Gennerrall
Court.

Itt is ordered, that no pson whatsoeuer in this iurisdicçōn shall henceforth beare or mannage both offices of clarke and marshall in one Court.

Clarke & mar-
shall not to
be in one pson.

Whereas, in the comissions for captajnes of troopes of horse, the capt̃ is subjected to the comānd of the major gennerrall and other superior officers, by ‘superior officers,’ this Court declares to be vnderstood the majors of the seuerall regiments in the respective countjes.

Officers of
horse subjected
to y^e majors of
y^e regiments.

*Forasmuch as the countrje is in debt, no stocke in the treasury, no means at present to raise any, so that workemen cannot be procured to finish the Castle, w^{ch} yett is necessary forthwth to be donne, itt is therefore ordered, that the millitary companjes of the twelve next townes, viz., Hull, Hingham, Weimouth, Braintree, Dedham, Dorchester, Rocksbury, Charles Toune, Cambridge, Water Toune, Maulden, and Woobourne shall, in leiw of their fower next trayning dajes, allow three dajes at the Castle, this so^mer, to be ordered for their tyme of attending that service, place of working, and the nnumbers to be jmployed at one tyme by the comittee for the Castle, viz., Major Edward Gibbens and Capt̃ Humphry Atherton, who, together wth the cheife millitary officer of the company imployed, shall order and direct their seuerall imployments, and that all the rest of the companjes in this iurisdicçōn shall allowe for euery souldjer in their respective companjes fower shillings and sixepence, to be jmployed & improved about or vppon the said Castle, for w^{ch} they shallbe exempted from their fower next trayning dajes, (Boston only to be excepted,) whom this Court concludes will not suffer any of their neighbors to excede or æquallize them in this kinde, they having this spring bestowed & expended much for the fortifying the toune of Boston.

[*169.]
Reparation of
the Castle.

Whereas experienc hath manifested some inconuenience in the interpre-

1654.

3 May.

Difficult cases
proper to y^e cog-
nizance of the
Generall
Court.

taçõn of the lawe, title Appeales, the second printed booke, page 1, wherein it is expressed that all appeales shallbe accompted in the nature of a writt of error, which is vnderstood to intend the revoaking the whole judgment of the former Court, though but a parte of it be found only defective, and so thereby a pson and case, which, in respect of the substance of it, is just and righteous in itselfe, and in the apprehençõn also of the judges appealed vnto doth so appeare, yett maybe cast and condemned, and the nocent party acquitted, to the dishonor of God, reproach of justice, greiving the innocent, and encouraging wrong doers, the Court doth therefore order, that in all cases of appeales the Court appealed vnto shall judge the case according to former evidence, and no other, rectifying what is amisse therein; and where matter of fact is found to agree wth the former Court, and the judgment according to lawe, not to revoake the decree or judgment, but to abate or increase damages as is apprehended to be just, any lawe, custome, or vsage to the contrary notwithstanding.

Forasmuch as dayly experience tells vs that the proceedings of this Courte are constantly obstructed through the introducing of seuerall particullar cases of a private nature, the worke of this Courte being properly to attend matters of a more publicque concernment, this Court doth therefore order, that no Court shall transferr the cases coming before them, *propper to the cognizance of such a Court, whither they are civill or crjminall; but if there be difficulty in any case, the Court shall state the quæstion, leaving out the partjes names, and bring it to the Generall Court, where it maybe resolved; and the Court or Courts that shall so state difficult cases shall suspend their judgment of the case till the Court doth meete againe; which Court, vpon the resolution of the Generall Court, may proceed to judgment or sentence.

[*163.]

All dues be-
longing to y^e
county to be
entred into a
booke.

All fines jm-
posed by ma-
gis^{ts} or comi-
sion^{rs} to be p^d
into the county
treasury.

For the better settling of all county charges and proffits, that all com-
plajnts in that kinde maybe remooved, itt is ordered by this Court and the
authoritje thereof, 1. First, that the recorder or clarke of any County Court
wthin this jurisdicçõn shall enter in a booke of accompts for that county all the
dues arising wthin the cognizance of that County Court, by entring of actions,
fines, or otherwise, and also a true accompt of all the expences of the Court
and the ffes of the officers. 2. That all magistrates and comiissioners that haue
power to jmpose fines wthin the ljmitts of their respective countjes and townes
shall give warrant vnto the marshall of that county, or counstable of that
toun, where such magistrate, or comiissioner, or delinquent shall reside, to
levy such fines as shallbe so imposed, who shall also faithfully pay in the same
to that county Treasurer, and likewise that such magistrate and comiissioner
shall also give in a true transcript of all such fines as they shall, according to
the power comitted to them, impose vpon any person, to the clarke of such

County Court, from tyme to tyme, that so there maye a true accompt kept of all the proffitts & expences arising wthin the county. 3. That the ffreemen of each county shall choose a Tresurer for their county annually, vpon the last third day of June, from tyme to tyme, in their seuerall townes wthin this iurisdic^on, and that by proxie, sealed vp, as is vsuall in the choice of other officers, and that the sajd proxies, so sealed, shall be sent by a com^{is}sioner, chosen for that end, to each sheire toune the next day following, there to be opened before some magistrate, if dwelling there, or in defect thereof before the three com^{is}sioners for the sajd toune, who shall and hereby are injoynd to signify to the seueral townes who is chosen.

1654.

3 May.
Choice of
county
Treasurers.

4. That the clarke of the County Court, wthin fowerteene dajes after euery Court, shall deliuer to the Tresurer of each county a true transcript out of his booke of all fynes and dues payable to the county.

Clarks to cer-
tify y^e Treasu-
rers of all fines
wthin 14 dajes.

That all the charges of County Courts and sheire com^{is}sioners, wth all other peculiar county charges, shall be paid by the county Tresurer, excepting the twenty pounds due to the majo^{rs} of the county for the yeare of his publicke exercise, which the countrje Tresurer shall pay as heeretofore.

All charges of
County Courts
to be defrajed
by the county.

6. That the county Tresurer shall once euery yeere present his accompt to the County Court, and if there be not enough in his hand to sattisfy the charges aforesajd, peculiar to the county, the County Court shall give him a warrant for the levying the areares of the county vpon the whole county, by a county rate to be leyed vpon each toune and pson, except such as are rate free, in proportion wth the countrje rate next before going, and to be gathered by the counstable of each toune, who is heereby injoynd to attend the same.

County
Treasurers to
give annuall
accompts.

*7. That all fines and dues any otherwise arising wthin the cognizance of the Genmerall Court or Court of Asistants, the secretary or clarke of the Court shall in like manner retourne a true transcript thereof to the auditor genmerall, to be paid into the countrje Tresurer.

[*164.]

All fines im-
posed to be cer-
tified to the
auditor genn^l.

That the countrje Tresurer shall sattisfy all the charge arising wthin the cognizance of the Genmerall Court and Court of Asistants that is not yett determined by any former lawe.

9. That euery Tresurer, whither for the countrje or county, wthin one weeke after the receipt of a transcript of any fine or p^ænaltje, payable to his office, shall direct his warrant to the marshall of that countje, or any counstable, for the levying thereof.

Fines to be
leyed wthin
one weeke.

That no officers, whither secretary, treasurer, recorder, marshall, or counstable, neglect his duty, heereby enjoyed, vpon p^ænaltje of making good of all the damage that shall come thereby.

P^ænaltje of
officers neglect.

1654.

3 May.
Treasurers
fees.

That the countrie Treasurer, and each county Treasurer, for his pajes and service in collecting and paying in their respective places, shallbe ratefree, both in countrie and countje rates, and take one shilling in the pound for all fines received by him.

Charles Toune
Court dayes.

Vppon information of the great inconviencjes to diuerse inhabitants, by meanes of the vnseasonable weather that vsually hath attended the tyme of the Court at Charles Toune, itt is ordered by this Court, that henceforth the Court dajes at Charles Toune appointed in January shallbe on the third day of the last weeke in December, from tyme to tyme, any thing in the sajd order notwthstanding.

Co^mittee of
militja^s
powers to sup-
presse levyng
of souldjers,
&c.

Vppon occasion of a question concerning the power of co^mittes of militja in the seuerall townes, constituted 27 of May, 1652, itt is by this Court declared, that the co^mittee of militia in the seuerall townes hath power to suppress all raising of souldjers but such as shallbe by authoritje of this government.

Further tyme to
audit the
Treasurers
accompts.

There being a co^mittee appointed the last yeere for the auditing of the Treasurers accompts, which is not yett effected, by reason the counstable of the seuerall townes haue not yett cleared their respective rates, itt is therefore ordered, that further time shall be given for auditing the sajd accompts, vntill what is yett remayning vn^paid from the countrie be brought in, provided it be done before the next session of this Court, and a due retourne made of the same at their next sitting.

Ans^r to Maha-
laljell Mun-
nings peti^on.

In ans^r to the peti^on of Mahalalel Munnings, attorney for his father, Edmond Munings, the Court judgeth meete that the wharfe of George Halsall, wthall the rights and priuiledges therevnto belonging, be deliuered into the hands of the sajd Mahalaljell Munnings by the marshall, vntill the whole execution of thirty seven pounds odd mony be fully satisfied out of the proffitts of the sajd wharfe, together wthall damages and forbearance, according to lawe, or the sajd Halsall shall take some other way for the satisfaction of the debt.

Itt is ordered, that the fifth day of this month be sett apart for the hearing of all ciuill or criminall ^{ca} wherein the Magist^s & jury did not agree.

[*165.]

Courts appba-
tjon of y^e
co^mittes re-
tourne con^o y^e
colledge.

*The Court, on p^rvsall of the retourne of the co^mittee appointed to consider of colledge buisenes, doe judge that the tenn pounds brought in vppon accompt by the president of the colledge, for his care and pajes for these twelve yeeres last past, in looking after the affaires of the colledge, in respect of building, repayring, or otherwise, be respitted till this Court take further order therein; and that the contributions and subscriptions lately given in, or which shall heereafter be given in by seuerall townes and persons, together wth all other stocke appertayning to the colledge, shallbe co^mitted to the care and trust of the ouerseeres of the sajd colledge, who haue heereby power to

give order to the treasurer of the colledge to collect the seuerall subscriptions & contributions which are or shall be hereafter due from tyme to tyme; and in case of non-pajment thereof, that it be secured by the seuerall townes and psons, so long as it shall remaine vnpajd, and the produce of it to be pajd to the sajd Treasurer, and to be for the maintenance of the president and ffel- lowes, and other necessary charges of the colledge, and the seuerall yeerely allowance of the sajd president & ffelwes to be proportioned as the sajd ouer- seers shall determine concerning the same.

1654.

3 May.

In ans^r to the petiçõn of M^r Jn^o Mauricke, the Court, on the pvsall of the evidences of Moses Mauricke & George Coruin, that howeuer the bill of sale runns in the name of James Astwood, yet it was only in trust for the vse of Jane Mauricke, wife of the sajd Jn^o, doe therefore judge it meete to im- power W^m Phillips to cancell that deed, and orders the recorder of the county to reverse the record of it; and further orders the sajd W^m Phillips, having been pajd for the howse & land in y^e petiçõn mençõned, to make a firme deed of sale thereof to the sajd Jn^o Mauricke and his heires foreuer, according to lawe.

Ans^r to Jn^o
Maurickes
petiçõn.

In ans^r to the petiçõn of the inhabitants of Hampten, the Court doth de- clare, though they are not willing to recall those vnecomfortable differences that formerly passed betwixt this Court and M^r Wheelwright concerning mat- ters of religion or practise, nor doe they know w^t M^r Rutherford or M^r Wells hath charged him wth, yett judge meete to certify that M^r Wheelwright hath long since given such satisfaction both to the Court and elders generally as that he is now, and so for many yeares haue bin, an officer in the church of Hampten, wthin our iurisdicçõn, and that wthout offence to any, so farre as wee know, and where, as wee are informed, he hath bin an vsefull and profitfull instrument of doing much good in that church.

Courts ans^r to
Hampton pet.
respect M^r
Wheelwright.

In ans^r to the petiçõn of Anthony Fisher, desiring the remittment of y^e fine y^e law imposeth on him for his neglect of seasonable bringing in the votes of Dedham to y^e sheire toune, it not being wilfull, the Court judgeth it meete to abate all y^t fine, excepting twenty shillings, besides the pajment of ten shillings for his petiçõn.

Ans^r to
Antho Fishers
pet.

In ans^r to the petiçõn of y^e selectmen of Watertoune, as also of the pe- tiçõn of Xtopher Graunt & other inhabitants, the Court doth order and ap- pointe Major Simon Willard, M^r Edward Jackson, & M^r Thomas Danforth, as comissioners, to meete at Watertoune, wth full power to heare, consider, and determine the matters in difference betweene the partjes mençõned in the pe- tiçõns, and to set such order therein as to them shall seeme just and æquall, and make retourne of their order or agreement therein vnto the next sessions of this Court.

Ans^r to Water-
Toune peti-
çõns.

1654.

12 May.

[*166.]

12:3:

Contradicentes to y^e judgment: Ri. Bel-
lingham, Esq^r,
Goff; Increase
Nowell, W^m
Hibbins, Rob^t
Bridges, Tho.
Wiggin, Dan-
iell Gookin,
Humphry
Atherton,
Rich. Russell,
Tho. Sanage,
Rog^er Clap,
Tho. Macy,
Rich. Broune,
Edw. Rush-
worth, Eph^r
Child, Tho.
Clarke, W^m
Parks.

*In ans^r to the complajnt of Robert Lord, marshall of Ipswich, presented to this Court in reference to the levying of an execution graunted at Ipswich Court to M^r Jn^o Gyfford, against the estate of M^r Jn^o Becks & Company, of the iron works, the whole Court, voating together, did determine and resolve, that Robert Lord, marshall of Ipswich, did proccede legally in levying the personall estate of M^r Henry Webb, of Boston, by virtue of his execution.

In the case of Robert Lord, marshall, & Jn^o Merrjan, in reference to the land sometjmes Nathaniell Boulters, w^{ch} came to the Gemmerall Courts cognizance by course, the Magist^s not receiving the verdict of the jury, the Court doth judge that the marshalls execution, and that by virtue thereof his interest on the behalf of the countrje, was legall, and doe therefore declare, that all former judgments in any Court ought to be reversed, and the title of the sajd Marjan shall be made good. The Court graunted Robert Lord his bill of costs, being three pounds five shillings & 4^d.

The Court, vppon hearing of the case betweene Robert Lord, marshall, and M^r Webb, vppon the question, whither M^r Webb be such an owner or vndertaker of the iron workes as makes his pson or psonall estate ljable to the judgment of Ipswich Court against the sajd owners or vndertakers, the Court voted it on the negative.

14:3, 54.

Cap^t Jn^{os}ons
comission to
marry, &c.

In ans^r to the request of the inhabitants of Woobourne, Cap^t Edward Johnson is appointed & impowred to marry such at Woobourne as shall be duely published, & otherwise fitt to joyne in marriage, according to lawe.

Left. Pomfretts
comissio.

In ans^r to the request of the inhabitants of Douer, Left^t W^m Pomfrett is appointed and authorized to marry such at Douer as shallbe duely published, & otherwise fitt to joyne in marriage, according to lawe.

M^r Parks power
con^c M^r Ast-
woods estate.

Whereas M^r W^m Parkes was appointed by a County Courte to be administrator to the estate of James Astwood, (his widdow refusing the same,) did, by order of the sajd Court, make sale of all the howses and lands the sajd James Astwood died heere possessed of, to pay the credito^{rs}, vppon his request to this Court, it is ordered, that his sajd acts heerein shall be good in lawe, and is heereby confirmed and allowed, which shallbe suffieyent securitje for the purchaser of the sajd howses and lands.

Joseph Jewet
& Left^t Rim-
ington to lay
out Major Den-
nisons farme.

In ans^r to y^e request of Major Daniell Dennison, itt is ordered, that M^r Joseph Jewett, Leftemant Jn^o Rimington, and Ensigne Howlett, or any two of them, shall and hereby are appointed and impowred to lay out the sixe hundred acres of land this Court graunted to y^e sd Major Dennison, in y^e yeere 1651, to him or his assignes, adjoyning to the westerly bounds of Rowley.

In ans^r to y^e peti^con of W^m Mills, desiring the remittment of the fine

the lawe imposeth on him for giving votes for the Gouverno^r, on his acknowledgment of his fault, the Court judgeth it meet to abate him the one half thereof, viz., five pounds.

1654.

14 May.

W^m Mills to pay 5^s for giving in votes for y^e Govern^r.

[*167.]

Lancaster bonds to be laid out.

*In ans^r to the petiçõn of the inhabittants of Lancaster, itt is ordered, that the inhabitants of Lancaster haue those libertjes of a towneship that the lawes allow, vntill the Gennerrall Court take further order therein; and that Lef^t Goodenow and M^r Thomas Danforth lay out the bounds of the sajd toune according to the Courts graunt, at the townes charge, and make retourne thereof vnto the next Court of Election.

In ans^r to the petiçõn of W^m Page, of Watertoune, desiring that the lands he purchased of Susan Simson, now Parkhurst, w^{ch} he hath satisfied for long since, for the releiveing of the s^d Susan & hir children, during hir widdowhood, itt is ordered, that a deede of sale be made according to lawe of the land, in y^t petiçõn expressed; and that George Parkhurst & Susan, his wife, signe & acknowledg the same, and that the sajd deede be recorded, which donne, shallbe a suffieyent assurance vnto the petiçõner.

Page his assurance.

In ans^r to a petiçõn of Hugh Gunnison, and the case respecting him and Cap^t Shapleigh and the late Court at Yorke, itt is ordered and hereby declared, that all Hugh Gunnisons goods shallbe returned to him, taken away by execution or replevin, at Cap^t Shapleighs suite, and the damage and costs shall be made good, according to the judgment of Cap^t Richard Walderne and M^r Valentjue Hill; if they cannot agree, they are to choose a thirdman, and then to determine it; and that any person concerned in any civill action issued in the sajd Court shall haue libertje of appeale as well as if it had bin made in Court, provided they give in their reasons as the law requires, and giue sixe dajes su^mons to the aduerse p^{ty}; and all proceedings in criminall cases shall stand firme, aequall to the acts of all other Courts of judicature of like power, any exception whatsoever, made or to be made, against the sajd Court or the proceedings thereof notwithstanding; and that the county of Yorke shall beare the charges of that Court.

Courts judgment in M^r Gunnisons & Cap^t Shapleighs case.

In the case about Cap^t Jacobsons bark, w^{ch} was refered by y^e County Court to this Courts determination, after the Court had vejwed the evidences itt was put to the question, whither the sajd barke be forfeited by our law for trading with the Dutch, and not giving caution to the secretary on her sayling from thence; itt was resolved on the affirmatiue.

Capt. Jacobsons bark forfeited.

The Court, having read and duely considered of the seuerall papers and letters presented to them in reference to the prizemen, doe not judge meete to put a finall issue to the case for present, in regard they are in expectation of further information in the same, both from England and Berbadoes, and doe

Courts judgment in the case of the prisemen.

1654.

14 May.

therefore judge, that vpon the tender of a thowsand pounds a peece securitje, to such as the magistrates shall appointe, to ans^r what shallbe objected against them before the counsell or Gennerall Court, when they shallbe therevnto required, they may then be free from their imprisonment ; this securitje to contjnew till this Court or the counsell shall take further order therein.

Answer to
Hamptons
petiçon.

In ans^r to the petiçon of the toune of Hampton, the Court, vnderstanding that the case is depending by way of appeale vnto the Court of Assistants, judge meete that it be left therevnto.

16 May.

Indians land
confirmed to
Tho. Danforth.

This Court allowes y^e Indians deed of sale of y^e land formerly given them by this Court vnto Thomas Danforth, being eighty acres, as in y^e deed appeareth, date 16: 3 m^o, 54.

[* 168.]

Dorcas Halls
diuorce.

*In ans^r to the petiçon of Dorcas Hall, desiring a diuorce from hir husband, Jn^o Hall, who is gonn from hir, &c, the Court, finding it fully proved that Jn^o Hall hath voluntarily wthdraune himself from Dorcas, his wife, and contjnewes in his obstinate refusal to cohabit wth hir as his wife, and hath broken the bonds of wedlocke, as by his oune confession, attested by Mr W^m Coddington & W^m Jeofferjes, wth the oath of Lawrence Turner, the Court judgeth it meete, that the sajd Dorcas shallbe, & hereby declares that shee is, legally diuorced from the sajd Jn^o Hall, and is at hir libertye to marry wth any other man.

Ans^r to Jn^o
Chenys
petiçon.

In ans^r to the petiçon of Jn^o Cheny, itt is ordered, that the hearing of the case be referred to that session of the Court which shallbe in the end of summer, the partjes concerned therein not being heere to attend the issue of it now, and that, vpon the request of any in reference to the case, the secretary shall giue warrants to call in any p^tjes or wittnesses which can giue evidence therein.

Halls deed to
White con-
firm'd.

In ans^r to the petiçon of Jn^o Hull & Margaret, his wife, there being sufficjent testimony appearing to the Court that the evidences of the land mençoned in his petiçon, sold to Jn^o White, were by providence of God burned, the Court judgeth it meete, that the deede of sale for the house and land shallbe made good, & by this Court confirmed vnto the sajd John White and his heires for euer, according to the desires of the p^{so}ns concerned therein.

Ans^r to
Lawrence
Smiths
petiçon.

In ans^r to the petiçon of Lawrence Smith, the Court declares, the petiçoner hath his libertje to bring his cause to the County Court or Court of Assistants, if he see meet, judging it not propper to the cognisance of this Court.

Ans^r to
Vnderwoods
petiçon.

In ans^r to the petiçon of James Vnderwood, desiring remittment of y^e fine the Court of Salem imposed on him for living heer wthout his wife, &c,

the Court judgeth it meete to respit the fine, and referr the examination of the testemonjes to Salem Court, who haue heereby power to remitt or abate the fine in whole or in p̄t, as the justice and equity of the case shall require.

1654.

14 May.

In ans^r to the petition of the inhabitants of Rowley, the Court declares, that the petioners, as also the inhabitants of Newbery, ought to attend and p̄secute the order of Court concerning pambulation, wherein if the partjes concerned agree not, then the party greived may relieve themselves at the County Court.

Ans^r to Rowley petiçion.

In ans^r to the petiçion of Edward Goffe, itt is ordered, that the Treasurer shall & hereby is desired & impowred to treat wth the sajd Goffe, and audit the accounts, and accordingly give satisfaction for what shall be found due to him.

Ans^r to Edward Goffe petiçion.

In ans^r to the petiçion of Jn^o Ruddoeke, desiring sattisfacçon for his paines & imployment of his horse on y^e countjes service to Conecticott, itt is ordered, that the petiçioner shall haue, vnder the hand of Cap^t Leucrett or Lef^t Davis, what is due to him, and what his bill, being signed by the auditor, it shall be paid by the Treasurer.

Ans^r to Jn^o Ruddocks petiçion.

*In ans^r to the petiçion of the inhabitants of Hauerill, the Court, on hearing of both partjes, doe judge it meete to order and appointe Henry Short, of Newbery, Joseph Jewett, of Rowley, and Jn^o Steevens, of Andevor, as a comiittee to vejw the land, examine the Courts graunts to Hauerill and Salisbury, the agreement of the townes, and the necessary occasions of both partjes in respect to the land mençoned in the petiçion, and to retourne their apphençions thereof to this Court.

[*169.]

Ans^r to Hauerill petiçion.

An account concerning a whale taken at Weimouth being presented to this Courte, itt is referred to the auditor gennerall to pervse the accompt, and examine what is due to the countrje, all charges being deducted, and orders that what vppon examination shallbe found due, the countrje shall haue one third p̄te, the toune of Weimouth another third p̄te, and the finders the other third p̄te.

Order abt y^e whale.

In ans^r to the petiçion of Jn^o Barrell, itt is ordered, that ||Vat|| Jn^o Whitman shall be allowed fower shillings a day for his pajnes & vse of his horse in y^e journey he was implojed in for the countrjes service to the Narrowgansetts, and that Sarjant Barrell & Sarjant Rich Wajte shall be allowed three shillings p̄ each day for their paines in that service, the auditors appointed to take notice of it, that so it may come to an accompt to the collonjes.

Sj^r Barrells & Sj^t Wajts recompence.

In ans^r to the petiçion of Jn^o Ottis, the Court judgeth it meete to remitt all the fine that was imposed on the petiçioner, except thirty shillings, twenty whereof to belong to the countrje, and tenn to the counstable, so as the petiçioner,

Ans^r to Jn^o Ottis petiçion.

1654.

14 May.

on a Lords day after exercise, or on some publicke assembling of the congregation, make like full acknowledgment of his miscarriage, as he hath in this petiçõn, by word or writing; or otherwise, shall pay wthin one sixe weekes five pounds, a fine to the countrje.

Tho. Robbins
refer'd to
Salem Court.

Itt is ordered, that Thomas Robbins, bound to this Court & comitted to the marshall, shallbe referred to the County Court of Salem, to be trjed for his entertayning of two of the prise prisoners after their escape out of Boston prison, for five dajes, that so such obstructors of justice may not be encouraged for future tjmes.

Ans^r to M^r
Elljotts peti-
çõn in refer-
enç to the
Indjans.
Nashoba, &c.

In ans^r to the petiçõn of M^r Jn^o Elliott, on behalf of seuerall Indians, the Court graunts his request, viz., liberty for the inhabitants of Nashop & to the inhabitants of Ogkoonquonkanus, and also to the inhabitants of Hasnem-esuchoth, to erect seuerall Indjan townes in the places propounded, wth convenjent accomodaçõn to each, provided they p̄judice not any former graunts; nor shall they dispose of it wthout leave first had & obtajned from this Court.

Ans^r to W^m
Wakes peti-
çõn, 5th to be
p^d p^sently.

In ans^r to the petiçõn of W^m Wake, desiring the remittment of the fine imposed on him for not going home to his wife, itt is ordered, that all his fine shall be abated him to five pounds, which he shall pay forthwith.

Ans^r to M^{rs}
Stoughtons
petiçõn.

In ans^r to the petiçõn of M^{rs} Elizabeth Staughton, the Court judgeth it meet that in regard the riuer at Naponsett is hard and passable for horse or cart to passe through, the petiçõner be injoynd only to make and maintajne a good floote bridge wth a good rajle to it, ouer the sajd riuer, any former engagement notwthstanding.

[*170.]

M^r Symonds
lands, 89th
ackers, to be
lajd out, &c.

*Whereas this Court hath graunted vnto M^r Samuel Symonds five hundred ackers of land the last yeere, & three hundred ackers formerly, wth proviso to sett vp a saw mill wthin seven yeares, as by the records of the Court doth appeare, power is heereby giuen to John Gage, Robert Lord, Jn^o Dane, and M^r Daniell Epps, or any two of them, to lay out the same in some free place beyond Merremacke Riuer, provided no part thereof shallbe wthin five miles of the meeting howse of Exiter. And it is further ordered, that if the sajd Samuell shall rather desire to haue his land lajd out by or neere vnto Major Dennisons land, which this Court hath ordered to be lajd out by Ensigne Howlett, Joseph Jewet, and Lef^t Rimington, or any two of them, power is heereby given vnto the sajd comissioners to lay out his full quantity there, or so much of it as he thinks meete; and the proviso conç the saw mill is taken of.

Ans^r to Greys
petiçõn.

In ans^r to the petiçõn of Jn^o Gray, gunner at the Castle, the Court judgeth it mcete to allow the petiçõner, for his service in that place for the time past, at the rate of twenty pounds p annū, and leave it to the cap^t of the

Castle, for the future, to make an agreement wth a gunner, so that it exceede not twenty pounds p annū.

1654.

In ans^r to the petiçōns of y^e widow Elethrop, Hugh Smith, and Jn^o Pickerd, the Court, on a hearing of the case, and other considerations, doe graunt the probate of the will of Thomas Ellethrope vnto the psons named in the will, provided they give securitje unto this Court that in reference to the power mençōned in the sajd will, that the eldest sonne shall haue twenty eight pounds, and the three youngest children twenty pounds a peece, there being so much cleere estate remayning after the widdowes thirty pounds and all debts hitherto appearing deducted ; but if the cleere estate shall rise to more or fall short of one hundred and twenty pounds cleere estate, then it to be æqually distributed amongst the fower children.

14 May.
Ans^r to widdow
Ellethrope &
Jn^o Pickers &
petiç.

Whereas wee haue certajne intelligence that seuerall shippes are on the sea, coming to vs, whom we haue cause to looke at as our freinds, & therefore, though they should come in together, (w^{ch}, were they not freinds, might justly occasion the capt^r of the Castle to giue the signall for raysing an alarmm,) itt is therefore ordered by this Court, that the capt^r of the Castle be alwayes in a readjnes to man out a boate for discouery of any such ships as may appeare in due tjme, and vppon certajne knowledge that they are freinds, then to forbear to give the signall of alarmm ; but if otherwise, to act according to his comission, any thing in any former lawe to the contrary notwth-standing.

Order to y^e
capt. of y^e
Castle, respect.
giving notice
conç^r y^e shippes,
&c.

*The pouder formerly graunted to Charles Tounce in the yeere 1650, in reference to saluting of shippes, itt is ordered, shallbe deliuered vnto Cap^t Frauncis Norton, in steede of Majo^r Sedjuke, who is absent.

[*171.]

Powder gr^{td} to
Charls Tounce
to salut shippes.

The Magis^{ts}, not receiving the verdict of the jury in the case of Daniell Gunne & Alise Cheater, on suspition of adultery, it came of course to this Court to be determined. The Court, on pvsall of the deposiçōns in the case, and examination of the sajd Alise Chater, now accused for comitting of adultery wth Daniell Gunne, they doe not find them to be guilty of the fact according to lawe ; but finding hir guilty of much shamefull and vnchast behaviour, sentence hir to be seriously admonished, and to stand tjed [^] the whipping post, at least one hower, and then discharge hir, that shee may repaier home to hir husband ; and that the s^d Gunne, when he is recouered, & is capable of it, shallbe whipt. The Court, vnderstanding that there is some hope of cure for y^e sajd Gunne, who, thō he hath binn very sinfull in his life, and now a miserable object, yett judge y^t C^histian charitje should be extended by the countrje for his preservation, doe order, that M^r Lunerus be

Courts judg-
m^t in
Gunn &
Chaters case.

1654.

14 May.
Courts judg-
ment to bring
Edw. Colcord
to a triall, &c.

implojed for his cure, and satisfied by the Treasurer for the present, and after wards the charge to be cast on such as this Court shall determine.

The Court having received severall informations of many grosse and abusive miscarriages of Edward Colcord, in a seeming way of fraud, which (if proved as intended) ought to be duely & tjmely wittnessed against, and meete punishment inflicted, and because this Court would not be wanting the vse of all due meanes for the discoverje of such vile practises, itt is ordered, that the secretary shall forthwith graunt out attachment against the sajd Edward Colcord in the sum of fifty pounds, binding him to be responsall to the next County Court at Hampton for such miscarriages as is wthin mençõned, and shall then be proved against him; and for that end this Court doth heereby appointe and impower the recorder of the County Court at Hampton, by warrant, to send for all such partjes as haue proffered to proove the wthin mençõned abuses of Edward Colcord, and such other as he shall be informed of cann come in & testify against the sajd Colcord; and in case that Court cannot reach to due punishment, then to make their retourne to the next Court of Assistants of what they shall finde, that so due justice may be administered.

Courts ans^r to
Hampton,
Salisbury,
Newbery,
Haverill, &
Andevor peti-
çõn.

In ans^r to the petiçõn of Hampton, Salisbury, Newbery, Haverill, & Andevor, subscribed by severall in each toune, this Court cannot but deeply resent that so many psons of severall townes, condiçõns, & relations, should combjne together to p^rsent such an vnjust & vnreasonable request as the revoaking the sentance past the last Court, ag^t Lef^t Rob^t Pike, & the restoring of him to his former libertje, wthout any petiçõn of his oune, or least acknowledgment of his great offence, fully prooved against him, which was no lesse then defaming this Court, and charging them wth breach of oath, &c, w^{ch} the petiçõners call some words lett fall by occasion. The Court doth therefore order in this extraordinary case, that M^r Bradstreet for Haverill & Andevor, Cap^t Wiggins for Hampton, Cap^t Gerrish & Nichõ Nojes for Neubery, & M^r Winsly & M^r Bradbury for Salisbury, shall & heereby are appointed com^{is}sioners to call the sajd petiçõners in the severall townes together, or so many of them at a tyme as they shall thinke meete, & require a reason of their vnjust request, & how they came to be induced to subscribe the s^d petiçõn, & so make their retourne to the next sessions, that the Court may consider how to pceed further therein.

[*172.]

*The whole Court mett together to consider & determine at present w^t further to doe in the case betweene the com^{is}sioners for the vndertakers of the iron works & M^r Gyfford. Itt was put to the question, whither this Court will at present heare the case betweene the com^{is}sioners of the iron works & M^r Gyfford; itt was resolved on the negative quæst^õ, whither the

case of the commissioners for the vndertakers of the iron workes & M^r Gyfford, being referred to this Gennerall Court by the County Court, whither this Court will accept of the cawse as referrd or not. The Court resolved on the negative.

1654.

14 May.

Itt is ordered, that the foureth day next come seven night shall be sett apart & kept as a publicke day of humilliation thrõ out our iurisdic̃on. Day of humili-
ation.

Itt is ordered, that the honored Gouvernor, the secretary, Cap^t Clarke, and M^r Hill, or any three of them, shall be a committee to pvse & veiw the laws past this session, according to former order. At the same tyme, it was put to the quæstion, whither the former auditors be desired & impowered by this Court to finish the auditing of all the accompts betweene M^r Gyfford and the commissioners for the iron works, with as much speed as they cann. The Court voted it on the affirmative, and orders, in case of refusal, the County Court to appoint some.

Itt is ordered, that if the seuerall townes shall not wthin one sixe weekes send doune suffieient pay to the secretary for their seuerall proportjions of powder out of this iurisdic̃ons proportion now in his hands to his content in wheate or pease, he shall haue liberty to sell it, and place it to the colonjes accompt, & that the secretary, wth the deput^s of Boston and Charlestowne, shall proportion w^t each toune may have. Secretarys
allowance for
pouder pro-
vided for.

The Court is adjourned to the seventeenth of October next.

A Gennerall Court, held at Boston, 9th of June, 1654, being called by the Gou^{no}r.

THE Gennerall Court having receaved & pervsed a letter from his highnes, Courts ans^r to y^e Lord Protector of the commonwealth of England, Scotland, and Ireland, full of grace and favorable respect to this colony, which they desire to keepe in gratefull remembrance, and shall be ready at all tymes wherein they may wth safety to the libertye of their consciences, publicke peace, & welfare, to their vtmost attend his highnes pleasure, this Court therefore declares, that thõ they vnderstand that this colony is not in such a capacite as may be apprehended to send forth such nnumbers of men as might vigorously asist in that vndertaking, yet doe freely consent, and give libertje to his highnes commissioners, Major Robert Sedgwick and Cap^t Jn^o Leueret, to raise wthin our iurisdic̃on to the nnumber of five hundred voluntires, furnished wthall necessary accomodaçon to asist them in their enterprise against the Dutch, provided the psons be free from legall engagements. letter.

1654.

9 June.

[*173.]

Y^e order respecting agreement wth the printer not to be printed.

Co^mmittee to draw vp ans^r to y^e Protectors letter, &c.

*Vppon conference wth M^r Dunster and the printer, in reference to the imprinting of y^e acts of the Gennerall Court, whereby wee vnderstand some inconveniencjes may acrow to the printer by printing that law w^{ch} recjtes the agreement for printing, itt is therefore ordered, that the sajd lawe be not put forth in print, but kept amongst the written reccords of this Court.

Itt is ordered, that M^r Symon Bradstreete, M^r Samuell Symonds, and Majo^r Daniell Dennison shallbe a co^mittee to drawe vp seuerall letters, to his highnes the Lord Protectors letter, y^e letter for y^e gent^m of y^e corporation, & M^r Winslows, as also to drawe up a narrative, in way of remonstrance, of all matters respecting that which is charged on this Court concerning the breach of the confæderacy, for the vindication of this Courts actjones in such respect. And itt is heereby further ordered, that the place of meeting for the co^missioners shallbe at Ipswich, the twentjeth day of this present June, and the secretary is heereby required either to send or deliuer the originall coppies of all orders and writings that are on reccord, or are in his hands, ptinent to the matters aforesajd, to one of the sajd co^missioners before the sajd tjme. And the co^missioners are heereby desired, when they haue finished the ans^r and narrative above mençoned, to give notice thereof to the Gouverno^r, that so he may call the Gennerall Court to vejw and approve of them, that so they may be sent to England by the first optunitje. Cap^t Hauthorne, y^e Treasurer, M^r Joseph Hills, and Cap^t Johnson are appointed to doe the like, & to haue the like helps; the Treasurer to appoint y^e place of meeting; the time to be y^e third of July next.

Court judgment in y^e prisemens case.

The Court judgeth it not convenient to sitt at this tjme to heare the prisemens case, because it will expend much tjme to reade and heare all writings ptinent in it, and matters not being fully ripe for a hearing vntill the case of the shipp be determined in England, and doe therefore referr it vntil the next sessions of this Court, and, in the meane tjme, that all the sajd psons be released out of prison, vppon their oune bonds, the cheifest of them giving a thousand pounds bond a peece, and the other five hundred pounds bond a peece, provided all their knoune estate be secured in the marshalls hand in the county where it is found, excepting so much as may be for necessary majntenance, and this sequestration to contjnew in force vntill the case concerning the sajd prisemen be fully determined.

This Court ordered a letter to be sent to each jurisdic^õn of our confæderates, which was in ans^r to their letters received in May Court, w^{ch} was donne accordingly, and is in y^e book of letters.

In ans^r to a writing p^sented to this Court by M^r Henry Dunster, wherein, amongst other things, he is pleased to *to* make a resignation of his place as

præsident, this Court doth order, that it shall be left to the care & discretion of the ouerseeres of the colledge to make provision, in case he persist in his resolution more then one month, and informe the ouerseers, for some meete pson to carry an end that worke for the present, and also to act in whateuer necessitje shall call for, vntill the next session of this Court, when wee shallbe better enabled to setle what shall be needfull in all respects in reference to the colledge, and that the ouerseers *will be pleased to make retourn to this Court at that tyme of what they shall doe heerein.

1654.

9 June.

[*174.]

This Court was dissolved 12 June, 1654.

Att a Genmerall Court, called especially by the Governor to receive the Comittees Retourne in reference to an Ans^r to the Lord Protector's Letter & other Letters, begunn y^e 22th August, 1654.

22 August.

ATT which Court senerall letters were agreed vppon as answers to his highnes the Lord Protectors letter, as also to the honored corporation, and to M^r Winslows, all w^{ch} are in the booke of records for letters.

Itt is ordered by this Court and the authoritje thereof, that the lawe made in May, 1653, prohibiting trade with the Dutch, be henceforth repealed.

Trade wth y^e
Dutch at
liberty.

For explication of the order concerning payments, it is by this Court ordered and declared, that all contracts or engagements for money, corne, catle, or fish shall be sattisfied in kinde according to couenant, or, in default of the very kind contracted for, in one of the sajd kinds; provided, that in such cases wherein payment in kinde is not made according to couenant, all just damages shallbe sattisfied, together with the debt, for not paying in kinde according to bargaine; and in no case shall any creditor be forced to take any other cōmoditjes for sattisfaction of his debt, vnless it be according to his contract, but it shallbe lawfull for such creditor to imprison the partje till he make sattisfac̄ōn according to couenant, or to take vppon execution such goods, howses, or lands as shallbe to his sattisfaction, any lawe, custome, or vsage to the contrary notwithstanding.

Lawe for pay-
m^t explained

Itt is ordered by this Court and the authoritje thereof, that no inhabitant of this iurisdic̄ōn, or straunger, shall from henceforth send, carry, or transport out of this iurisdic̄ōn, directly or indirectly, by sea or land, any of the mony that hath binn or shallbe cojnēd wthin this iurisdic̄ōn, except twenty shillings for necessary expenees, on the penalty of confiscation, not only of

1654. such money so coined, but also all the visible estate of him that shall any way be found sending or exporting any of the coine aforesajd, one third whereof shall be to the vse of the informer, or officer, the other two thirds to the countrje. And that this lawe may be duely observed and executed, Peter Oliner and Jn^o Barrell for Boston, Jacob Greene for Charles Toune, George Wiljams and Samuell Archer for Salem, Robert Lord for Ipswich, Henry Rice for Sudbury, Henry Sherborne for Piscataque, and Hercules Haukins for *the Ile of Shoales, are heereby appointed and authorized as serchers, to examine and search all psons, vessells, packes, truncks, chests, boxes, or the like, that shallbe transporting out of this jurisdic^on, and finding any mony, shall seaze the same, and forthwith informe the next magistrate thereof, who shall issue out his warrant for the present seazure of the whole visibile estate of the partje so transporting contrary to this lawe, for the vse of the co^monwealth and partje seazing or informing, as is above exprest. And itt is heereby further declared, that all such masters, marriners, or other persons that shallbe found to be privy or consenting to the exporting of any of the coine aforesajd out of this jurisdic^on, he or they shall, for euery such offence, forfeite the so^me of twenty pounds a peece, to be to the vses aforesajd; and the sajd serchers are to take the oath for searchers, only, insteede of halfe, a third pte to be inserted, and to certify the next magistrate instead of the auditor; and in all other tounes the cunstable are, by their oathes, bound to see to the execution of this order.

22 August.
Peter Oliner
searcher for
money.

Pœnalty for
exporting y^o
countrjes
coine.

Prohibition for
transporting of
sheepe.

No sheepe
vnder 2 year
to be kild by
butchers, on
pœnalty of 20^s.

Whereas this countrje is at this tyme in great streights in respect of cloathing, and the most likeljest way tending to our supply in that respect is the rajsing and keeping of sheepe wthin our jurisdic^on, it is therefore ordered and enacted by this Court and the authoritje thereof, that after the publicatjon heereof, no person or persons whatsoever shall transport any yees or ewe lambes out of this jurisdic^on to any forraigne port or place, vppon the pœnalty of the forfeiture of five pound for euery ewe or yeo lambs so transported, the one fowerth parte to the informer, and the other three parts to the countrje; provided, this order shall not hinder the selling of such sheepe to any of the other collonjes in confœderatjon with vs; they, vppon due notice given by our co^missioners, making a lawe to this purpose, to restrajne transporting of sheepe out of their respective jurisdic^ons. And itt is further ordered by the authoritje aforesajd, that no ramme or weather lambs shall henceforth be killed by any butcher or other person, except by the keepers or masters of sheepe, for their oune particular occasions, vntill they shallbe two yeeres old, on pœnalty of twenty shillings a lambe, the one half to the countrje and the other halfe to the informer, till this Court take further order therein; this order to be

presently published by a drume in the markt place at Boston, and posted vp in some publicke place, which shallbe sufficjent publicatjon in this case. 1654.

Itt is ordered, that no person wthin this jurisdiccōn shall, directly or indirectly, after the first of March next, import any mault into this jurisdiccōn from any part of Europe, or shall buy or receive any brought in by any forreiner from the parts aforesajd, vnder the pœnaltje of twelve pence for every bushell that shallbe so imported, bought, or received, the one halfe to the informer, the other to the comōn treasury. 22 August.
Mault not to
be imported.

The Court also agreed on a letter as an ans^r to the letters sent from Conecticott and New Hanen, w^{ch} is on record in the booke of letters.

*Forasmuch as it highly tendeth to the advancement of the gospel that the ministers thereof be comfortably maintajned, and it being the duty of the civill power to vse all lawfull meanes for the attayning of that end, and that henceforth there may be established a settled encouraging maintenance of ministers in all townes and congregations wthin this jurisdiccōn, this Court doth order, that the County Court in every shire shall, vppon information given them of any defect of any congregation or towneshipp wthin the shire, order and appointe w^t maintenance shallbe allowed to the ministers of that place, and shall issue out warrants to the select men to asseesse, and the comnstable of the sajð toune to collect, the same, and to distrejne the sajð assessm^{nt} vppon such as shall refuse to pay. And it is heereby declared to be our intençōn, that an honor^{ble} allowance be made to the ministrije respecting the abillitje of the places; and if any toune shall finde themselves burdened by the assessment of the County Court, they may complajne to this Court, w^{ch} shall at all tjmes be ready to giue just reliefe to all men. [*176.]
Provision for
ministers
maintainace.

Itt is ordered, y^t all and every of the inhabitants of this jurisdiction that haue any of the books in their custody that haue lately binn brought out of England, vnder the names of Jn^o Reenes & Lodouick Muggleton, who pretend themselves to be the two last wittnesses and prophetts of Jesus Christ, w^{ch} are full of blasphemjes, and shall not bring or send in all such booke now in their custody to the next magistrate, shall forfeite the some of tenn pounds for every such booke that shall be found or knoune to be in the hands of any inhabitant after one months publication heereof, one halfe to the informer and the other to the countrje. Penalty for
keeping Mug
gleton &
Reeves booke.

This Court doth heereby declare and order, that it shallbe in the ljbertye of Cap^t Humphrey Atherton to transport or keepe his sheepe out of this jurisdiction, on Martjns Vinyard or Natuckett, he pforming the lawe now made about sheepe in other respects, on the pœnalty therein exprest. Capt. Atherton's
liberty to
keepe sheepe
&c.

Whereas the Lord our gratjous God hath lately bestowed seuerall pub-

1654. licke mercjes vppon our deare native countrije, in ans^r to his peoples prayers, and therein ourselves haue had a deepe share, the sence whereof wee doubt not lyes vppon the harts of all that love and feare God, ingaging them to a thankfull & publicke acknowledgmt thereof, to the glory of his name, who is the fountajne of all good; the particulars whereof are:—

22 August.
Day of thanks-
giving.

1. The happy vnion & peace made betweene England and the United Pvinces after so sharpe a warre, therein binding vppone peace also.

2. The hopefull establishment of gouernment in our native countrije in that way, and in those of whom wee haue great cause to expect, through the strength of our God, that the Lords kingdome and people willbe *cherrished, the peoples libertjes preserved, and the peace of the nation settled.

[*177.]

Thirdly, the Lords crowning this yeare wth his goodnes, in the blessings of the earth, although the spring was more dry then ordinary, and some threats of great rajnes this harvest.

4^{thly}. That the Lord, in answer to our prayers, hath prevented a threatening warre, and lengthned out our peace. Itt is therefore thought expedient by this Court to sett apart the 28th of the seventh month next as a day of publicke praise and thankfull acknowledgmt for these mercjes, comēding it to all the churches and faithfull in the land, to celebrate the high prajses of our God, and desiring the Lord graciously to affect all our harts wth and in Christ Jesus to accept of this service.

This Court was dissolved 25th of August, 1654.

19 of October,
1654.

Att a Gemmerall Court, held at Boston, the 18th of October, 1654.

| | |
|--|--------------------------------------|
| PRESENT, Rich Bellingham, Esq̄, Goũn ^r , | Cap ^t Robt Bridges, |
| Jn ^o Endecot, Esq̄, Dep ^t Goũ, | Cap ^t Thō Wiggins, |
| M ^r Increase Nowell, | Maj ^r Symon Willard, |
| M ^r Symon Bradstreet, | Cap ^t Humphry Athertō, |
| M ^r Saũ Symons, | & the deputjes retou ^r n. |

Order to prevent
pphanation of
y^e Saboath in
y^e meeting
howse.

WHEREAS experjenc gives vs cause to complayne of much disorder in tyme of publicke ordinances, in the meeting howses, in seuerall congregations in this iurisdicōn, through the vnreucrent carriage and behaviour of diuers young psons, and others, notwithstanding the best meanes that haue binn hitherto vsed in the sajd assembljes for the reformaōn thereof, itt is therefore ordered by this Court and the authoritje thereof, that it shallbe in

the liberty of the officers of the congregation, and the select men of such townes together, to nominate some one or two meete psons to reforme all such disordered persons as shall offend by any misdemenor, either in the congregation or elsewhere, neere about the meeting house, either by serious reproofe, more private or more publicke, or other the like warning, and meete correction of the magistrate or comissioners of that toune judge meete; and wec are not doubtfull but the reuerend elders of the seuerall congregations, according to their wisdome, will so order the tyme of their publicke exercise, that none shall be ordinarily occasioned to breake of from the congregation before the full conclusion of publicke exercise.

Whereas vpon to much expreience, itt is apparent, and also it is much complayned of as a cause of much and just greivance, that the Indians, through the excessive and abusive drinking of wine and strong liequors, are frequently ouercome, and thereby guilty of swynish drunckennes, w^{ch} oftentimes they atayne by some such of the traders as to much affect and regard their oune proffitt, this Court, taking knowledge thereof, and judging it to be their duty not only to beare wittnes against such a sinfull practise amongst the natives, but also to vse such meanes as the Lord putts into their hands to restrayne the same, doe therefore order, and by the authoritje of this Court be it enacted, that no mañer of person whatsoever of this iurisdiction, except such as are in this order expressly named, shall sell, contract, or trucke, directly or indirectly, by themselves or others in their behalfe, either wine or strong liequors of any sorte, kinde, or name, at any time, or vpon any pretence whatsoever, to any Indian or Indians, vpon forfeiture of the some of twenty shillings p pint to the comon treasury, and according to that proportion for all quantitjes more or lesse. And itt is further ordered, by the authoritje aforesajd, that in the county of Suffolke, Mr John Wisewall, of Dorchester, Cap^t Eliazer Lusher, of Dedham; in the county of Midlesex, Thomas Brooke, señ, of Concord, and W^m Condrey, of Reading; in Essex, W^m Moody, of Newbery, and John Fry, of Andevor; in Norfolk, Roger Shawe, *of Hampton, and Henry Palmer, of Hauerhill; in Yorkshire, W^m Pomfrett, of Douer, and Edmond Littlefeild, of Wells, are heereby impowered and ordered to sell wine of any sort and strong liequors to the Indians as to their judgments shall seeme meete and necessary for their reliefe, in just and vrgent occasions, and not otherwise; provided, that the sajd psons so impowered, nor any their assignes, shall sell or deliuer to any one Indian more then one pinte at one tyme, vpon any pretence whatsoever, which persons so named and empowed as abouesajd are advised, and heereby required, so to mannage this case, wherein they are entrusted, wth that care, heedfullnes, and dilligence, that to the vttmost

1654.

18 October.

To prevent
druncknes in
y^e Indjans.Psons licent
to sell wine &
strong liequors
to y^e Indjans.

[*178.]

None to sell
aboue 1 pint
to any one
Indjan.

1654.

18 October.

Judgm^{ts} or execu-
tions not to
be sold.

of their power this sinfull and offencive abuse maybe reformed. Also, itt is ordered, that no person shall be hereafter empowred and intrusted herein, except such only as shall particularly be allowed of by the Gennerall Court.

Whereas there is a great abuse in selling of judgments and executjns, and so altering the propriety of them before they be satisfied, or goods seized, whereby great inconveniencies may arise, as experience hath proved, this Court doth therefore order, that after the end of this session, no person shall sell, alienate, or assigne any judgement or execution whatsoever; and if any shall presume to act contrary to this order, his sale, assignement, or alienation shall be void in lawe, and in case the partje dye after the judgment, before he hath taken out an execution, or before satisfaction be received, his executor or administrator shall take out or renew the execution, as the testator himself might haue donne.

Comissioners
to be inoffen-
cive.

Forasmuch as the three comissioners for smale causes in the seuerall townes wthin this jurisdiction haue great power of judicature, as by seuerall former orders appears, the exercise whereof being of great concernment both to townes and countrje, this Court doth therefore order, and be it heereby enacted, that henceforth there shall be none admitted to be a comissioner for any toune wthin this jurisdiction, but such whose conversacōn are inoffencive, and whose fidelitje to the countrje is sufficijently knoune and approved of by the Countje Courte of that sheire.

Comittee to
take y^e Treas-
urers acco^t.

Itt is ordered, that Cap^t Savage, Cap^t Lusher, and M^r John Wisewall shall be a comittee to examine the Treasurers accounts imēdiately after the breaking vp of this Court, that so the account may be published for the countrjes satisfaction.

The colonjes
revaion.

The Court, having perused and seriously considered the agreement of their comissioners at their last meeting at Hartford, as to the ending of all former differences and offences betwixt this government and the rest of their confederates, doe approve thereof, and consent thereto, professing their resolution to act accordingly, and therefore doe order, that letters be sent to the other three Gennerall Courts, to certefy the same.

[*179.]

4^s 6^d to be
levjed of each
souldjer for re-
paire of y^e
Castle.

*Whereas this Courte, in May last, ordered and appointed each souldjer of seuerall of the townes within this jurisdiction to pay fower shillings sixe pence in leiu of fower trayning dajes, towards the repaire of the Castle, as in that order more fully appears, the Court, finding that worke to be much vnder delayes, for want of some meete person to be appointed for the gathering thereof, or, vppon refusall of payment, to leuy the same by distresse, itt is therefore ordered by the authoritje of this Court, that the counstables of every such toune where their souldiers are to pay shall and heereby are impowred and required forth-

with to demand and receive of euery souldjer in such company the sajd some of fower shillings sixe pence, and, on refusall or neglect, to levy the same by distresse, as in other cases; and they are heereby required speedily to send in what they shall receive vnto Boston, and deliuer it to Major Generall Edward Gibon and Capt Humphrey Atherton, or their assignes, who are appointed a committee to order the sajd repaire of the Castle therewith, the charges and adventure of such pay as shall be so sent to Boston to be allowed out of euery such payment.

1654.

18 October.

Forasmuch as, notwithstanding the great care this Courte hath had, and the lawes made to suppress that swinish sinne of drunkennes, and yett persons addicted to that vice finde out wajes to deceave the lawes provided in that case, for the better preventing thereof itt is ordered by this Courte and the authoritje thereof, that none licensed to sell strong waters, nor any private howse-keeper, shall permitt any person or persons to sitt drinking or tipling strong waters, wine, or strong beere, in their howses; and if any such seller of strong waters, or private house keeper, shall be legally convicted before any Countje Courte, any one magistrate, or Commissioners Courte, such person shall, for the first offence, be fined twenty shillings; and if the partje so convicted be not able to pay his fine, he shall be set on the stockes, where he shall continew one whole howe; and if any such seller of strong waters shallbe convicted as aforesajd of a second offence of the same nature, he shall forfeite his licence, and shall also pay twenty shillings as a fine to the commonwealth; and if any private howsekeeper shallbe convicted as aforesajd of a second offence against this lawe, he shall pay a fine of five pounds; and for the third offence, such person or persons, being so convicted, shall be bound to their good behaviour in twenty pounds bond, wth two sufficient suretjes, or be committed to prison.

Lawe agt
drunkenes in
private howses.

This Court, finding great inconvenience in the vncertaintje of their members and the nnumber thereof, doe therefore order, that from henceforth the counstables of each toun shall retourne the name of the person or persons chosen by the freemen to be deputjes for the Generall Courte, and the tyme for which they are chosen, whither for the first session or the whole yeare; and euery counstable that shall faile in this his duty shall forfeite the some of twenty shillings, to be pajd to the common treasury; and all psous so chosen as aforesajd, accepting thereof, which shall be absent from the howse during the tyme of their sitting, without just grounds, so judged by the house, shall pay twenty shillings a day for euery such default, and the seuerall retournes of each connstable shall be kept on file by the clarke of the Deputjes, vntill the Court be ended.

Connstables to
retourne who
are chosen
deputjes, & for
w^t tyme.

1654.

18 October.

[*180.]

Some recom-
pence to y^e
magistrates.

*Itt is ordered by this Court and the authoritje thereof, that henceforth there shallbe allowed to each of the honored magistrates which are already, or which heereafter shallbe, chosen and attend the service of the country, thirty five pounds p an xum, they bearing their oune charges in such Courts as in the order made in the yeare 1653 is in that case provided, and likewise beare æquall proporçõn of publicke charges with other men in all toun and countrje rates. And further, it is ordered, that, in regard the easterne parts, which beare no charge wth vs, hane some bennefit by the helpe of some of the honored magistrates, that they shallbe lvable to pay in yearely to the countrje Treasurer the so^me of seventeene pounds and tenn shillings towards the charges.

Additional
officers of
Harvard Col-
ledg.

Whereas diuers elders who were ouerseers of the colledg are taken from vs, some by death, and others gonne for England, so that there is at this tyme great need of the helpe of some other elders to supply their places, the Courte doth order, that M^r John Allin, pastor of Dedham, M^r John Norton, who now is teacher at Boston, M^r Samuëll Whiting, and M^r Thomas Cobbett, pastor and teacher at Lynn, shallbe ouerseers of the colledge, to joyne with the rest of the ouerseers for the ordering and disposing of such things as are requisite for the good and welfare thereof, —

Co^mittee about
y^e Castle.

Itt is ordered by this Court and the authoritje thereof, that Major Generall Edward Gibbons, Cap^t Humphry Atherton, Cap^t Thomas Saunge, and Cap^t Thomas Clarke shall hereby be deputed and empoured to be a co^mittee furnished with ffull power to treate and conelude wth Captajne Richard Davenport, or in case he concurr not, wth any other man whom they, or any three of them, shall judge meete for that place, and trust to be captajne at our Castle, and to attend the service therein required by lawe; and the sajd captajne shall hier fower fitt men to be the garrison there, and to pay the sajd souldjers, provided the whole so^me for sallery for the captaine and garrison exceede not one hundred and fifty pounds, and to make their retourne to the next Court of Election.

Muggletons
book to be
burnt.

The Court, being sencible of the great dishonour y^t dayly redounds to the great and sacred name and truths of God, by the many notorious hereticall and blasphemous bookes w^{ch} to frequently flye vp and doune in other parts of the world, and lately haue crept in amongst vs vnder the name of Lodouicke Mungleton and John Reeves, doe therefore order, that as many of those books as are or shallbe in custody shall on the next lecture day be burnt after the lecture, in the markt place, by the executioner, at Boston.

Q^uestion ab^t
defraying
souldjers
charges not
imployd.

Itt being put to the q^uestion, whether the countrjes should be liable to defray the charge of such souldjers as were vnder the late presse, & not jm-
ployed on service, it was resolved on the negative.

*The Court, being sencible of the great charge of the countrje, and therefore not willing to presse vppon them, vnlesse in ease of necessitje, to defray such debts as they know not how to avojd, doe therefore order, that the Treasurer shall send forth his warrants to all townes for a quarter p̄te of the annuall levy, as an additjon to this yeares levy, for defraying the expense of the late expedition.

1654.

18 October.

[* 181.]

1 q^{tr} p^{te} of y^e
annuall rate to
be added.

Whereas wee cannot but acknowledg the great goodnes of God towards his people in this wildernes in raysing vp schooles of learning, and especially the colledge, from whence there hath sprung many vsefull instruments, both in church and com̄on-wealth, both to this and other places, and whereas at present the worke of the colledge haue binn seuerall wajes obstructed, and seemes yett also at present, for want of comfortable mainetenance for the encouragement of a president, this Court taking the same into their serjous consideraçõn, and finding that though many propposicõns haue binn made for a voluntary contribution, yett nothing haue binn hitherto obtained from seuerall p̄sons and townes, although some haue donne very liberally and freely, and fearing lest wee should shew ourselves vngratefull to God, or vnfaithfull to posteritje, if so good a seminary of knowledg and virtue should fall to the ground through any neglect of ours, itt is therefore ordered by this Court and the authoritje thereof, that, besides the proffit of the ferry formerly graunted to the colledg, w^{ch} shall be contjnewed, that there shall be yearly levjed, by additjon to the countrje rate, oñ hundred pounds, to be pajd by the Treasurer of the countrje to the colledg treasurer, for the behoofe and majntenance of the president and fellows, to be distributed betweene the president and fellows according to the determination of the ouerseers of the colledg, and this to continew during the pleasure of the countrje; and itt is heereby ordered, that no man shall stand ingaged to pay his voluntary contributjon that he hath vnderwritt by virtue of this Courts propposicõn, and that such persons as haue already donn voluntarily shall be considered for the same in the countrje rate such a proportion as this addition of one hundred pounds doe add to the rate, to be allowed by the counstable to each person, and by the Treasurer to the counstable.

140th to y^e
president &
fellows of Har
vard Colledg.

Itt is ordered by this Court, that all sorts of corne shall be pajd in the countrje rate for this yeare ensuing, at these prises following, viz.: wheat and barley at five shillings p bushell, rye and pease at fower shillings p bushell, and Indian at three shillings p bushell; and all other things pajd into the countrje shall henceforth be apprised, according to law, as ready mony.

Prize of corne
w^{ch} countrje
rate.

Vppon the examinaton of the accounts of the capt of the Castle for

1654. all receonings for sallerje and otheruise vnto the 29th of the 7th m^o last, 1654, the Court finds to remajne due to the sajd cap^t the some of one hundred ninety three pounds fower shillings, w^{ch} some shall be by bill presented to the auditor gennerrall, and by him signed, and the Treasurer shall make speedy payment thereof out of the countrje rate; and whereas it appeares that there is lost a boate, and a drume spoiled, yet it appearing to the Court that it was not thro^o his neglect, & that he hath binn at further charge then he giue account, the Court dischargeth him of y^t losse, & orders y^e countrje to beare it.

18 October.
193^{li} due to
Capt. Daven-
port.

[*182.] *Whereas the clarke of the Howse of Deputjes is for future tyme to beare the charge of his oune expences for djett and lodging, which, by reason of his remotenes of dwelling, must needs be much, this Court doth therefore order, that from henceforth there shallbe allowed to that officer, for his salary, djett, and lodging, the some of sixteene pounds p annū, to be pajd him yearly by the Treasurer, he giving in just accompt to the auditor gennerrall of all his receipts for petiçōns, w^{ch} he is to take in part of his aforesajd allowance, and this to be in full for whatever hath binn heertofore promised him by this Court, not only for entring the senerall orders and acts of this Courte, but also for transcribing in a booke all forrajgne transactions wth the English or other nations, as also to perfect the p^sent booke he hath in his hands, wthall the orders of the former yeares, since that booke begann.

Deputjes to be
orthodox.

Forasmuch as, according to the present forme of government of this jurisdiction, the safety of the commonwealth, the right administration of justice, the preservation of the peace, and puritje of the churches of Christ therein, vnder God, doth much depend vpon the piety, wisdom, and soundnes of the Generall Court, not only Magistrates, but Deputjes, itt is therefore ordered by this Court and the authoritje thereof, that no man, although a freeman, shallbe accepted as a deputy in the Gennerrall Court that is vnsound in judgment concerning the majne points of Christian religion as they have binn held forth and acknowledged by the genneralitje of the Protestants Orthodoxe writers, or that is scandalous in his conuersation, or that is vnfaithfull to this government; and it is further ordered, that it shall not be lawfull for any freeman to make chojce of any such person as aforesajd that is knoune to himselfe to be vnder such offence or offences before specified, vpon paine or p^oenaltje of five pounds, and that the cases of such persons to be trjed by the whole Generall Court.

Souldjers
vnd^r presse to
be discharged.

Itt is heereby ordered, that the comittees of the militja in the seuerall townes shall forthwith discharge all such souldjers that are vnder presse.

Major Willard, comānder in cheife for the Vnited Colonjes in the late

expeditjon against Ninnigret, being returned, and having discharged the forces committed to him from the colonjes, itt is ordered, that Capt W^m Davis be required to disband his troope of horse rajsed by this colony, and also the major gennerall to discharge the military watches: warrents issued out to y^e psons abovementioned accordingly.

The Court judgeth it meete, on the request of Capt Robt Hardinge, Richard Marjerom, Henry Cowes, Frauncis Bruers, Jn^o Bartrum, Long, & Roger Bounty shall be releast of their bonds to this Court for their continuance in the countrje, & sequestration of their estates.

*Mr Jonas Clarke and Mr Samuell Andrewes, both well skild in the mathematticks, having had the command of shipps vpon seuerall vojages, being appointed to take an observation at the northerly bounds of our patent vpon the sea cost, made this retourne, as followeth: Due observation taken the 13th day of October, 1653. The place of our last observation, the altitude of the sunne was, according to observation and our best judgment, thirty fower degrees thirty fower minutes; the declination of the sunne, according to calculation in England, eleven degrees thirty nine minutes; the difference of longitude betwixt this place and England, according to our best judgment, is sixty three degrees, which in tyme makes fower howers and one fifth parte of an hower, which adds to our declination three minutes and 40 seconds, all which altitude, declination, and meridianall difference, being added together, doth make forty six degrees sixteene minutes forty seconds, w^{ch}, being subtracted from ninety degrees, gaue vs to be then in north lattitude forty three degrees forty three minutes twenty seconds, w^{ch} was eight seconds to the northward of our lattitude given, which wee measured backe againe vpon a south lje, and there fell in a very plaine place, where were few trees; but wee marked fouer or five trees, one of them markt wth M: B:; and at the sea-side, where the lje doth extend, there ljet a greyish rocke at a high water marke, cleft in the midle; els the shore, being sand wthout stones, the lje doth runne ouer the northermost pointe of an iland, as wee guesse not about two or three rodd about high water marke; the iland is called the Vpper Clapboard Iland, about a quarter of a mile from the majne in Caseo Bay, about fower or five miles to the northward of Mr Macworths house. Given vnder our hands the 29th of October, 1653.

JONAS CLARKE,
SAMUELL ANDREWES.

Mr Clarke being absent, Mr Samuell Andrewes, vpon oath, testified to the truth thereof, as followeth: Yow sweare, by the living God, that the

1654.

18 October.
Capt. Davis to
disband his
troope, & major
gen^l y^e
military
watches.

Capt. Harding
&c., discharged
of their bonds.

[*183.]

North lyne of
or patent lajd
out.

1653.

1654.

18 October.

retourne yow made vnder yo^r hand of the observation yow made on the thirteenth of October, on the northerly bounds of our pattent, is true, according to the rules of arte and yo^r best skill and judgment. Taken before the Magis^{ts} in Gennerall Court, 19th of October, 1654.

EDW: RAWSON, Secre^{ty}.50th to Goodwife
Hajdens child.

The Court judgeth it meete to allow vnto Gooduife Hajden, for the releife of her distempred child, to be pajd out of the countrje rate for the ensuing yeare, the some of fifty shillings.

Ans^r to M^r
Godfrys
peti^ōn.

In the case of M^r Edward Godfrys complajnt against the toune of Yorke, about lands, itt is ordered, wth consent of the sajd M^r Godfry and M^r Edward Rushworth, on behalfe of the toune of Yorke, that M^r W^m Worcester, M^r John Brocke, and M^r Vallentjne Hill shall and heereby are appointed com^{is}sioners from this Court, to heare and determine all the differences betweene the sajd M^r Godfry and the toune of Yorke, in reference to a meete proportion of lands to be allowed the sajd M^r Godfry, according to his demeritts, as also for his charge in attendance on this Court; and the sajd com^{is}sioners are heereby desired to make a full end of this buisenes by the last of Aprill, 1655. The meaning of the Court is, that each particular person concerned is included, aswell as the toune joyntly, in the buisnes above men^ōned. For the better accomplishment thereof, the Court ordered a letter to be sent to y^e com^{is}sioners, w^{ch} was donne accordingly.

[*184.]

Kepers
libertje to take
bayle.

*Itt is ordered, that the keeper of the prison for the t^jme being shall henceforth haue the same libertje that the marshall hath, in all civill cases, to take sufficijent bayle after com^{it}tment, as the marshall might before com^{it}tment.

Da^t 1 : 9 mo,
1654.Courts aproba-
ōn of Chenys
agreem^t wth
Izake Bozwell.

In ans^r to the peti^ōn of John Cheny, the Court, having heard what y^e sajd Jn^o Cheny could say for the inh^{er}itance y^t Anthony Sadler bought of Christopher Batt, in referenc to Abjell Sadler, sonne to the sajd Anthony, and what Isacke Bozwell could say for his purchasing the same land of the sajd Christopher Batt, the Court judged it meete to allow of the agreement made betweene the sajd partjes and signed by the sajd Jn^o Cheny, as herevnder is written, and doe confirme the estate of the sajd house and land to the sajd Izacke Bozwell.

Whereas there hath binn a suite in lawe depending betweene John Cheny, of Newbury, guardjan to Abjell Sadler and Izake Bozwell, of Salisbury, about the title of an inh^{er}itance w^{ch} sometimes was M^r Christopher Batts, lying and being in the toune of Salisbury, the sajd John Cheny, by these p^{ts}, doth acquitt and discharge the sajd Isake Boswell from all suites and demands, for the t^jme past, and for the t^jme to come doth engage and

promise neuer to sue or any more molest the sajd Izake Boswell about his buisnes.

1654.

1 November

JOHN CHENY.

Acknowledged in Court, and subscribed by John Cheny the first of y^e 9 m^o, 1654.

INCREASE NOWELL.

Septemb. 23, 1654.

In obedience to the Gennerall Courts order, wee haue vejwd the ljne concluded by Salisbury and Hauerill, to deuide the land betweene them, and wee finde that, as it is expressed in the petiçõn, there was a great mistake in the first running of the ljne: this wee finde acknowledged by both partjes; for he that carryed the compasse at the first from the place concluded, and from Merremacke Riuer but one mile and a quarter to a stumpe of a pipe staff tree, he sajd he had runne north west, which mooved the men chosen by Hauerill to yeild vnto Salisbury one pointe more; but wee haue gonne northwest from the place on Merremacke Riuer formerly concluded on, and wee find that northwest cometh about a quarter of a mile in going a mile and a quarter neerer to Hauerill then the ljne first runne; so wee finde northwest is as much as, according to the true vnderstanding of their first agreement, doth yeild vnto Salisbury. If the ljne norwest and by west should stand, a great part of the meadowes lying on that quarter would be cut of from Hauerill, to their great prejudice; and the not knowing of that mistake majde them yeild one pointe more: wee thinke, if the pleasure of the Court be so, that it may be well for this honored Court to order that a northwest ljne may part the land betwixt them, only if any of the meadowes lajd oute to any of Hauerill shall be cutt of from Hauerill by this ljne, that those meadowes shall remajne to Hauerill, or those men to whom it is lajd, foreuer. Further, wee thinke meete that Salisbury shall haue liberty over Hauerill Comõns if the swamp stop the way, the sajd way to be forty rod broad. Yo^{rs} in all dutifull obedjenc.

Haverill &
Salisbury lyne
lajd out.

HEN: SHORT,
JOSEPH JEWETT,
JN^o STEVENS.

The Court approoves of the retourne about Hauerill & Salisbury lyne, as above is exprest.

In ans^r to the petiçõn of Winnuequassum, an Indian, craving Thompsons Iland to be restored to him as his inheritanne, althõ the Court cannot see cawse

Ans^r to Win-
nuequassums
petiçõn.

1654.

1 November.

[*185.]

M^r Reyner
comended to y^e
new church in
Boston.

at p^rsent to heare the case, nor wthout hearing to restore the peti^cõner the land, yett judge meete to give him libertje of tryall, in any Court fit for cognizanc of it, notwthstanding any former acts of this Court therein.

*The Court, reminding the case of the new church of Boston, and being sensible of the vncomfortablenes of their p^rsent condi^cõn, for want of a teaching officer amongst them, quallified, according to the wholesome lawes heere established, and being very willing to affoord the best help they cann in this case, doe therefore propound the reuerend M^r Reyner vnto the sajd church, to be by themselves treated wthall, as also made chojce of, and called to office in case of agreement betweene them.

Ans^r to Capt.
Pendletons
peti^cõ.

Administra^cõn to the estate of John Watton, deceased, is graunted to Cap^t Brjan Pendleton, in ans^r to his peti^cõn, he bringing in to the next Generall Court a true and perfect inventory of the sajd estate, that some course may be further taken for the releife of the widdow, as the Court shall heereafter judge meete.

Ans^r to Xto-
pher Aveys
peti^cõ.

In ans^r to the peti^cõn of Christopher Awerey, the Court, vnderstanding the peti^cõner is very poore and aged, having nothing to pay, and that he hath vsed his indeavor to haue his wife brought ouer to him, judge meete to remitt his fine, and that his peti^cõn be receaved freely.

Ans^r to
Concord
peti^cõn.

In ans^r to the peti^cõn of seuerall inhabitants of Concord, the Court declares that they judge it meete y^t the toune retourne what quantitje of land yett remajnes, which they desier, and whither it be free from all other graunts.

Ans^r to
Salisbury
peti^cõ.

In ans^r to the peti^cõn of the inhabitants of the toune of Salisbury, the Court judgeth it requisite that the toune of Hampton should haue legall notice to answer and make their clajmes and defence before any further proceedings in the case.

M^r Nowell &
M^r Elliott to
asist or guide
wth y^e choice of
a sagamore at
Nashaway.

Whereas Shawannon, saggamore of Nashaway, is lately dead, and another is now suddainly to be chosen in his roome, they being a great people, that haue submitted to this iurisdic^cõn, their eyes being vpon two or three of the blood, one whereof is very deboist & a drunken fellow, & no freind of y^e English, another is very hopfull to learne the things of Christ, this Court doth therefore order, that M^r Increase Nowell and M^r John Elliott shall and heereby are desired to repaire to the Indians, and labor by their best counsell and perswasion to p^rveyle wth them for the choosing of such a one as may be most fitt to be their sagamore, which would be a good service to y^e countyje.

Ans^r to M^r
Stations
peti^cõn.

In ans^r to y^e peti^cõn of Anthony Stanion, for the remittm^t of the forfeiture of his fifty pounds bond for Edward Coleords appearanc at y^e last County Court at Hampton, the Court judgeth it meet to remitt fforty pounds thereof,

and orders him to pay the attorney that prosecuted against Edward Colcord, in behalf of Thō Moulton, fiveteene shillings, & to Thomas Moulton, for himselfe & wives attendanc at both Courts, three pounds two shillings, and to the widdow Blasedall, for hir attendance as before, thirty shillings; the other fower pounds thirteene shillings to make vp y^e tenn pounds he shall pay to the Treasurer for y^e charg of the Court.

1654.

1 November.

*In ans^r to the petiçōn of Edward Rawson, the Court, in reference to his service wth other gen^l implojed by this Court to Wells, &c, doth graunt him, the s^d Edward Rauson, two hundred ackers of vpland and meadow, out of all toune bounds, on Quochecho Riuer, aboue Douer bounds, and orders Cap^t Brijan Pendleton & Peter Coffyn to lay it out.

[*186.]

Ans^r to
Edward Rau-
sons petiçōn.

In ans^r to the petiçōn of the inhabitants of Portsmouth, the Courte judgeth it meete to referr the issue of the case to a comittee, and to that end haue chosen M^r Joseph Jewett, M^r Thomas Bradbury, and M^r Jn^o Saunders, who are heerby impowered to examine the matters in differenc betweene the townes of Portsmouth and Hampton, as touching the ljue betweene them, and to settle the same in such a way as may by them be judged most meete, vpon a full hearing of what shallbe alleadged in the case, and that they make retourne thereof to the next Court of Election, M^r Joseph Jewett to appointe the time & place of meeting.

Ans^r to Ports-
mouth petiçōn.

Wee, whose names are vnderwritten, haue, according to the copy of the Courts order that wee received, lajd out for M^r Symon Bradstreete and Cap^t Thomas Wiggens, the first fift day of March last past, vpon the north east side of the great riuer at Nechewanacke, one thousand acres of land, the most part of it being swampe, as wee suppose, out of all toune bounds, and other particular proprietjes, in forme and manner as followeth, that is to say, twelve furlongs by the riuer side, the riuer being the bounds on the south west side, and so to runne vp into the woods, vpon a north east ljue, from the sajd riuer, eight furlongs and fouerteene poles, vpon either side of the lott, which is so marked and bounded by vs.

M^rBradstreet,
& Cap^t. Wig-
gens 1000 acres
lajd out.

HATE EVILL NUTTER,

m^rke

THO: T CANNY.

The Court accepts and approves of this retourne.

In ans^r to the petiçōn of M^r Robert Jourdan, itt is ordered, that the caswe therein mençōned betweene M^r Jourdan and Jn^o Ridgway be referred

Ans^r to M^r
Jourdans.
petiçōn.

1654. to a due trjall at the next County Court at Yorke, because this gof^m hath not yett binn setled amongst them.

1 November.
Courts ans^r to
new church
peti^on.

In ans^r to the peti^on of the new church at Boston, the Court refers them to the last ans^r this Court gaue to their former peti^on, as their ans^r to this peti^on.

Ans^r to
Gloes^r peti^on;
fine remitted.

In ans^r to the peti^on of the toune of Glocester for y^e remittm^{nt} of a fine imposed on them by the County Court at Ipswich for their defect in not having match as y^e lawe requires, the Court, being satisfied of their endeavors to procure it, & that now they haue it, doe remitt the sajd fine.

Ans^r to y^e
widdow Elle-
throps peti^on.

In ans^r to the petition of the widdow Abigail Ellethrop, the Court doth heereby impower the next County Court at Ipswich to heare and determine the case betwixt hir and the executors of hir late husband.

[*187.]

Edward
Saunders,
judgm^t for
abuse of Ruth
Parsons.

*Edward Saunders, of Watertoune, being indicted at the Court of Asistants, in September last, for a rape wth a girle, Ruth Parsons, of the same toune, the Court and jury not agreeing in the verdict, the case came of course to the Gennerall Court, where both partjes appeared. The Court, after they had heard and perused the seuerall testimonjes brought in against the said Edward Saunders for abusing the body of the sajd Ruth Parsons, doe not finde him guilty of death, but justly deserving a high and seuerer censure, and doe therefore order, that he shall be seuerely whipt, first, in Boston, the next lecture day, after the lecture; 2^{dy}, in Water Toune, after some lecture or other publicke meeting, at such tyme as M^r Nowell shall appointe, not exceeding thirty stripes at a tyme; and also, that he shall henceforth weare a roape about his necke, hanging downe two foote long, to continew during the Courts pleasure; and if he be found aboue forty rodd from his house without such a roape as aforesajd, then, for euery such offence or neglect, to be whipt againe before the three com^{is}sioners of the toune, in the same manner before expres^t, by the present counstable.

Resolution of
a question on
suspition of
adultery.

A case of difficulty was retourned from the last Court of Asistants to the Gennerall Court, and the question was thus presented for resolution: A marrjed woman, with hir husband, in another mans house, whom in short tyme she, contrary to hir husbands liking and com^{and}, enters into to much familiaritje with at vnseasonable tymes, whom she also seemes to affect more then hir husband; hir husband, greiving at hir carriage, departs from hir; and after his retourne was brought to bed of a strong, liuely, perfect child, (that presently after its birth suckt and erjed, &c.) fower weekes and five dajes short of forty weekes. The single person, being accused and imprisoned on suspitjon of adultery with the marrjed woman, giving bayle for his appearance, ranne away. The question is, whither heere be two witnesses, or that

which is æquipolent to it, to convict the sajd woman of adultery. The Court resolved it on the negative, that there are not two wittnesses in the case, nor any thing that is æquivolent thereto.

1654.

1 November.

Benjamin Saucer, a souldjer, was indicted at the Court of Asistants in September last for vttering most pphane and vnheard of blasphemy, saying y^t Jehovah was the divill, that he knew no God but his sword; the bench & jury differing in the verdict whither the crjme was capital or not, y^e case came to the Court in course to be determined; the sajd Saucer appeared before the Court, and pleaded not guilty; the evidences were heard against him; but before the Court came to a sentene, the sajd Saucer made an escape out of prison.

Benjamin Saucers escap.

Itt is ordered, that George Munnings, the keeper of the prison, shall be called to an account about the escape of the prisoner, Benjamin Saucer, and that he shall answer for the same at the next County Court at Boston, vnto whom power is heereby given to deale with him as they shall see the merriit of the cawse, either by fine, displacing of him, or otheruise, if he give not a sufficient sattisfactory answer.

County Court to call Muning to accot for Saucers escap.

*Itt was voted by the whole Court, that Major^r Robt Sedgwick should be sent vnto, and in the name of the Court desired to send vp Benjamin Saucer, the blasphemer, that he may be deliuered into prison and to the keeper, from whence [^] made escape. The Courts minde was sent to Major^r Sedgwicke accordingly.

[*188.]

The Court, vnderstanding y^t Saucer was in the ship Church, sent to Major Sedgewicke to demand him.

To the honored Gennerall Court of the Massachusetts.

Wee, whose names are vnderwritten, being appointed to divide the lands at Naotucke into two plantaçõs, wee accordingly haue graunted to them that now first appeared to remoove thither to plant themselves on the west side of the Riuer Connecticott, as they desired, and haue lajd out their bounds, viz. : from the litle meadow above their plantaçõn, which meadow is called Capawonke or Mattaom tt, doune to the head of the falls which are belowe them, reserving the lands on the east side of the sajd riuer for another plantaçõn, when God, by his p. ovidence, shall so dispose thereof, and still remajne,

Naotucke plantaçõn.

Yo^r humble servants,

JOHN PINCHON,
ELIZUR HOLJOKE,
SAMUELL CHAPIN.

The Court approoves of this retourne.

The comission of M^r Pinchon, M^r Holyoke, & M^r Chapin being expired,

1654.

1 November.
Mr Pinchons
comission.

and no other substituted in their places, it is therefore heereby ordered, that the said Mr Jn^o Pinchon, Mr Elizur Holyoke, and Mr Samuell Chapin shall be, and are heereby, impowred as comissioners to act at Springfield, according to the comission formerly graunted by this Court to Mr Henry Smith in May, 1651, they taking the oath appointed formerly by the Court in the yeare 1652, at some publicque meeting of at least tenn of the inhabitants of Springfield aforesaid, and this their comission to continew till the Court take further order therein.

Ans^r to Sacos
petiçon.

In answer to a petiçon presented from the inhabitants of Saco, Cape Porpus, & Wells, in reference to the crecting of a prison and other charges there, it is ordered, for mutuall peace and good of the said townes, that the seuerall townes liable to this charge about the prison shall, for each toune, choose one man to see that on the bringing in of an account of the estates of each toune according therevnto, a just proportion may be levyed on each, to which the deputjes for those parts doe concurre, & doe present these persons vnderwritten for the worke: for Kittery, Richard Nacy; for Cape Porpus, Griffen Montague; for Saco, Robt Booth; ffor York, Abraham Preble; for Wells, Jonathan Thing; who are heereby impowred to attend what is just and æquall heerein, tending to the effecting hereof, and that they shall also take an account of the late Treasurer about the rate of the two late Courts, and rectify the same, chargeing to each toune their due proportion, according to the custome of the countrje rates.

[*189.]

20 ac^{rs} of
meadow to Mr
Edm^r Broune.

*Graunted to Mr Edmond Broune, his heires and assignes for euer, two smale parcells of meadow, not exceeding twenty acres, lying on the southside of Sudbury bounds, on the northside of the riuer.

Courts ans^r
about losse of
corne.

In ans^r to the petiçon of Justinian Houlding, Jn^o Coolige, Jacob Greene, and W^m Maning, craving allowance for losse in shrincking of corne in their hands, itt is ordered, that each toune beare their oune losse, and doe order the selectmen of euery toune to act heerein, so that the proportions of losse and charge may be æqually *be* borne by particuler persons.

Ans^r to Georg
Munnings
petiçon.

In ans^r to the petiçon of George Munnings, craving allowance ffor his attendanc on & dietting Daniell Gunn, y^t djed of the French disease, the Court judgeth it meet to allow the said Munnings tenn slillings a weeke, he accounting with the audito^r, who shall signe him a bill for the payment of it out of the next countrje rate to the Treasurer.

Ans^r to Left.
Hudsons
petiçon, &c.

In ans^r to the petiçon of Lef^t W^m Hudson & Evan Thomas, the Court judgeth it meeete to remitt the forfeitures of their bonds, but see no cawse to remitt them their fines.

In ans^r to the petiçon of Lef^t Apleton, itt is ordered, that Major Denni-

son, Cap^t Atherton, and Cap^t Norton shall and heereby are appointed a com^{it}tee to examine all the accompts of M^r Henry Dunster in reference to the estate of M^r Josse Glouer, deceased, or what his wife left, or what else may concerne the estate contended for by the two eldest sonnes of the sajd Josse Glouer, or any other whom it may concerne, making their report to the next Gennerall Court.

1654.

1 November.
A com^{it}tee to examine M^r Dunsters accom^{ts} in referenc to M^r Josse Gloffs estate.

In ans^r to the peti^{ti}on of Cap^t Rob^t Bridges, itt is ordered, that warrant shall issue out of this Court to M^r Edward Ting & the rest of the administrators to the estate of Cap^t W^m Ting, requiring them to bring in the originall books of the sajd Cap^t Ting, wherein M^r Woodcocks accompts & credit is, that they may be p^{rs}ved by the Court, & a coppie thereof taken & given to the sajd Cap^t Bridges.

Ans^r to Cap^t Bridges peti^{ti}on.

The Court, having p^{rs}ved and examined the seuerall retournes concerning the peti^{ti}oners in Lef^t Pikes case, doe order, that the persons heerevnder men^{ti}oned be sum^oned by warrant from the clarks of the seuerall County Courts to which they belong, and to give bond to the value of tenn pounds a man to give answer for their seuerall offences before the sajd County Courts, who shall haue full power to issue the same as they in their wisdomes shall judge most meete :—

Courts judgment on com^{is}sioners retourne con^{tr} y^e peti^{ti}oners in Lef^t Rob^t Pikes case.

Newbury: Jn^o Emery, Seⁿ,
Jn^o Hull,
Jn^o Bishop,
Benjamin Swett,
Daniell Thirston, Juⁿ,
Joseph Plomer,
Daniell Cheny,
Jn^o Wilcott.

Salisbury: Samu^{el} Hallis,
Philip Chalice,
Joseph Fletcher,
Samu^{el} Gechalls,
Andrew Grely,
George Martin.
Hampton: Christopher Hussee,
Jn^o Samborne.

*The Court wrote a letter to his highnes Oliuer, Lord Protector of the com^onwealth of England, &c, w^{ch} is recorded in the court booke of reecords for letters, &c. [*190.]

In the case betweene Nathaniell Boulter, plaintiffe, and Rob^t Lord, defend^t, the Court, vpon a full hearing of the case, did finde for the plaintiffe. Courts judgm^t in Bolters case.

On the mo^{ti}on of M^r W^m Parks, administrator to the estate of M^r James Astwood, deceased, the Court appointed Cap^t Eliazer Lusher and Cap^t Brjan Pendleton a com^{it}tee to examine the accompts referring to that estate, and make retourne of their thoughts concerning that part of the estate afore- Courts judgm^t in widdow Astwoods case.

1654.

November.

sajd, that by lawe is due to the widdow of the sajd James, w^{ch} is the third part of the howses and lands, for terme of life; they retourned that, according to the value the sajd houses and lands were sould for, being two hundred twenty five pounds fower shilling and $1\frac{1}{2}^d$, hir proporcion being allowed after the rate of five pounds p cent, and accounted as continewed the terme of seven yeeres, amounts to twenty six pounds seven shillings fower pence, by virtue of a Court order, delinered to hir by the administrator; twenty three pounds five shillings and eight pence, and more, in seuerall goods taken by the sajd widdow without the knowledg of the administrator; as is testified vnder the hands of M^r Stoddard and M^r Ting, twenty pounds sixteene shillings and sixpence; so that it appeared to them that the widdow had received of the estate, more then hir proporcion, the full some of seventeene pounds fowerteene shillings and tenn pence; and whereas she should haue received hir part annually, and but for terme of life only, she hath carried this whole some already out of the country; wherefore they conceived that the remajnder of the whole estate should be free from all clajme, demand, or title by the sajd widdow, or by any in hir behalfe to be made. The Court approved of the comittees retourne, and ordered the legall assurance be made to the purchasers of the sajd howses and lands, w^{ch} were the estate of the sajd James Astwood, according to the contract made betwixt the administrator and the purchasers.

Courts judgment in M^r Gyffords case.

9: 9 mo, 54.

In the case depending betweene M^r Jn^o Gyfford and the comissioners for the iron workes, the whole Court, meeting together, did, by their voat, judge meete to confirme the actings of the auditors, vpon the accompts betwixt the sajd Jn^o Gyfford and his principalls, so farre as they haue positively issued the same, waving for the present the allegations about their couenants.

Reference to y^e officers to p^{ro}vide M^r Chaney a howse, &c.

The Court, having considered of the mocion that hath binn made in behalf of M^r Chaney, for the providing of a howse & other accomodacons for his settlement at Cambridge, doe judg meete to referr what yett remajnes to be donne to the honored & reuerend ouerseers, to whom it most properly belongs.

[*191.]

Troopers allowed for their service ag^t Ninigr^t.

*Itt is ordered, that Jn^o Wisewall and W^m Parks shall & heereby are appointed a comittee wth the auditor gennerall to examine the bill of y^e seuerall troopers that lately went on the late expedition against Ninnieraft, to signe all their just bills, and to deduct w^t they haue had of the x^dler, the originall bill of particulars being on the file.

Comittee to lay out the military.

Whereas there be a thousand acres of land graunted to the artillery company, anno 1648, and is not yett lajd out, and whereas there is a graunt to Cambridge of land for farmers, betweene Cambridge and Concord, itt is now

ordered by this Court, that M^r Edward Hutchinson, Señ, M^r Thomas Danford, and John Sherman, survejer, shall vejeue the ground and sett out the thowsand acres according to graunt, with as litle p̄judice to a plantaçõn as may be, and so make retourne thereof to the next Gennerall Court, in May; or in case they cannot finde out land according to the graunt, and then also to make their retourne also. 1654.
1 November.

The Court ordered Major Willard to haue allowed him sixe pounds eighteene shillings, as a recompenc for his servic on the Narragansett expediçõn, and Cap^t Davis five pounds ten shillings, Lef^t Peeter Oliuer three pounds fiveteene shillings, Cornet Stedman three pounds, Marshall Wajte, com̄issary, forty five shillings; the rest of the souldjers recompenc are on file. Major Willards
recompenc.

The Court is adjourned to the 19th of Nouember, 1654.

At the third Sessions of the Gennerall Court of Elections, held at Boston, the 20th of Nouember, 1654. 20 November.

PRESENT, Rich Bellingham, Esq̄, Go., Cap^t Robt Bridges,
 M^r Increase Nowell, Cap^t Thõ Wiggins,
 M^r Symon Bradstreet, Cap^t Humphry Atherton,
 M^r Sañ Symons, Major Symõ Willard.

AT this Court appeared Cap^t Robt Keajue & M^r Edwrd Hutchinson, at-
 tourney for M^r Josiah Winslow, as deputjes & attournejes for the vnder-
 takers of the iron works, plaintiffes, and M^r John Gyfford, late agent to the
 sajd vndertakers, defendt; and after the Court had heard what the partjes
 could and did say, the originall attachments were read, y^e verdict of the
 County Court at Boston therevpon:— 21th 9 mo,
1654.

1. Itt was putt to the question, whither the Court be satisfied y^t M^r Jn^o
 Gyfford was agent for the vndertakers of the ironworkes. Itt was resolved on
 the affirmative.

2 quæst. Itt was putt to the question, whither the Court be satisfied that
 M^r Jn^o Gyfford was sued at the last County Court as agent. Itt was resolved
 on the affirmative by the whole Court met together. 22th.

3 quæst. Itt was also at the same tyme put to the question by the whole
 Court mett together, whither so much as is or shallbe charged on M^r Jn^o
 Gyfford, or he chargeth himselfe withall, in reference to the iron workes,
 he ought not to discharge himselfe according to his orders and instructjons

1654.

22 November.
Ans^r to Capt.
Hardig
petiçon.

from his principalls. Itt was resolved on the affirmative, that he ought so to discharge himselfe.

In ans^r to the petiçon of Robt Harding, desiring that his bond might be deliuered vp to him againe, w^{ch} he gave for his appearanc, &c, before this Court, it is ordered, that the secretary shall give the petiçoner vp his bond.

4 quest. Whither the attachments not distinguishing Jn^o Gyfford vnder the terme of agent doe make the plaintiffs liable to a non suit, referring to the action. This question was resolved by the whole Court on the negative.

[*192.]

*Itt is ordered, that Rich Bellingham, Esq^r, Gofur^r, M^r Nowell, Cap^t Atherton, Cap^t Clarke, Deacon Wisewall, and Deacon Parkes shall & hereby are desired and impowred to treat with, procure, and establish a fitt person to be keeper of the prison in steede of George Mummings, making agreement wth such a pson, not exceeding twenty pounds p annū sallery.

Itt was put to the question, whither the wo^rpp^l Rich Bellingham, Esq^r, and M^r Increase Nowell be capable of voating in the case depending betwixt Cap^t Keajne & M^r Winslow, plaintiffs, and Jn^o Gyfford, defendant, in reference to pretended relaçons. Itt was resolved on the affirmative by the whole Courte.

Itt was also put to the question, whither this Courte, in the case of the vndertakers of the iron works, by their dep^{ts}, plaintiffs, & M^r Jn^o Gifford, defendant, would so accept of the first auditt as to beginne where they left, reserving the plaintives just liberty in point of plea for damage in their second action for the defendants not following his orders and instrucçons. Itt was resolved on the affirmative by the whole Court.

L. t. Phillips
y^e officer to
rec. imposts.

Whereas this Court hath lajd an impost on wjnes imported into any part of this jurisdiction, as in title Impost, in the first printed booke, appeares, and that of late they haue lett to farme the sajd imposts to Cap^t W^m Hawthorne, Cap^t Jn^o Leuerett, Lef^t W^m Phillips, &c, and that no person seemes now to be impowred to take the forfeitures that in such cases maybe made, itt is therefore ordered, that Lef^t W^m Phillips shall and is heereby impowred, according to that lawe in referenc to the imposts, to take all forfeitures that hath binm, shall, or may be made in any part of this jurisdiction during the tyme of their contract, and to appointe one or more deputjes vnder him, in any part of this jurisdiction, to demand or receive the due imposts, according to lawe, of any person or persons whatsoever; and on refusall of payment or entry according as the lawe requires, to make seizure, and by suites in any Court of this jurisdiction to recouer his or their full dues, according to lawe, and this to continew in force till the Court take further order

21:

That further care and more full provision may by lawe be made then is

already for the suppressing the most odious & abominable sinne of blasphemy, as also the vncleane and wicked practizes of abusing young girles vnder tenn yeares of age, and forcing or ravishing of damosells above that age, itt is ordered, that M^r Nowell, Cap^t Atherton, Cap^t Thomas Clarke, Cap^t Eliazer Lusher, and M^r Edward Jackson, be a comittee to advise with some of the reuerend elders in referenc to the above mençõned cases, to prepare, drawe up, and present to the next Gennerall Court what they judge meete to be passed as lawes for the reformation of the evils above sajd.

1654.
24 November.
Comittee to
prepare a law ag^t
blasphemy, &c.

Cap^t Rob^t Kaine, plaintiffe, & M^r Jn^o Gyfford, defendant, being in Court & pleading to their case, the Court demaunded of the s^d Jn^o Gyfford, the defendāt, that he would show his orders and instrucõns to proove his oune charge of expences, guifts, &c, w^{ch} he absolutely refused; and when the Court mooved him to give a particcular answer, to ease the coulour of deceit in mowing forty acres of grasse for sixe catle only, (if he could,) which he had confessed, he sajd he had answered to the audit, & would ans^r no other-ise. The Court therevppon declared, that then they should examine as they might, and judge accordingly.

*After the whole Court had heard what the plaintiffs & defendants could say, & pvsed seuerall of the evidences & audito^{rs} retourne, they proceeded as folt: Whereas there is an accõn of thirteene thowsand pounds vppon account depending in this Court betwixt M^r Josiah Winslow & Cap^t Rob^t Keayne, deputjes and attourneys for the vndertakers of the iron worke^s, plaintiffs, against M^r Jn^o Gifford, late agent, defendant, the Court findes that, vppon the sajd Giffords presenting his bookes of account in a County Court by their order, where the action was first comẽnced, the sajd Court refer^d the auditing of the sajd accompts to certaine select meete persons, who, having spent much tyme about the same, made a retourne so farr as they had pceded, but left the consideraõn of many particulars in M^r Giffords charge, w^{ch} they wanted evidenc to passe, to the valew of three thowsand five hundred seventy-two pounds sixteene shillings and eleven pence, to the consideraõn and determination of the Court; but this so^me consisting of too many p^ticulars for the Court to examine, was againe referred, together with the effects of the iron workes, to other audito^{rs}, who, after much tyme expended about the same, made their retourne, and left the defendant debto^r vppon the whole the so^me heereafter exprest, against w^{ch} the plaintiffs made many just and considerable objections, which occasioned this Court to enter into a more strict consideraõn & examination of the whole account, wherein they finde many false charges, vast expences & guifts, some tonns of iron disposed of more then he gives the iron works credit for, the proffitt of the ffarme, &c, which he made vse of for

[*193.]

Courts narra-
tive in M^r
Giffords case.

1654.
 24 November.

himself, not brought to acco^t, together with diuerse other improbable disburs-
 ments putt vpon account. The Court also found that the last audito^{rs} had
 respect only to the accountts as they stood in the bookes, without reference to
 the defendant orders or co^mission, and so issued the same in an arbitrary way,
 and much of it wthout prooffe, which this Court could not allow off; but after
 much tyme spent about this case, finding the whole accountts intricate, & very
 many of the particulars conteyned in fower papers left by the first auditors to
 the determina^{co}n of the Court, to the valew of three thowsand five hundred
 seventy two pounds sixteene shillings & eleven pence, very doubtful and sus-
 picious, the plaintiffs also objecting against the whole as being donne wthout
 order, and the defendant peremptorily refusing to shew his order or co^mission
 for the same, the Court judged it meete to order, that the defendant should
 be allowed two thousand and five hundred pounds out of the fower papers,
 and that execution issue out from this Court for the plaintiffs for the rest, to-
 gether with the eight hundred and odd pounds, exprest in the foote of the
 audit, leaving the defendant to his liberty, by due prooffe, according to his
 orders and instructions, to proove what he may or cann more, the defendant
 paying the workemens wages, and giving securitje for the same.

Courts judgm^t
 in y^e case.
 25:

W^m Salter
 prison keeper.

Itt is ordered, that Willjam Salter, of Boston, shallbe keeper of the prison,
 and be allowed twenty pounds p anⁿ, and the removing of his goods from his
 present dwelling vnto the prison house, and his sallary shallbe paid vnto him
 quarterly, & that some stocke be forthwith lajd in for releife of such prisoners
 as are or may be imprisoned, as in such case hath binn heeretofore; and the
 said Salter shall give vnto the Court a quarters warning at the end of any
 yeare, when he shallbe minded to leave the prison, that so the prison may not
 be vnprovided.

Itt is ordered, that the 2^d action for breach of couenants, &c, in referenc
 to M^r Jn^o Gyfford, in y^e case of the iron works, be referred to the next Gen-
 nerall Court in May next.

[*194.]

*The Court being informed that the countrje is like to pay the rate
 wholly in Indian corne to the countrje rate, in Indian corne at three shillings p
 bushell, w^{ch} is not really worth, nor will passe from man to man, aboue two
 shillings and sixepence p bushell, so that men who haue trusted the countrje,
 or haue ought to receave from the countrje as theire just due, will loose neere a
 fifth part of what in justice they might expect, and ought to haue, itt is
 therefore ordered, that all the Indian corne that is or shall be brought into the
 Treasurer or his order before the tenth of Mareh next, shall be accounted
 but at two shillings eight pence p bushell, and what shall be pd after that
 time shall be accepted at three shillings p bushell.

The Court is dissolved.

Att a Gennerall Court of Elecçõn, held at Boston, 23^d of May, 1655.

23 May.

JOHN ENDECOTT, Esq̃, was chosen Goũno^r, & tooke his oath.
 Rich Bellingham, Esq̃, was chosen Dep^t Goũ, & tooke his oathe.

| | | |
|--|---|---|
| Mr Symon Bradstreet, | } | were chosen Assistants, & tooke there oathes. Y ^e Goũ gave him his oath 24 Janũ, 1655. was chosen Major Gennerall. |
| Mr Increase Nowell, | | |
| Mr Samuell Symonds, | | |
| Cap ^t Rob ^t Bridges, | | |
| Cap ^t Thomas Wiggin, | | |
| Cap ^t Daniell Gookin, | | |
| Majo ^r Daniell Dennison, | | |
| Majo ^r Symon Willard, | | |
| Cap ^t Humphrey Ather- | } | were chosen Com̃issioners for the Vnited Col- |
| ton, | | |
| Mr Symon Bradstreet, | } | were chosen Com̃issioners for the Vnited Col- |
| Majo ^r Daniell Dennison, | | |

Mr Edward Rawson was chosen Secretary.

Mr Richard Russell was chosen Treasurer.

The names of the Depu^{ts} retournd from y^e seuerall townes to serve at y^s Court.

For Salem : Mr Edmond Batter, Mr Rich Russell.

Charlestoun : Cap^t Francis Norton.

Dorchester : Left Roger Clapp.

Boston : Cap^t Thõ Sauadge, Cap^t Thõ Clarke.

Roxbury : Mr Philip Elliott, Mr Edward Dennison.

Watertoune : Mr Richard Broune, Mr Ephrajm Childe.

Lynne : Mr Thomas Lajton, Mr Jn^o Fuller.

Cambridg : Mr Edw̃ Collins, Mr Rich Jackson.

Ipswich : Mr Joseph Medcalf, Mr Georg Giddings.

Newbury : W^m Titcombe.

Weimouth : James Nash.

Hingham : Mr Jerrẽ Houchin.

Concord : Mr Rob^t Merriam.

Dedham : Cap^t Eliazer Lusher.

Salisbury : Mr Samuell Hall.

Hampton : Henry Dow.

Rowley : Maximilian Jewett.

1655.

23 May.

Braintre: Cap^t Rich Bracket.
 Douer: M^r Valentine Hill.
 Woobourne: Cap^t Edward Johnson.
 Malden: M^r Joseph Hills.
 Kittery: M^r John Wincoll.
 Yorke: M^r Edward Rushworth.
 M^r Richard Russell, Speaker to y^e Deput^s.

[*195.]
 Selectmen to
 ap^t measurers
 of corne, wood,
 &c.

*This Court, taking into their consideration the complaints of severall in reference to the abuses committed by divers seamen, who, bringing corne from Conecticott & other places, so measure the same as by experience is found will not yeeld so much, though presently measured againe, by fower or five p^{er} cent, and further, considering the abuse that is in cording of wood & measuring of boards, doe therefore order, that it shall be in the power of the selectmen of Boston, Charlestowne, and Salem, & such townes wthin this jurisdiction as shall see cause so to doe, to appointe one, two, or more, as neede shall require, who shall be sworne faithfully & vprightly to measure such corne, boards, & wood as they shall be called vnto, and that no man shall be forced to receiue any corne, wood, or boards, except they agree therevnto, but such as is measured by such person or persons so appointed and sworne, the parties receiuing the corne, boards, or wood paying for the measuring thereof.

A house of
 correction in
 each county.

For prevention and redresse of many misdemeanors and evill practizes dayly increasing, to the dishonour of God and damage of the countre, itt is ordered by this Court and the authoritie thereof, that there shall be a howse of correction provided in each county at the counties charge, to be settled, ordered, and improved as the magistrates in each County Court or Court of Assistan^{ts} shall agree and direct vnto, vntill this Court take further order therein.

Selectmens
 power to regu-
 lat porters.

There being a very great abuse in the townes of Boston & Charles Towne by reason such persons who take vpon them the name and implojment of porters doe many times require & exact aboute that which is just and righteous for their labors, for the redressing whereof itt is ordered by this Court, that from henceforth the selectmen of the said townes, from tyme to tyme, shall haue power to regulate in this ease, and to state their wages as in their vnderstandings shall be most just and aequal, as also to determine what persons shall be implojed therein.

Committee of
 militia &
 selectmens
 power to re-
 paire forts, &c,
 by levy, &c.

This Court, considering that there are in many townes severall peeces of ordinance which lye vnmounted, or not suffieyently mounted and fitted with appurtenances fitt for service, also some forts and batterjes that are out of

repaier, doe therefore order, that such great gunns, forts, or batterjes as the comittee of militja & selectmen shall see necessary for the securitje of the sajd townes for to mount or repajer, the selectmen of the sajd townes are heereby required & impowred for to make and levy on the estate of the sajd townes according to proportion of the countrje rate, which levye shallbe gathered by the counstable of the sajd townes, & by them comitted into the hands of the Treasurer, or constable if appointed to be the Treasurer, of the sajd townes for the vse aforesajd.

1655.

23 May.

Itt is ordered, the secretary shall issue out warrants to the connstables of the seuerall townes wthin this jurisdiction to send him a true list of all the males wthin their respective townes, from sixteene yeares of age to sixty, before the first of August next; and if any connstable shall neglect to make retourne as aforesajd, he shall forfeite five pounds to the treasury.

Secret order to require each counstable to send in a list of y^e males, &c.

To the constable of B.

Whereas by the articles of confæderacōn the comōn charges of the confæderates are to be borne by the seuerall colonjes in proportion to the number of their males from 16 yeares to sixty, and their being accompts to be made vp at the next meeting of the comissioners, yow are therefore heereby required to send in a list of the number of the males as abouesajd wthin your townes, before the first of August next, to the secretary, that the whole number of males wthin this jurisdiction may be certified to the comissioners before their next meeting, vnder his hand; & hereof yow are not to faile at yo^r perill.

*There being information given to this Court that whereas there hath bin formerly some gratuitjes given to this colony by some that haue bin wellwishers to this countrje in England, and that there is yett remayning some part of the same vndisposed of, itt is ordered by this Court, that M^r Joseph Metcalf & M^r George Gettings be authorized to enquire into this buisenes, and to finde out what may be due to the countrje in this or any other way, and the deputjes of euery townes are alike authorized to make the like enquiry, that so all may be brought to light, and make their retournes of what they find in this case to the next sessions of this Court.

[*196.]
Comittee to enquire after y^e countrjes due by gratuitjes.

Itt is desired, that whosoener shallbe chosen Goūno^r from yeare to yeare shall, wth the first opportunitje, make his aboade in Boston, or some adjacent townes or place wthin fower or five miles of Boston, and shall there continue his aboad during the tjne of his goūment, that so he may be the more servicable vnto the countrje in generall, both in respect of straungers & other-

Goūno^r to reside in or neere Boston.

1655.

23 May.

Essex regi-
ment to be ex-
cercised y^e
yeare.

Pœnalty for y^e
magis's &
deputj^s absent
from Court.

Dep^t Gofin^r,
M^r Symonds,
& c, comission
to take vnder y^e
goũm^t such as
are wthin our
lyne, & c.

Coĩmittee ab^t
salt.

Proclamation
ab^t salt, & c.

wise, any custome or vsage to the contrary notwithstanding; and the present Gofino^r is desired to reside at Boston, or neare therevnto, as much as his oune necessary occasions will permitt.

Itt was resolved, on the quæstion, that Essex regiment should be excercised this yeare, & so the other regiments successively.

Forasmuch as by a late lawe such deputjes as shall accept his choice to that service doth forfeite twenty shillings a day for enery days default for not attending on the service of the countrje, and that the presence of the magistrates is more necessary then any deputjes, it is ordered, that no magistrate shall be absent from the Gemnerall Court otherwise then any deputje maybe, on pœnalty of forty shillings a day, as in the sajd lawe is exp^rssed for deputjes, wthout the consent of both howses.

Richard Bellingham, Esq^r, Dep^t Gofin^r, M^r Samuel Symonds, & Cap^t Thō Wiggins, or any two of them, are heereby appointed, wth the associates for the county of Yorkshire, to keepe the Court at Douer and y^e next County Court at Yorke at the appointed tyme, and the gentⁿ aboue expressed, wth the sajd associates, haue heereby graunted them the same comission in all respects as formerly by this Court was graunted to M^r Symon Bradstreet and M^r Samuel Symons, & c, in referenc to Kittery, Yorke, & c, and they are heereby impouered to act accordingly as they shall judg meete in sending warrants to all persons not yet subjected to this gouernment that are inhabiting wthin the northerly lje of our patent, so farr as it is extended, and to take them vnder this goũment, making theire retourne to y^e next Gemⁿ Court.

Itt is ordered by this Court, that M^r Joseph Hills, M^r Edmond Batter, Cap^t Thomas Clarke, & M^r Edward Colljns, or any three of them, be a comĩttee to treat and agree wth any merchant or merchants for supplying the countrje wth salt, according to the propositiõns mencõned in a draught of an order, & c, to the like effect for the bennefitt of the countrje; and to the end it may be the better effected, and all occasions of objecçõn prevented, the proclamaçõn ensuing shallbe posted vp on the meeting howse doores in Boston, & other publicq places: —

The Gemnerall Court for the Massachusetts being sencible of the exigents of the countrje in respect of salt, haue appointed Cap^t Thomas Clarke, of Boston, and others, a comĩttee to treat wth any merchant, or other, that are willing to engage, to supply the countrje wth salt, w^{ch} comĩttee are ordered to attend the same vppon the 9th day of this instant month, at the Shipp Tauerne, at teem of the clock. By the Court.

EDW: RAWSON, Secreçy.

*M^r Symon Bradstreete, Cap^t Humphrey Atherton, M^r Richard Russell, Cap^t Eliazer Lusher, and M^r Edward Colljns are appointed a com^{it}tee to consider of the case of the churches of Ipswich & Boston, wth referenc to M^r Norton, making their retourne to y^e Court, w^{ch} they did as followeth, w^{ch} the Court approved of: —

1655.

23 May.

[*197.]

Committee ab^t
M^r Norton, &c

Forasmuch as it is apparent that the breach & discord in Ipswich church is very great, & such as they are not able to compose themselves wth peace & mutuall satisfaction, nor haue they sought advice or counsell from other churches to helpe issue the same, but (as we are credibly informed) grievance & offences are dayly increased, insomuch as it threatnes the dissolution of the sajd church, if some t^{im}ely meanes bee not vsed for the prevention thereof, wee cann thinke of no better expedient, agreeable to the rule of Christ, to propose, then that there be forthwith a counsell called by the authoritje of this Court, consisting of the messengers of twelve churches, viz., Roxbury, Dorchester, Braint^rje, Dedham, Charlestowne, Cambridge, Watertoune, Sudbury, Salem, Lynn, Rowley, and Newbury; each church to send two messengers to meete at Ipswich the first third day of the next month, & having informed themselves of all proceedings and transactions of the churches of Ipswich & Boston in referrence to M^r Nortons setling at Boston, in way of office, or so much thereof as they shall judge necessary to begett a right vnderstanding of the whole case or cause of obstruc^ōn, (they may if they please,) first endeavor by arguments and Christian advice to perswade each church & party concerned therein to doe their duty, or otherwise, according to the order and power of a counsell to declare the minde of Christ, what is further to be done by the churches of Ipswich and Boston, or M^r Norton, in reference to his setling at Boston, or retourning to his charge at Ipswich, that so, if it be the will of God, peace and vnitje may be renewed & continued in the churches.

Their re
tourne.

Whereas the church of Boston, about two yeares since, mooved the church of Ipswich to giue vp their reuerend teacher, M^r Norton, to the seruice of Christ in the church of Boston, w^{ch} the church of Ipswich not assenting vnto, the case was, by the mutual consent of the two churches, committed to a counsell, which mett and gaue in their advice and determination to the church of Ipswich in February, 1652, wherevpon the church of Ipswich, in answer to the motjon of the church of Boston, passed their vote of February 21, which by the church of Boston is vnderstood to be a consent to their mo^ōn, whereby they were free to addressse themselves to M^r Norton, to invite him to accept of a call to office, and he at libertje to accept thereof; but vnderstanding the church of Ipswich gaue another sence of their vote, they sent

1655.

23 May.

Order for a
council, &c, at
Ipswich.

messengers in Nouember ffollowing to the church of Ipswich to expostulate the meaning of the sajd vote, at which meeting the church of Ipswich denjed they had in the sajd vote, or any act preceding the sajd vote, consented that M^r Norton might accept of office in Boston church; wherevpon the church of Boston desired the help of a councill, and gaue notice thereof to the church of Ipswich to send their messengers to decide the quaestion, who, meeting at Boston in Nouember, 53, gaue their advice and judgment, as may appeare by the acts of the councill, to which the church of Ipswich haue, notwthstanding seuerall endeavours, not signified their assent or dissent, being aequally divided vpon the question, as wee are credibly informed; by occasion of all which proceedings, wee cannot but wth sorrow of harte take notice of the great and vncomfortable distraccons in the church of Ipswich, the differences yett remaining betweene the two churches in reference to M^r Nortons settling at Boston in way of office, which threatens the dissolution of the church of Ipswich, together wth the disappointment of the church of Boston and the countrje by loosing M^r Norton, while the two churches are contending for him; the issue of all which would be of sad, if not destructive consequence to the peace and welfare of the churches, which wee acknowledge our duty by all lawfull meanes to endeavor to prevent, and having seriously considered thereof, wee cann thinke of no better expedient agreeable to the minde of Christ then to call a councill of the elders and messengers of churches to helpe in a case of such difficultje and daunger. Itt is therefore ordered and desired, that the churches at Roxbury, Dorchester, Braintrje, Dedham, Charlestowne, Cambridge, Watertoune, Sudbury, Salem, Lynn, Newburry, and Rowley doe each of them respectively send two messengers, to meete at Ipswich on the second Tuesday in June, to consider and advise in the premises, viz., to endeavor to compose and settle the distractions at Ipswich, to give their judgment vpon the case in difference betweene the two churches, whereby M^r Nortons way may be cleared, and the obstruccons which haue or may hinder a comfortable issue of this long difference may be remooved, and the peace and quiet of the churches maybe procured and settled; and to prevent delajes, itt is expected and desired, that the church of Ipswich and the church of Boston, by their messengers, & all persons concerned, give this councill, at the tyme and place aforesajd, the opportunitje of meeting wth them, to declare what shall concerne themselves, or the councill see cause to inquire of them in reference to this buisines; and wee haue desired the honored Goũno^r, M^r Bradstreet, M^r Russell, & Cap^t Edward Johnson to be present at the sajd meeting, to prevent any inconvenience, & more particularly to impart our desires & intencons if neede require; and itt is ordered, that M^r Rob^t Pajue shall take care for the entertajnement of the sajd councill, and all psous

concerned therein, w^{ch} shall be satisfied by the Treasurer. And itt is further ordered, the sajd councill haue libertje to adjourne to some other place if they shall see cawse.

By the Court.

ED: RAWSON, Secreč.

1655.

23 May.

*In ans^r to the petiçõn of the inhabitants of Nonotucke, humbly desiring the establishment of goũment amongst them, theire petiçõn is graunted, and itt is ordered, that Willjam Houlton, Thomas Bascome, & Edward Elmer shall & hereby are impowred as the threemen to end all smale causes, according to lawe here, they repaying to Springfeild, to M^r Pinchon, M^r Hóliock, &c, who are authorized to give them theire oathes, as also the connstables oath to Robert Bartlett.

[*198.]

Ans^r to Nonotucke petiçõn.

In ans^r to the petiçõn of Jn^o Alcocke, the Court, being satisfied in the conveyance of M^r Norris for fower hundred acres of land, and of the graunt of 242 acres of the four thousand acres graunted to Roxbury, and of M^r Palsgranes dispose of the 200 acres of land to his wife, and of the petiçõners right therevnto by a letter of attorney vnder the hand and seale of M^{rs} Anna Palsgrane, doe order and graunt, that eight hundred forty and two acres of land be lajd out vnto the petiçõner, as is desired, by Ensigne Jn^o Sherman; provided, that no just clajme of any other children of the ffather of the petiçõners (if any be) be thereby impajred vnto the two parcels of 400 & 242 acres of land in this petiçõn expressed.

Ans^r to M^r Jn^o Alcockes petiçõn.

Itt is ordered, that Capč Leuerets case, referred by the councill to this Court, shall be heard on the morrow, att one of the clocke.

29:3:55.

Itt is ordered, that these five cases, i. e., Elias Parkman ag^t Capč Dañ Gookin, Elias Parkman ag^t Capč Rošt Fenu, Monnequasson ag^t Hugh Batten, Capč Rošt Keajne, &c, ag^t W^m Planton, and Capč Keajne, &c, ag^t M^r Rošt Knight, coming, of course, to be heard and determined by this Court, shall be called & heard one after another, on the 3^d day next at nine of the clocke in the morning.

In the case depending betweene Elias Parkman, plaintiffe, & Capč Danñ Gookin, defendant, in reference to the sajd Parkmans vojage to Virginea, the Court, on the hearing of the case and all partjes concerned therein, doe judge, that although there were five persons, old & young, shipt aboard the sajd Parkman by the defendent, yett, in regard two of them were very young, he shall be allowed for transporting three persons and a halfe only the soĩe of seven pounds, and for a parcell of goods which he carjed twenty shillings; of w^{ch} fower pounds tenn shillings is found pajd in a parcell of tobacco; but nothing due to the plainč for the fower thousand of bread w^{ch} was shipt on

Judgmt of Court in Elias Parkmans case.

1655. another vessell; so that the Court finds for the plaintiff three pounds tenn shillings damages, and two pounds five shillings and eight pence costs.

29 May.

Capt. Keajne & Mr Winslow in Mr Knights case nonsuited.

In the case betweene Cap^t Rob^t Keaine and Mr Josiah Winslow, plaintiffs and attorney for the vnderakers of the iron works, and Mr Rob^t Knight, defendant, the Court doe judge the plaintiffs are nonsuited, Mr Winslow not appearing, nor any for him, according to law, and Cap^t Keajne refusing to give securitje, according to lawe, to be responsall in case the defendant should recouer against him, but declared that he would rather yeild vp his comission then so doe.

Parkmans case ag^t Cap^t Fenn respitted, &c.

The Court, wth consent of parties, respitted the hearing & determination of y^e case betweene Elias Parkman & Cap^t Fenn to the next sessions of this Court in October next.

Monnequassons ac^{co}n wthdrawne.

In the case of Monnequassom & Hugh Batten, the partjes, by consent, wthdrew for present, in hope to agree.

Courts judgment in Mr Giffords case of breach of couenant.

In the case of Cap^t Keajne and Mr Josiah Winslow, plaintiffs, and Mr Jn^o Gifford, defendant, for breach of couenants, referred to this Court, the plaintiffs not appearing, the Court declares the plaintiffs to be nonsuited.

[* 199.]

Tho. Wisewall & Jn^o Jacksons peti^{co}n, &c, for a villag.

*In ans^r to the peti^{co}n of Thomas Wisewall & Jn^o Jackson, inhabitants of Cambridg, &c, itt is ordered, that Mr Nowell, Mr Richard Russell, Cap^t Edward Johnson, and Cap^t Eliazar Lusher be a com^{it}tee to heare what the peti^{co}ners, as also the church of Cambridg, shall alledge, either for the graunting or waving their propposi^{co}ns, and to make retourne to the next sessions of this Court of their a^{ph}en^{co}ns therein, vnlesse the church of Cambridg and the peti^{co}ners come to some setlement in the meane tyme, to whom the peti^{co}ners should first apply themselues for releife.

Ans^r to Mr Eires, &c, peti^{co}n.

Courts confirmac^on of y^e acts of Major Willard, Mr Danforth, & Ensigne Sherman.

Ans^r to Mr Broune, Walter Haine, &c, peti^{co}n, in referenc to Sudbury.

In ans^r to the peti^{co}n of Mr Symon Eires, Jn^o Stone, Jn^o Whitney, W^m Page, &c, the Court judgeth it meete to referre the peti^{co}ners to the retourne of the com^{is}sioners appointed to setle the matters in differenc betweene them, whose acts this Court doth approve of, & contjnew, as they are presented to this Court, and are on file.

In ans^r to the peti^{co}n of Mr Edmond Broune, Peter Nojes, Seⁿ, Walter Haine, & di^u others, inhabitants of Sudbury, &c, itt is ordered, that Major Symon Willard, Ensigne Jn^o Sherman, and Mr Thomas Danforth are & shall be appointed a com^{it}tee wth full power and authoritje to heare and determine all the differences betweene all or any of the inhabitants of Sudbury in reference to what is men^{co}ned in the peti^{co}n, w^{ch} is on file.

Ans^r to Rob^t Lords peti^{co}n.

In ans^r to the peti^{co}n of Rob^t Lord for a revejw of his case ag^t Nathaniell Boulter, the Court graunts his request, & ordered notice to be giuen to the sajd Boulter, w^{ch} by warrant was donn accordingly.

In the case of Robt Lord, plaintiffe, and Nathaniell Boulter, defendt, on the hearing of the cawse, the Court finds for the plaintiffe.

1655.

Whereas a major for the county of Suffolk is wanting, itt is therefore ordered, that the secretary shall forthwith issue out warrants to each capt in the seuerall tounes of the county of Suffolke, and require them to send in their voates, according to lawe, for the choosing of a new major, the votes to be sent in to Boston, sealed vp, on the 13th of June next, to be opened as the lawe requires. This was donne accordingly.

29 May.
Courts judgm^t
in Rob^t Lords
case.
Order for
choyce of a
new major.

Whereas Mr W^m Worcester, Mr Jn^o Brocke, and Mr Vallengtjne Hill were chosen comissioners by this Court and invested wth full power to heare and determine all matters in difference betweene the toune of Yorke and Mr Godfry in relation to the graunts of certaine lands, which accordingly they haue endeavored to doe, and made their retourne to this Court, against which the inhabitants of Yorke haue made some objections respecting the confirmation of vnknoune graunts made by the sajd Mr Godfry before the date of their retourne, as also the graunts of lands pjudicijall to the toune, which this Court having considered of doe judge meete to re invest the aforesajd comissioners wth full power, and doe heereby desire them, wth all conveniente speede, to make revejw of their retourne, and, if it may be, by consent of all persons engaged, to compose the same to mutuall satisfaction; or, if otherwise, to make vse of such their power to correct or amend what, in their vnderstanding vppon further information, shall appeare to be of evill consequence to the toune or any person concerned therein.

Comissioners
ab^t Mr Godfry
& toune of
Yorke.

*The Court, having heard charge against Capt Leueret, and his ans^r therevnto, in reference to the Dutch shipp called the Prophet Samuell, of Amsterdam, and vppon a serious consideraçon thereof, doe judge, that such actings (wthout the consent or allowance of authoritje heere established) is a confronting of this goūment, and tends highly to the infringing of our libertjes, discouraging of trade, and destructive to our comfortable being heere, if permitted or connived at, and therefore cannot but approve of the proceedings of the councill in this case, and their just and due care to vphold the authoritje of this comōwealth, wth the libertjes and priviledges thereof; but forasmuch as the sajd Capt Leueret doth solemnly protest his fidelitje to this goūment, and the due honor that he beares therevnto, and that had he foreseene his actings and proceedings would haue binn offensive he would wholly haue forborne the same, — vppon these and the like consideraçons, the Court is not willing to heighten his censure proporçōnable to the demerit of his offence, but shall only adjudg a graue and serious admonition to be given him by the Goūno^r in the name of this Court, hoping that this our lenitje will be so improved by him as may deserve the further favor of this Court.

[*200.]
Capt. Leueretts
censure.

1655.

29 May.
Comissioners
to lay out the
marsh at
Connahassett.

The admonition was given accordingly, the whole Court being together.

Itt is ordered, that Cap^t W^m Torrey and Cap^t Richard Brachett are appointed by this Court to appointe both tyme and place for the meeting wth such comissioners as shall be chosen by the Gennerall Court of New Pljmouth, and joyne wth them to lay out that marsh lying at Connahassett, belonging to this jurisdic^on, according to the former agreement betweene the comissioners of this jurisdic^on and New Pljmouth, as thereby may appeare, making their retourne to the next Court.

Ans^r to Jn^o
Ridgeway
petic^on.

In ans^r to the petic^on of John Ridgeway, itt is ordered, that M^r Jordaine haue liberty to try his acc^on for that particular case expressed in the answer to his petic^on the last Gennerall Court, provided he proceed to trjall at the next County Court for that countje; otherwise Jn^o Ridgeway to haue libertje to proceede with his acc^on in Middlesex Court or elsewhere, according to lawe; and the Court doth further judg, that no advantage shall be taken against the petic^oner in^{*}reference to what hath past already at Cambridge Court in this case.

Ans^r to Jn^o
Bloods petic^on.

In ans^r to the petic^on of Jn^o Blood, humbly desiring this Courts confirmation of a farme of fower hundred acres, w^{ch} was lajd out by order of this Court to M^r Sa^m Haugh, nere Concord, of whom he purchast it, though it be not rightly bounded, that so further troubles maybe prevented, the Court graunts his request.

Ans^r to Lynns
petic^on.

In ans^r to the petic^on of the inhabitants of Lynne in reference to the first p^{te} thereof, the Court declares, that an order is made this Court that provides that countjes build and maintajne their oune bridges, to which they are referred to the latter part. Itt is ordered, that not only the petitioners, but also all the townes in this jurisdic^on, shall haue liberty to prevent the coming in of such as come from other parts or places of these jurisdic^ons; and doe therefore further order, that all such persons as shall be brought in to any such toune wthout the consent and allowance of the prudentiall men shall not be chargeable to the townes where they dwell, but, if necessitje require, shall be releived and maintajned by those y^t were the cause of th^eire coming in, of whom the toune or selectmen are hereby impowred to require securitje at their entrance, or els forbid their entertainment.

[*201.]
Ord^r ab^t Lynne
bridge.

*Considering the vrgent occasion of the countrje in gennerall respecting the bridge in the countrje highway at Lynn, and that the Countje Court is not till the end of this month, itt is ordered, that M^r Edmond Batter, of Salem, M^r George Giddings, of Ipswich, M^r Joseph Jewett, of Rowley, M^r Thomas Layton, of Lynn, or the major part of them, shall be a comⁱttee forthwth to consider and carry on the compleating of the sajd

bridge, and the next County Court shall proportion the charge to the townes in that countje, according to the lawe made this sessions.

1655.

This Court, considering that bridges in countrije highways are for the bennefitt of the countrije in gennerrall, and that it maybe very vnequall to lay the charge for such services on particullar townes, itt is therefore ordered, that from tyme to tyme, vppon informaçon or complainte to each County Court of any necessitje or neglect in such cases, the Court shall appoint a comittee to vejw, consider, and determine the same, and that the charges shall be apporportioned by the magistrates in each Countje Court, to be levjed vppon the seuerall townes in each countje, according to the directions of the lawe, for countrije rates vppon the estate in each countje; & the lawe made in the 8 m^o, 1648, that layeth the charg of bridges on particular townes, is heereby repealed.

29 May.
Order y^t states
y^e charg of all
bridges in
each county.

In ans^r to the petiçõn of the inhabitants of Braintrije, the Court, hauing ordered that all bridges in countrije high wajes, as neede shallbe, shall from tyme to tyme be made and maintajned by each countje in which they are; and that the bridge at Napousett Riuer is wholly ruined, and that there is, as is alleadged, necessitje of a cart bridge ouer that riuer in some place neere Cap^t Stoughtons mill, which, if deferred, cannot be made vp before the winter, itt is therefore ordered, that Cap^t Thomas Savage, Elliazer Lusher, M^r Collicott, M^r W^m Parks, Thomas Dyer, and Deacon Basse, or the majo^r part of them, shallbe a comittee to consider and determine whither to erect a bridge there, and if so, then to agree wth worke men for the same, and to retourne the same to the next County Court, who shall apporportion the charge according to lawe.

Comittee for
Naponsett
bridge.

In ans^r to the petiçõn of seuerall inhabitants of Salisbury, itt is ordered, that the bridge George Carr is building & providing for one part of Sallisbury Riuer, being in such forwardnes, should continew, and maybe improoved for publicke good, and the next County Court at Hampton is heereby impowered to order the same, so that the transportaçon of the petiçõners hay be obstructed as litle as maybe, and that the sajd bridge be lett fly for the month of September, that so the petiçõners may haue due tyme to transport their hay wthout any lett or hinderance during that tyme; and the sajd George Carre is to keepe a sufficijent ferry boate on that side.

Ans^r to Tho.
Macy & others
petiçõn in
reference to M^r
Carrs bridge.

In ans^r to M^r Houchins request for liberty to lay doune his ensigns place, the Court granted his request.

Ans^r to M^r
Houchins
petiçõn.

In ans^r to the petiçõn of Jeremiah Houchin, itt is ordered, that an inventory of the estate of Edmond Groce, deceased, being truly brought in to the next County Court for Suffolke, the estate shallbe thus divided: i. e., The widdow shall haue one third part of the whole estate; the eldest sonne a double

Ab^t Grosse his
estate.

1655.

29 May.
Norfolk Courts
to be kept by
Mr Symonds &
Cap^t Wiggins.

[*202.]

Ans^r to Sam.
Winthrops
petiçon.

porçon, and the rest to be divided betweene the rest of the children, part and part like.

Itt is ordered, that Mr Samuell Symonds and Cap^t Thomas Wiggins shall keepe the County Courts in Norfolke for the yeare ensuing.

*In ans^r to the petiçon of Deane Winthrop, in behalfe of Samuell Winthrop, his brother, itt is ordered, the petiçoner be sattisfied by the Tresurer in such pay as the countrje affords, the third part of the two hundred pounds due to the sajd Samuell Winthrop, provided he haue and shew forth a sufficient power, by letter of attourney or otherwise, to receive and give discharge for the same.

Ans^r to Edw.
Kibby petiçon
ab^t Garret
Bournes child.

In ans^r to the petiçon of Edward Kibby, itt is ordered, that the house and lands of Garrett Bournes, now vnder seizure by the countrje, shallbe disposed of for his childes vse by the selectmen of the toune of Boston, provided theire power extends not to make sale of the same, but the propriety to remaine to the child.

Ans^r to Grace
Porters
petiçon.

In ans^r to the petiçon of Grace Porter, craving the favor of this Court for liberty to sell the house & lands she stands possessed of, mençoned in hir petiçon, the Court graunts hir request, so as Daniell Smith, of Water Toune, husband of the daughter of Thō Rodgers, haue notice given him by Jun^o Sherman of the Court condiscençon, vnlesse the sajd Smith, at the next sessions of this Court, shall shew cause to the contrary.

Ans^r to Edw.
Brecks peti-
çon.

In ans^r to the petiçon of Edward Brecke for the remittment of a fine of fower pounds, imposed on him for refusing the counstables office, the Court sees no cawse to graunt his request.

Ans^r to seŷill
Scotchmens
petiçon.

In ans^r to the petiçon of seuerall Scotsmen, no prooffe nor probabilitje appearing of what the petiçoners affirme, the Court sees no cause to graunt theire request.

Ans^r to Henry
Woolcotts
petiçons.

In ans^r to the petiçon of Henry Woolcott, of Winsor, on Conecticott, itt is ordered, that all proceedings about the thirtje pounds seven shillings mençoned in the petiçon be suspended, and that itt remaine in statu quo prius as before the execution levyed, vntill the petiçoner may haue opportunitje either joyntly wth Nicholas White, or in the name and right of the sajd White, though his consent should be wanting, that the petiçoner, either by himself or his attorney, may haue opportunitje to revejw or try an accon as aforesajd, for the clearing of the title of the land sold by the petiçoner vnto the sajd White, in the County Court to be held at Boston in the 5th or 8th m^o next. And if the land shall be recouered of Mr Hutchinson for the sajd White, then the bills for the thirty pounds seven shillings to be null, wthout more impleading of White; and also that the magistrates then shall determine all

damages respecting M^r Woolcot & Nicholas White, in reference to all former proceedings by their impleading each of other.

1655.

29 May.

Whereas wee, whose names are herevnder written, being authorized by the honored Gennerall Court, held at Boston, October, 1654, to deale in matters of difference amongst vs in Yorkshire, about country charges, wee not being able to act according to the vtmost extent of our order, for want of light, but according to our best abilitjes wee haue effected so much as is sattisfactory to both partjes herein, notwthstanding the person appointed for Kittery in this buisnes refused to apply himself to the honored Courts order, and hath not brought in the valuation of their estates, yett wee haue fairely & favorably acted for them as for ourselves, indifferently, as may appeare by these seuerall soimes that follow, as wee are credibly informed to walke; & in vallation wee finde these p̄ticulars to be that charge which necessarily ariseth æqually proportioned from the countjes estate on Kittery, wth y^e part of Ile of Shoales belonging to it.

Comissioners
to take acco^t
of Yorks
estates, &c.

| | | | |
|------------------------|----------|----|----|
| | 45 | 15 | 00 |
| To Yorke, | 17 | 17 | 00 |
| Wells, | 13 | 10 | 00 |
| Cape Porpus, | 04 | 08 | 00 |
| Saco, | 10 | 05 | 00 |
| | 91 15 00 | | |

Subscribed,

ABRAHAM PREBLE,
ROB^t BOOTH,
JONATHAN THING,
GRIFFIN MOUNTAGUE.

The Court approved of y^s retourne.

*In ans^r to the petiçõn of Christopher Lindsey, of Lynn, humbly craving some sattisfacõn from the country for his wound in the Pecquod service, losse of time, & charg of cure, itt is ordered, that the petiçõner shall be pajd three pounds, in sattisfacõn of his months pay & damages sustejnd by his hurt.

[*203.]
Ans^r to Chris^t
Linsseys
petiçõn.

In ans^r to the moçõn of Joseph Jeneks, Señ, itt is ordered, that Joseph Jeneks, Señ, and his assignes only shall haue libertje graunted to them to make that engine the sajd Jeneks hath proposed to this Court, for the more speedy cutting of grasse, for seven yeares, and that no inhabitant, or other person wthin this jurisdicõn, during that tjme shall make or vse any of that kind of engine wthout license first obtajnd from the sajd Joseph Jeneks, on the

Jeneks engine
to cutt grasse.

1655.

29 May.

penalty of five pounds for every such engine so made or used, to be recovered at any Court in this jurisdiction by the said Joseph Jencks, Señ, or his assignes.

Cap^t Leueretts
censure reſt,
& c̄, & he rectus
in Curja.

The whole Court being mett together, Cap^t Leuerett was sent for and appeared, who publickely professed that he was mistaken in producing that to be a record w^{ch} was not; & y^t if he had knowne so much before as now, he should haue bin farr from making vse thereof, or producing it, & w^{ch} is a farther aggravacōn that he should produce that which is so offensive, and appears to be no record, when he was not necessitated in that cause to produce it; w^{ch} acknowledgment the Court accepted of, and declared, that whereas Cap^t Jn^o Leueret, for his late acting in reference to the Dutch shipp, was by this Court censured, & suspended the exercise of his office of captaine, & c̄, whereby the libertjes and authoritje of this gouernment are vindicated, which was the intent of that sentence, not the losse of the helpe of any vsefull person, which wee are willing to improove; and the Court, being well pswaded that the said Cap^t Leuerett will according to his profession and duly direct his actings for the future to the advancement of the welfare and authoritje of this gouernment, haue reversed that part of his sentence whereby he stands suspended the exercise of his office, & doe heereby restore him to his place, & y^t he is rectus in Curja as before.

Ans^r to Georg
Munnings
petiçōn.

In ans^r to the petiçōn of George Munnings, humbly craving the remittment of two fines imposed on him by the County Court, itt is ordered, that the five pounds fine be remitted him, & the other be abated to fower pounds, provided it be forthwith satisfied, and that this Court heare no more of it.

Ans^r to Ded-
ham petiçōn.

In ans^r to the petiçōn of the inhabitants of Dedham, the Court refers the petiçōners to a course of lawe for releife in the case mençōned in their petiçōn.

Ans^r to Georg
Parkhurst
petiçōn.

In ans^r to the petiçōn of Georg Parkhurst, itt is ordered, the petiçōner be allowed to make sale of the land therein mençōned, provided that two third parts of the price be left in the hands of M^r Browne for the vse of the two eldest sonns, to be paid them when they shall come to twenty-one yeares compleat, and in the meane tyme to be improoved for their benefitt.

Ans^r to wid^r.
Hooks petiçōn.

In ans^r to the petiçōn of M^{rs} Ellino^r Hooke, late wife to M^r W^m Hooke, deceased, the Court judgeth it meete to impower hir, the petiçōner, to make improvement of the estate, & lands, and produce thereof, of hir late husbands, M^r W^m Hooke, and to demand, receive, and recouer all debts, rents, revennews, and proffitts thereof, for the discharge of just debts, and accomōdacōn of himself and yonngest sonne mençōned in the petiçōn, but not to make sale of any lands till this Court take further order therein.

In ans^r to the petiçōn of M^{rs} Ellino^r Hooke, craving that shee might be

impowred to make sale of such lands at Accomenticus, now Yorke, that hath binn formerly appropriated to Cap^t Norton, heretofore hir husband, & lajd out to him, and recorded in the booke of reccords there, the Court doth graunt the peti^cõner power to make sale of all such lands to and for hir oune vse as shall clearly appeare sometime to be the estate of Cap^t Norton, as is desired in hir peti^cõn, provided there be no legall convejançe of the land heeretofore made.

1655.

29 May.

*In ans^r to the peti^cõn of Edward Saunders, craving the favor of this Court for the leaving of from his necke his sentenced halter, the Court, having received some testimony of some good effect his other punishment hath produced, doe graunt his request.

[*204.]

Ans^r to Edward
Saunders
peti^cõn.

In ans^r to the peti^cõn of Richard Pooly, itt is ordered, that the peti^cõner be released out of prison on his putting in twenty pounds securitje to the keeper of the prison, to answer for his offence at the next Court of Assistants.

Ans^r to Pooyls
peti^cõn.

In ans^r to the peti^cõn of Timothy Cooper, craving the remittment of the forfeiture of a tenn pounds bond, wherein he stood for the good behaviour of John Jarvice, the Court remitted the same to twenty shillings.

Ans^r to Timo-
thy Coop^rs
peti^cõn.

In ans^r to the peti^cõn of M^r Deane Winthrop, M^r Jn^o Tincker, M^r Thõ Hinckley, &c, & of Leiū W^m Martin, Timothy Cooper, &c, the Court judgeth meete to graunt the peti^cõners eight miles square in the place desired, to make a comfortable planta^cõn, which henceforth shall be called Groaten, form^ly knoune by the name of Petapawag; that M^r Danforth, of Cambridge, wth such as he shall associate to him, shall and heereby is desired to lay it out wthall convenient speede, that so no incouragement may be wanting to the peti^cõners for a speedy procuring of a godly minister amongst them; provided, that none shall enjoy any part or por^cõn of that land by guift from the selectmen of that place but such who shall build howses on their lotts so given them once wthin eighteene months from the time of the sajd tounes laying out, or tounes graunt to such persons; and for the present, M^r Deane Winthrop, M^r Jn^o Tincker, M^r Thomas Hincly, Dolor DAVIS, W^m Martin, Mathew Harrington, Jn^o Witt, and Timothy Cooper are appointed the selectmen for the sajd toun of Groaten for one two yeares from the tyme it is lajd out, to lay out and dispose of particcular lotts, not exceeding twenty acres to each house lott, and to order the prudentiall affaires of the place; at the end of w^{ch} tyme other selectmen shallbe chosen, and appointed in their roomes, the selectmen of Groaten giving M^r Danforth such satisfaction for his service and paines as they & he shall agree.

Groaten a new
planta^cõn.

Whereas M^r Nathaniell Edwards, about 18 months since, on his retourne from Berbadoes, departe this life, and administra^cõn to his estate was graunted to Joseph Hills, of Maulden, vnto whom, for his funerall and other-

Order ab^t
Nathan Ed-
wards estate.

1655.

29 May.

wise, there is something due, as also to M^r Theoder Atkinson, M^r Thomas Broughton, & Nathaniell Willjams, w^{ch}, if they should be issued by sute of lawe, might be troublesome to Courts, and shortning the estate, to the losse and damage of the credito^rs, itt is therefore ordered by this Court, that all such debts as aforesajd, and otherwise, as shall be made to appeare vnto the magistrates of Boston or Charlestoune Court, and by them be allowed of to be truly due out of the sajd Edwards estate, shallbe satisfied as farre as the sajd estate will extend wthout suite in lawe.

Ans^r to Steven
Days peti^on.

In ans^r to the peti^on of Steven Day, of Cambridge, craving that the graunt of this Court of three hundred acres of land to him for recompence of his care and charg in furthering the worke of printing, w^{ch} was in the yeare 1641, might be recorded, the record whereof appeares not, the Court graunts his request, and doth hereby confirme the former graunt thereof to him.

Ans^r to Ann
Colcords
peti^on.

In ans^r to the peti^on of Ann Colecord, wife of Edward Colcord, the Court doth graunt the peti^oner liberty to revejw any case according to hir desire to recouer any hir just rights.

[*205.]

Ans^r to Cap^t
Pendletons
peti^on.

*In ans^r to the peti^on of Cap^t Brjan Pendleten, the Court declares, that he had full power from this Court, the last yeare, to act in the premisses, and expected an inventory of that estate to be brought into this Court accordingly, and therefore expect the peti^oner should proceed according to an ordinary course of lawe for the accomplishment of this Courts order in the case.

Ans^r to M^r
Kembles peti-
oⁿ.

In ans^r to the peti^on of Thomas Kemble, of Charlstoune, humbly craving *craving* that some course might be taken for his releife, y^t his accompts might be audited in reference to his m^r, M^r Rich, & c, the Court judgeth it meete to leaue him without other answer than this, i. e., that, vntill he be sued heere by his master, Rich, or his attourney, who cann best satisfy the truth of his accompts, and who hath also power to accept of them and give him a discharge, or he may sue his master, Rich, in England.

Ans^r to M^r
Hills, & c,
peti^on.

In answer to the peti^on of Joseph Hill, Abraham Hill, Jn^o Wajte, Jn^o Sprage, Ralph Shephard, Jn^o Vppam, James Greene, & Thomas Call, in w^{ch} they humbly acknowledg the offene they gaue to the Court & seuerall churches about the ordjnation of M^r Mathewes, & c, and therein also craving a remittment of thirteene pounds six shillings and eight pence, p^t of a fine not yett satisfied, the Court doth well approve and accept of the peti^oners acknowledgments of their irregular actings in those times, but vnderstanding much, if not most, of the fine being pajd for, & that the rest is secured and should long since haue binn pajd in, they see not cawse to graunt their request in that.

Ans^r to Nor-
folk peti^on.

In ans^r to the peti^on of of Samuel Hall & Henry Dowe, in behalfe of the

county of Norfolke, craving some releife of this Court for the ease of y^e county in p^t of their County Court charges, the Court declares the lawe hath already provided for such cases.

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29 May.

In ans^r to the petiçõn of Richard Marjerum, the Court judgeth it meete to referr the petiçõner for releife in his case to a Court of justice.

Ans^r to Rich. Marjeroms petiçõn.

In ans^r to the petiçõn of Zackariah Fitch and Josiah Dasten, itt is ordered, that the last countrje high way mençõned in their petiçõn shall, and is heereby, suspended from being made vse of for present, and that the first high way formerly lajd out shallbe made vse of and accoumpted only the countrje highway till this Court shall take further order, that so not only present contençõns and sujtes of lawe may be prevented, but further opportunity for better informaçõn may be giuen to this Court for the regulating thereof.

Highway by Maulden.

In ans^r to the petiçõn of the inhabitants of Concord, the Court doth graunt them five thousand acres of land for feeding, according to their petiçõn, provided it hinder not any former graunts.

Ans^r to Concord petiçõn.

Vppon informaçõn from Majo^r Willard, by a letter from Esdras Read, Edward Spalden, W^m Fletcher, &c, inhabitants of a new plantaçõn, that the number of inhabitants, according to the time p̄fixt in the Courts graunt, were there settled at their request, the Court doth graunt the name thereof to be called Chelmsford.

A new plantaçõn called Chelmsford.

In ans^r to the petiçõn of seuerall proprieto^{rs} & inhabitants of Shawshin, humbly desiring a tract of land lying nere the lynce of the farmes of John and Robert Blood, & so along by the side of Concord Riuer, &c, the Court graunts their request in that respect, so as it hinder not former graunts, and graunt the name of the plantaçõn to be called Billirikeya.

Billireca, new plant^a, ans^r to y^e petiçõn of Shawshin, alias Billiricay.

The Court doth graunt the president, M^r Chancy, fue hundred acres, free of former graunts, & not hindering a plantaçõn, so as he continew in y^t place three yeares.

Billireca 500 acres of land graunted to M^r Chancy.

In reference to the second particcular retourned by the com̄ittee in M^r Giffords case, the Court doth judge that M^r Gyfford was legally discharged from the execution levjed vppon him for ffivety odd shillings by the apprise-ment of a peece of ordinance, vppon which the execution was levjed, and therevppon the gunn was legally apprised to the vse of Cap^t Keajne.

Courts judgmt in M^r Giffords case abo^t 50^s execution, 23 June.

*M^r Edward Rushworth, deputy for Yorke, on his vrgent occasions, at his request, is dismist from any further attendanc on this Court.

[*206.]

M^r Rushworth dismist.

In ans^r to the petiçõn of M^r Charles Chancy, præsident of Harvard Colledge, &c, the Treasurer is desired to disburse the so^me of thirty pounds to furnish his necessary occasions, to be repajed out of the first rents of the ferry.

Ans^r to M^r Chancys petiçõn, p^a 26.

1655.

29 May.

The Court, hauing heard the deposiçõs of Elias Parkeman & Joseph Beamis in reference to reproachfull & scandalous speeches vttered by M^r W^m Aubrey, hearing also his ans^r, ordered the sajd M^r Aubrey should be severely reprooved in open Court by the Goũno^r, and that he therevppon make a publicke acknowledgement of such his reproachfull speeches, or els to be bound to his good behaviour during the Courts pleasure. This was donn & pformed accordingly.

In ans^r to the desire of our beloued bretheren & neighbors, the inhabitants of Shawshin, requesting imunitjes & freedom from all publicke rates & charges at Cambridg, and that all the land of that place, aswell those appertaining to the p^rnt inhabitants of Cambridge as those graunted them by the Court, might belong intirely to that place, for the better incouragement & carrying on of publicq charges that will necessarily there fall out, —

Wee, whose names are vnderwritten, being impowred by the inhabitants of Cambridge, at a publicke meeting of the toune, the 29th of January, 1654, to make such propposiçõs & conclusions therein as to vs might seeme most meete & æquall, doe make theise following propposiçõs wth refference to the compljance of the aboue named, o^r beloued bretheren & neighbors, the inhabitants of Shawshin, and the approbation of the Gennerall Court for the full conclusion thereof: That all the lands belonging to that place called by the name of Shawshin, with its appurtances or latter graunts made by the Gennerall Court, as well those the proprietye & peculiar right whereof belongeth to any particular person, as those graunted by the toune or church of Cambridge to that place for a touneshipp, as also those given by the inhabitants of Cambridge for the furtherance and incouragement of a plantaçõn there, shall be one intire touneshipp or plantaçõn, alwajes freed & acquitted from all manner of coõmon charges & rates, of what nature or kindesoeuer, due or belonging of right to be pajd vnto Cambridge by virtue of any graunt of that place vnto them by the Gennerall Court.

Cambridg &
Shawshins
agreem^t.

2. That whensoever any of the inhabitants of Cambridg, their heires or assignes, whither in that place or elsewhere, shall make any improouement of their lands aboue p^rmised, more or lesse, by fencing, building, or breaking vp, or mowing of the meadows, euery such person shall pay to the coõmon charges of that place, i. e., Shawshin, suitable to his or their improouement of the aforesajd kind, in due proporçõn wth the rest of the inhabitants in that place, the whole estate and improouements of the place being lajd at an æquall & proportionable rate.

3. That the inhabitants of Shawshin shall, at all time and tjmes heere-

after foreuer, acquitt & discharge the inhabitants of Cambridge from all com̄on charges, rates, dues, dutjes, & incombrances by any manner of wajes or meanes due by them, to be pajd, executed, or performed, by vertue of their interest in that place, given vnto them by the graunt of the Gennerall Court.

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4. That whensoever any of the inhabitants of Cambridge shall alienate their p̄nt interest in any of the above named lands from themselves & heires, then the sajd lands shall, in all respects, be liable to com̄on charges of that place, as though those particullar persons had their graunts thereof made them from the sajd toune, or plantaçõn, of Shawshin.

*5. That no person or persons which either haue had or hereafter shall haue any lott or allotment graunted them in the aboue named touneshipp of Shawshin, in case they make not improouement thereof by building and fencing, especially the houselott, shall haue any power to make any sale or giift thereof to any other person, but such land and alotments shall retourne againe to the toune, i. e., Shawshin; and in case, after such like improouement, any person shall then remooue, to the deserting and leaving their bretheren and neighbors that haue adventured by their encouragement to settle there wth them, no such person or persons, for seven yeares next ensuing the confirmation heereof shall haue power to make either sale, or giift, or any aljenation thereof to any person or p̄sons whatsouer, saue only vnto such as the greater part of the inhabitants then resident at Shawshin shall consent vnto and approve of.

[*207.]

6. That in case any greiuaunce shall hereafter happen to arise, which for the present neither side foresee, nor is heereby clearely determined, that then all such matter of greiuaunce or difference shall be from tyme to tyme heard and determined by meeete persons, three or five, indifferently chosen by the prudentiall men of Cambridg & Shawshin.

And these aforementjoned proppositions to be subscribed by all the present inhabitants of Shawshin, and by all such as heereafter shall haue any allotments graunted them there, and retourne hereof made to the inhabitants of Cambridg wthin tenn dajes after the end of the first session of the next Gennerall Court. Given vnder our hands this 17th 2^o m̄, 1654, by vs,

HENRY DUNSTER,
RICHARD CHAMPNEY,
EDWARD GOFFE,
JOHN BRIDGE.

These propposiçõns are accepted of and consented vnto by vs the present

1655. inhabitants of Shawshin; and wee doe humbly craue this honored Court to
 confirm and record the same.

29 May.

Yo^r humble servants,

RALPH HILL, Scñ,
 WILLJAM FRENCH,
 JN^o STERNE,
 W^m PATTIN,
 GEORG FARLEY,
 RALPH HILL, Juñ,
 JN^o CROE,
 JAMES PARKER,
 JONATHAN DANFORTH,
 HEN: JEFFES,
 W^m CHAMBERLYN,
 JN^o PARKER,
 ROBT: PARKER.

Theire request was graunted by the Court.

Grault of
 Catta Iland to
 Jn^o Endecot,
 Esq^r.

It is ordered, that the iland called Catta Iland, being about a two acres,
 lying neere to Marble Head, shall and is heereby graunted to Jn^o Endecott,
 Esq^r, the honored Gofn^r, & to his heires.

Ans^r to Cap^t
 Wigg^s peti^on,
 200 ac^{rs} grted
 him.

In ans^r to the peti^on of Cap^t Thomas Wiggins for such a quantitje of
 land as the Court shall judg meete, in recompence of his service at Yorke,
 Kittery, Wells, &c, the Court doth graunt him two hundred acres of land,
 in such place where he shall choose, on the riuier that leads vp to Choche-
 chowicke, to be lajd out by M^r Edward Rushworth, M^r Hateevill Nutter, and
 M^r Edward Starbucke, or any two of them, at his charge, making their re-
 tourne to the Court.

M^r Pajnes bill
 of charges in
 refer. to ye
 counsell at
 Ipswich.

An account was presented to this Court of the charges expended at Ips-
 wich, at the counfills meeting there, w^{ch} amounted to twenty fower pounds sev-
 enteene shillings and three pence, w^{ch} the Court allowed of, & ordered the
 Tresurer to make M^r Robt Pajne the best pay he can to that vallew.

Left. Turners
 bill for ye same
 acco^t.

A like aecompt was brought in by Lef^t Robt Turner, of the charges of
 the counsell, expended at Boston, to the valew of three pounds foureteene shil-
 lings and tenpenc, w^{ch} the Court allowed of, & ordered the Tresurer to make
 him satisfaction.

Ans^r to Eliza-
 beth Riders
 peti^on.

In ans^r to the peti^on of Elizabeth Rider, hir husband having left hir
 and five smale children, and no meanes to majutajne both hir and them wth

necessary ffoode and apparrell, &c, desiring libertje from this Court to sell a house and land in Dorchester, which hir father, W^m Lane, gaue to hir and hir children, itt is ordered, that the select men of the toune of Boston shall haue power to dispose of the sajd howse and land, either by sale, mortgage, or otherwise, as they shall judge meete, for the vse of the petiçõner, w^{ch} this Court doth heereby confirme and allowe.

1655.

29 May.

*Itt was voted by the whole Court, that M^r Gyfford shall be sent for, and hath libertje to come wth his keeper to the Court, to ans^r in his case.

[*208.]

Itt is ordered, that this night this Court shall be adjourned to the last fowerth day in October next, at eight of the clocke in the morning.

8:4:55.

The same night, the Court, meeting together, adjourned to 7 of y^e clocke next morning.

The Court, meeting at the tyme, reassumed the debař about M^r Giffords buisnes, and itt was put to the quæstion, because tyme was streight, whither this Court should be adjourned to Twesday come three weekes. The Court resolved, by vote, it should not be adjourned to Twesday 3 weeks, but to the fowerth third day in October next.

On the importunate request of M^r Gyfford, at last the Court voted, that this Court should be adjourned to Wendsday next come seven night at eight of the clocke in the morning, to heare M^r Gyffords case.

M^r Robt Knight & M^r W^m Phillips came into the Court, and engaged to satisfy the charges of the Court.

The Court adjourned accordingly.

The Court mett att the tyme appointed, being 20th June, 1655.

20 June.

Itt was voted by the whole Court, that by the words 'to heare M^r Giffords case,' in y^e last vote of the last sessions, is meant the whole case. M^r Gyfford appeared, & y^e remonstrance he presented was read in open Courte. After some agitations about M^r Giffords buisnes, M^r Josiah Winslow appeared before the Court, where M^r Gifford was, and after some time allowed him to determine whither he would proceed in the case, he did, in open Court, voluntarily expresse himself that he did lay doune his comission or power that he had from M^r Bex and Company.

Whereas this Court did graunt to M^r Gyfford to heare his whole case, and no defendant appearing, the Court sawe not cawse to proceed; itt is therefore ordered, that the sajd Gifford, making out legall processe, shall haue his cawse, w^{ch} was trjed in Nouember last, betwixt the attornejes of the vndertakers of

Courts judgment in M^r Giffords case

1655.

20 June.

the iron workes and the sajd Gyfford, heard by way of revejw, at the next sessions of the Gennerall Court, in October, and that in the meane tyme the sajd Gifford, putting in sufficijent bajle, to the value of twenty three hundred pounds, to render himself a prisoner at the prison at Boston, the second day of the next sessions of the Gennerall Court, and in the mean tyme once euey month to appeare at the meeting house in Boston, there to continew during the time of the lecture, and lye that night in prison, shall be freed from his imprisonment in the meane tyme, and be at libertje to follow his occasions; alwajes provided, and it is to be vnderstood, that if the sajd Gyfford shall not, vppon the revejw of the action and libertje graunted by the Gennerall Court, reverse the whole judgment and execution now vppon him, he shall, for the remainder of the sajd judgment, in case part thereof be taken of, retourne and continew to the state and condiçõn wherein he now stands, for such sòm̄e as shall not be taken of vppon the revejw, wthout any further execution or processe; and it is declared by this Court, that if any one or two person or persons shall appeare at the sajd Court to defend the sajd action on the behalf of the vndertakers, the Court will willingly attend their pleas.

[*209.]
M^r Giffords
bajle.

*M^r Sañ Mauricke, of Nodles Iland, M^r W^m Bartholmew, of Ipswich, Sañ Bennett, of Lynne, Evan Thomas, of Boston, & Lefř Thomas Marshall, of Redding, appeared before the whole Court, and acknowledged themselves justly bound to the Tresurer of the Massachusetts jurisdicçõn for the tyme being, in the full value of twenty three hundred pounds, jointly and seuerally, if the sajd M^r Gifford shall performe the order aboue written, in referenc to his being a true prisoner, onç a month, and retourning him to prison on the second day of the next session of this Court, in October, no inevitable hand of God hindering. This was acknowledged by each of them in open Court.

EDW: RAWSON, Secretř.

Y^e secret. to
dd. M^r Gifford
his broad
booke on con-
diçõn.

Itt is ordered, that the broad booke of M^r Gyffords, now in the hands of the secretary, shall be deliuered into the hands of M^r John Gyfford, to take a copy of, so as he retourne it into the secretarys hand within eight weekes, vndefaced; and before he receive it, to give the secretary a note vnder his hand of the foljos and seuerall lynes & sòm̄es in each page, that so if any alteraçõn be made it may be knoune.

Y^e countrjs
allow. of
pouder at
Major Gibens
funerall.

The two barrells of powder borrowed by y^e Depř Gořno^r of the survejour generall, & spent at y^e funerall of y^e late Majo^r Generall Gibons, should be discharged out of the countrje store; and it is further ordered, that the thirty two pounds of powder spent on y^e same occasion by Charles Toune shall be allowed them as an additjon to their next yearly proportion of powder.

On certificat vnder the hands of Edw̄ Hutchinson, Thō Danforth, & Jn^o Sherman, y^t y^e land graunted to y^e military company at y^e head of Cambridge lyne out of y^e wast land there, y^t y^e find there is not fitt accomōdaçōns for such a farme, itt is ordered, y^t y^e company may haue five hundred acres of y^e sajd land lajd out betwixt Cambridge and Concord lyne, neare to Concord lyne, w^{ch} is vppon Shawshim Riuer, as shall be found most convenient, and the other five hundred acres to be layd out vnto them out of y^e comōn lands yet vndisposed of in the southwest of Meadfeild.

1655.

20 June.
Military.

This Court is adjoined to the 4th 3^d day in October next, being the twenty fowerth day of y^t moneth.

**Att a Gemerall Court, held at Boston, the 24^h of October, 1655.*

[*210.]

24 October.
Y^e legallity of
y^e Court.

THE Court being mett, the question was put whither, the Magistrates and Deputjes now mett, itt be judged to be a legall Gemerall Courte, some members of the Court not appearing till late the night before. Itt was resolved on the affirmative.

M^r Samuell Mauericke, M^r Bartholmew, Evan Thomas, &c, presented M^r Jn^o Gyfford before the Courte, according to their engagement, and returned him to prison, on which their bond was discharged.

M^r Maſtick,
M^r Barthol.,
&c, discharged.

M^r Jn^o Gyfford, appearing before the Court, produced his attachment, dated the 15th of October, 55, w^{ch} was read before the Court, wth a noate of the connstable of Lynne, authorizing Edward Richards to be his attorney, to serve that attachment, who returned he had attached a debt in the hands of Richard Hood, of sixteene pounds thirteene shillings and eleven penc, as belonging to the old company of the iron works, together wth three muskitts, one sword, and one paire of bandeleeres, in y^e s^d Jn^o Gyffords hands, and one axe & one spade in y^e hands of Theophilus Bayly, as on y^e backside of y^e attachment appeares.

M^r Giffords
attach^t of
Bex & Comp^s
estate.

Capt W^m Hawthorne appeared before the Magistrates, and vndertooke to discharge the charges of their house during the Courts hearing of M^r Gyffords cause.

Capt. Hawthorne's
engagem^t
to discharge
the charge of
y^e Court in M^r
Giffords case.

The Court spent seuerall dajes in hearing what M^r Jn^o Gifford could say, in reading & examining the best they could, no defendant appearing, and in persving the seuerall evidences then brought in, or y^t was in the secretaries hands, having reference also to M^r Giffords bookes, which also was in Court, and proceeded to passe these votes herevnder exprest.

1655.

31 October.

Courts rejection of Mr Giffords oath. 31:8 mo, &c. 55.

Mr Gifford charged wth 800^l of iron, &c.

The question being put whither Mr John Gyffords oath shall be accepted as an evidence to cleare his accompts in reference to the iron workes, as the said accompts now stand, itt was resolved on the negative.

It being put to the question, whither the receipt of Mr Gyffords abstract, presented to this Court vnder Mr Aubrêys hand, in reference to sixty five tonne seven hundred and twenty three pounds of barr iron, twelve tonne one hundred two quarters of rod iron, seven tonne fower hundred one quarter and twenty five pounds of potts and cast ware, together with the depositions of Jn^o Blajn^o and Theophilus Bayly, doe legally proove the deliuey of one hundred twenty and three tonns eightene hundred two quarters & twenty seven pounds of barr iron, nineteen tonne sixteene hundred of rod iron, & seven tonne seventene hundred one half and eleven pounds of potts and cast ware to the said Aubrey, so as the said Gifford should be discharged thereof. Itt was resolved in the negative.

2:9 mo, 55.

2:9 mo, 55.

Itt was voted by the whole Court, that Mr Gifford putting in as sufficient baile for twenty three hundred pounds, as he did formerly, that he will render himself a true prisoner on the second day of the next sessions, shall haue his libertje to goe abroad; in the meane tyme the securitje to be put into the keeper, as two magis^s shall adjudge.

County Courts adjourn^d, 25:8 mo, 55.

Heidens allowance.

It is ordered, that the next County Court to be held at Boston, being the 30th of this October, shall be adjourned to the 6th of Nouember next.

In ans^r to the petiçon of Susan Heiden, craving this Courts charritable releife in referenc to the afflicting hand of God on hir in referenc to hir sonn, the Court judgeth it meet to allow the petiçoner, for this yeare, five pounds, to be pajd her out of Braintrje countrje rate.

[*211.]

Ans^r to Edw. Michelsons peti. 31:8:55.Ans^r to Rosse his petiçon.

*In ans^r to the petiçon of Edward Michelson, the Court judgeth it meete to confirme the lawe respecting strong waters & other flees therein exprest to him for two yeares more.

In ans^r to the petiçon of James Rosse, a Scotchman, the Court graunts his request, i. e., his liberty to goe home wth his master, John Ruddocke, on his humble acknowledgment of his fault and promise of his good behaviour.

A markt at Hampton efly 5th day of y^e weeke.

Mr Hubbards priviledge to marry, &c.

Nasons censure.

At the request of the tonne of Hampton, by their deputy, itt is ordered, that there shall be a markt kept there one day in euery week, viz., on the fifth day, which is their lecture day.

Itt is ordered, that Mr W^m Hubbard shall and is heereby impowred to marry David Fiske, of Cambridg, & Sarah Wilson, of Ipswich, if they are published according to lawe.

The Court, having considered of the seuerall testimonjes brought in

against Richard Nason, the prisoner now accused for blasphemy, doe not judge him so guilty of that fact as that by our lawe he ought to dye, but judge that he shall bring in securitje, to the value of forty pounds, before some of the magistrates, to be of good behaviour, and so to stand bound during this Courts pleasure, and discharge the prison before he be released, and allowed Philip Chestly, a wittnes against him, two pounds sixteene shillings costs.

1655.

31 October.

The Court, having heard & considered the seuerall testimonjes brought in against the Indian majde, who hath been on trjall for killing of another majd by shooting of a charged peece, doe not finde hir guilty of wilfull murther, so as by our lawe shee ought to dye, yet for such a great misdemeanor, for terror to others, and to prevent the like practizes for y^e tyme to come, doe sentence hir to be whipt with ten stripes.

Indjan maids
censure.

In answer to the petiçon of M^r Richard Hitchcocke, after the Courte had fully hearde the case betweene him & Thomas Warner, the Court determined, that notwithstanding what evidenc Thomas Warner produced in the case, the sajd Hitchcocke was free from blame in graunting the hue & cry, and that he should be allowed thirty shillings costs by the sajd Warner.

Ans^r to M^r
Hitchcocks
petiçon ag^t
Warner.

This Court was adjourned to Twesday sevensight, being 13th instant, at eight of the clocke in the morning, 2nd 9 m^o, 55.

The Court mett againe on the 13th of Nouember, 1655, the time appointed. 13 November

| | |
|--|---|
| PRESENT, Jn ^o Endecot, Esq̄, Goũ, | Cap̄ Thõ Wiggins, |
| Ri Bellingham, Esq̄, Dep ^t Goũ, | Majo ^r Genn ^t Dennison, |
| M ^r Symon Bradstreet, | Majo ^r Symon Willard, |
| M ^r Sañ Symonds, | Majo ^r Humphrey Atherton. |
| Cap̄ Robert Bridges, | |

Forasmuch as this Court is informed there are some witnesses in Col-cords case that were not allowed their charges, itt is ordered, that it shall be in the liberty of Salisbury Court to satisfy such witnesses charges out of the fower pounds thirteene shillings in M^r Stanions hands, as a fine to the countje, w^{ch} yett is not pajd in.

Itt is ordered, that the rate for this yeare, together with an addition of one quarter part more, be paid in wheate and barly at fower shillings and sixe pence p bushell, pease at fower shillings, rye at three shillings sixpenc, and Indjan at two shillings and sixe pence, and that onehalfe of the rate be pajd in wheate, barly, or pease; the Indian corne to be pajable the tenth of March.

Prices of corn
to y^e countje
rate.

1655.

13 November.

[*212.]

Prohibition of
malte, &c, on
penalty of
confiscation.

*This Court, taking into their serious consideration the great necessity of upholding the staple commodities of this country for the supply & support of the inhabitants thereof, & finding by experience that the bringing in of maulte, wheate, barley, bisket, beife, meale, & flower, which are the principall commodities of this country, from forraigne parts, to be exceeding prejudiciall to the subsistence of this place and people here, have therefore ordered, that no person whatsoever, either inhabitant or stranger, shall, directly or indirectly, after the first of March next, import into this jurisdiction, from any part of Europe, any of the aforesaid provisions, vnder the penalty of confiscation of the same, (except it be for the shipp's provision,) that shall be so imported, landed, sett to sale, or otherwise disposed of, contrary to the intent of this order; and it is further ordered and enacted, that all marshalls, & constables where no marshall is, in the severall townes in this jurisdiction, are hereby required & impowered to make diligent search within their respective townes & harbours where any such provisions are landed, sold, or otherwise disposed of, and to make seizure of the same for the use of the country, for w^{ch} each and every marshall & constable shall have allowed them one fourth part of what shall be so seized, for their care & paines herein; and all former lawes concerning impost vpon any of the provisions aforesaid are hereby repealed.

Senjority of
capt^{ies} in Boston.

Whereas this Court hath formerly ordered, that in all townes where the number of souldiers shall arise to two hundred, they shall be two companys in such townes, and it hath pleased God to increase the towne of Boston, that according to that lawe they are become fewer companjes, it is therefore ordered by this Court and the authority thereof, that the aforesaid military companjes of Boston shall take their senjority amongst themselves by turnes, viz., one company one day and another company another day, &c, and so to continue till this Court take further order therein.

Committee of
trade.

This Court cannot but be very sensible of the state and condition of this country in respect of the manifold wants already vpon vs, & fearing what may further ensue, if Gods providence prevent not, beyond what wee are for present able to see, doe judge it necessary, & account ourselues bound, to use our utmost endeavors for the procuring of suitable supplies, and, as a meanes to attaine such an end, have thought it meete to referre it to the severall committees hereafter nominated to meete together in their respective countjes or otherwise, if they shall judge meete, then and there to consider of some such way as whereby both merchandizing may be encouraged & the hands also of the husbandman may not wax weary in his employment, and, for begetting a right vnderstanding and a loving compljance betweene both, they may advise together or assuage as they see cause, & the result of such their meet-

ings to present to the next Gennerall Courte, to be confirmed and allowed as they shall judge meete, and to consider of some way to regulate in point of workemens wages, if any way may be found. The names of the persons to be imployed in this worke are, for Suffolke, the honored Gouvernor, *Cap^t Savage, M^r Broughton, Cap^t Lusher, Lieutenant Clap, & M^r W^m Paddy; ffor Middlesex, Major Symon Willard, M^r Richard Russell, Cap^t Norton, Cap^t Johnson, M^r Collins, and M^r Joseph Hills; for Essex, Major Gennerall Dennison, M^r Robert Pajne, M^r Edmond Batter, M^r Joseph Jewett, M^r Metcalf, and M^r Woodman; ffor Norfolk, Cap^t Thomas Wiggin, M^r Robert Cleomans, M^r Samuell Winslowe, & Samuell Hall, and with each of these com^mittees the time and place of meeting the seuerall magistrates are to appoint.

1655.

13 November.

[*213.]

Itt is ordered, that euery counstable that now is, or heereafter hath binn, wthin this iurisdiction, shall, on the p^enalty of forfeiting of five pounds, cleere vp all their accompts wth the Treasurer for the rates of their seuerall townes, by the first of May yearelye, & from yeare to yeare, till the Court take further order, & they and euery of them are heereby impowred to impresse boates or carts for the better & more speedy sending in the rates according to the t^mes appointed by lawe.

Constables vnd^r a p^enalty to make vp their acc^ts wth y^e tr^r.

In ans^r to the peti^con of Henry Messenger, humbly craving (that, whereas he is recorded as guilty of a lye in the com^missioners of Boston booke of records, for saying he had corrected his sonne for his miscarriage at the meeting howse, when the youth, on examination, sajd it was his mother that corrected him, &c.) that that judgment of the sajd com^missioners might be reuered, the Court graunts his request, viz., the reuer^con of that judgment.

Ans^r to Henry Messengers peti^con.

Itt is ordered, that the marshall gennerall, after notice giuen to such of the townes as are behind in the payment of what the lawe requires for the late Castle rate, shall, at or before the tenth of March next, goe to such townes and collect the same with such satisfaction as the lawe allowes.

The marshalls power to collect w^t y^e townes are behind in y^e Castle rate.

Itt is ordered, that when what is behind from the townes about the Castle rate be brought in, if there shall be more need, it shallbe in the liberty of Major Atherton to charge a bill on the Tresurer for twenty pounds, that so it may not lye for a small matter vnfinished.

Major Athertons power to charge a bill of 20^{li} on y^e Tresurer.

Itt is ordered, that the cap^t of the Castle shallbe contjnued in that place for another yeare, and till this Court take further order, on the same sallery as was allowed the last yeare, if he accept thereof.

Capt. of the Castle continued, &c.

This Court, taking into considera^con the good seruice of M^r Flynt, lately one of the magistrates, and being informed that his estate is much diminished, and his widdow and children much streightned, doth order that the estate of the sajd widdow, during hir widdowhood, shall be freed from payment of all country rates, leauing the toune to act as they see cawse in referenc to tonne rates.

M^r Flynts exemption from country rates.

1655.

13 November.
Ans^r to M^{rs}
Dells petiçon.

In ans^r to the petiçon of Abigail, the widdow of George Dell, itt is ordered, that the sajd widdow shallbe allowed one third parte of what howses & lands hir sajd husband djed possessed of during hir life, and also one third part of the rest of his estate to be given hir for euer, and the rest to be diuided betweene the children, shee giving in securitje to the County Court for the same according to lawe.

Co^mittee ab^t
Hampton &
Salisbury.

Whereas there hath binn a difference betweene Hampton and Salisbury about running the ljne betwixt them according to the retourne, itt is therefore ordered, that M^r W^m Pajne, M^r Edward Woodman, and M^r Mathew Bojes are appointed a co^mittee, & impowred to goe on y^e place and determine, by way of explanation, where the direct ljne shall runne betweene them; and what shall be donne by them, or any two of them, returned vnder their hands to this Court in May next, shall be a finall issue betweene them.

[*914.]

Order ab^t Dan.
Smith & Grace
Porter.

*Itt is ordered, that Daniell Smith shall haue his liberty at the next Court of Elections to bring in his reasons why Grace Porter should not sell the howse and land, as was graunted the last Court, any thing in that order notwithstanding, giving the sajd Grace Porter notice thereof fower dajes before the sajd Court.

Ans^r to
Edward Rice
his petiçon.

In ans^r to the petiçon of Edmond Rice, of Sudbury, itt is ordered, that M^r Walter Hejmes & Leff Goodenow shall and hereby is appointed a co^mittee to vejw the land mençoned in the petiçon, and make their report how they finde it to the next Court of Electjon.

Ans^r to Edw.
Brecks
petiçon.

In ans^r to the petiçon of Edward Breck, of Dorchester, humbly craving the remittment of a fine the law imposeth for refusing or neglecting to serve in y^e office of a counstable, &c, the Court sees no cause to remitt it.

Counstable
oath of Hing-
ham to be
taken by Cap^t
Hubb^d.

Cap^t Joshua Hubbard and the other two co^missioners to end small causes are hereby impowred to take the counstables of Hinghams oath for this yeare, making a retourne thereof into the County Court at Boston.

Ans^r to Jane
Hawkins
petiç.

In ans^r to the petiçon of Jane Hawkins & hir sonns, itt is ordered, that the sajd Jane, the petiçoner, shall haue liberty to come into this jurisdicçon for two moneths to transport himself to England, and when she is here, if she giue satisfaction to y^e County Court for the offenc given by hir to the Generall Court, that then shee shall haue hir liberty to liue & remajne heere.

Ans^r to M^r
Carre.

This Court doth graunt the inheritance of Ram Island to M^r George Carre & his heires for euer.

Courts judge-
ment betweene
y^e inhabitants
of Cambridg &
y^e farmers.

M^r Nowell, and wee whose names are heerevnto subscribed, being mett at Cambridg vpon the Court day, the inhabitants of Cambridge, and some farmers on the south side of the riuer, being come together, the inhabitants of the toune of Cambridg declared themselves vnwilling to enter into the

debate of that case presented to the Generall Court formerly by the farmers aforesajd by way of petiçõn, because M^r Russell, who was one of the co^mittee, was absent; wherevpon wee left the case wthout further inquiring therein.

1655.

13 November.

EDW: JOHNSON,

ELIAZ: LUSHER.

Major Willard, in roome of M^r Nowell, deceased, and Cap^t Clarke, in roome of Cap^t Johnson, are by this Court appointed to joyne wth M^r Russell & Cap^t Lusher, p^{te} of the former co^mittee, to act therein, Major Willard to appoint the time & place of meeting, & make their retourne to the next Court of Election.

Vpon the request of the inhabitants of Charlestowne, M^r Richard Russell, Ralfe Mouseall, and Thomas Lynde are appointed as commissioners to end smale cawses there, according to lawe.

Co^mmissioners to end smale causes at Charles Toune.

*Whereas there hath binn a difference betweene Rowley & Newbury about running the l^jne betwixt them, according to graunts from Newbery, it is therefore ordered by this Court, wth the consent of the deputy of Rowley, and Cap^t Gerrish, and M^r Woodman, of Newbury, that Deacon Whiple, of Ipswich, M^r Hall, of Salisbury, and Ensigne Howlett shall be a co^mittee, who are heereby impowred to goe on the place and veiw the same, and to setle & determine where the l^jne shall runn betwixt them; and what any two of them shall, vnder their hands, determine, shall be a finall issue betweene them, making retourne thereof to the next Court of Election to be recorded.

[*215.]

Co^mittee to determine the l^jne bet. Newbury & Rowley.

In ans^r to the petiçõn of Thomas Lake & p^{tn}ers, M^r W^m Bartholmew, M^r Saⁿ Winsly, & M^r Saⁿ Hall are heereby appointed & impowred by this Court as a co^mittee to goe to Swampscott only at present, & according to the pattent thereof, & the order of this Court, made 18th May, 1653, make a just diviçõn thereof, and make retourne of what they doe to the Court of Election for confirmation, and that w^{ch} hath referenee to Dover is respitted vntill another t^jme.

Diviçõn of Swampscott.

In the case of Thomas Kemble & Th^õ Jenner ag^t Jn^o Pearce for taking & detayning their vessell & goods, w^{ch} was taken at Kinnibecke, after the hearing of the evidences, the Court declares, that at present they see not cawse to determine it, but referr the plaintiffes to prosecu^t their rights aⁿ interest before his highnes the Lord Protector, in England, by way of complaint or petiçõn, as they shall see cawse.

Courts judgm^t in Jenners & Pears case.

In ans^r to the petiçõn of Richard Dexter & Job Lane, humbly craving the remittment of the forfeitures of their seuerall bonds of five pounds apiece for that they brought not Alice Muzzey before the last County Court to answer the seuerall things that were lajd against hir, they having attended

Dexter & Lanes fines remitted to 40^s.

1655.

13 November.

that Court, & not being then called, went home, not out of any wilfull neglect of their duty, itt is ordered, that the petiçoners shall haue all their seuerall fines remitted to twenty shillings apeece, provided the petiçoners bring the s^d Alice before the Go^uno^r or De^p Go^uner wthin sixe dayes.

Capt. Norton,
capt. to y^e
military
comp^a at
Charls Towne.

In ans^r to the request of the millitary company at Charles Towne, Cap^t Francis Norton is allowed, and by this Court confirmed, as their captaine.

In ans^r to the propposiçons presented to this Court by M^r George Cleaves, implojed by seuerall inhabitants of the northerne parts of our pattent, pretended by them to be the province of Lygonia, the Court, having considered & compared the patents produced by M^r Cleves with our oune, doe finde ours to haue the precedency, and so consequently the lands in dispute to be our proper right by pattent, lying & being scittuate within three miles to the northward of the most northerly part of Merremacke Riuer, the bounds graunted vs by pattent, as may appeare by the originall, a cobby whereof wee haue deliuered, according to the desires of the sajd inhabitants, to M^r Cleves, together with the testimonjes of the survejor of the most northerly part of Merremacke, and also of those that observed the parrallel lattitude vpon the sea cost in or neare vnto the Bay of Casco, the search whereof, though deferred for some yeares, cannot prejudice our right when knoune, nor strengthen the title of others, becawse wee did not in particular challenge the vtmost of our bounds, which wee could not in modesty doe till wee had thereof some assurance, though our gennerall clajm hath bin constantly from the first to three miles northward of the most northerly part of the sajd riuer in length & longitude, thro^u the majne land from the easterne sea to the sea on the west; and therefore all graunts, orders, or combinations to, concerning, or of any persons within the sajd limitts, are inuallid, null, & of no force or obligation vpon the consciences of any, nor is there any feare of imputation to any vpon that account. How fairely wee haue demeaned ourselves to all our neighbo^{rs} in all our references & concernments, wee leaue to them to testify as they see cawse. *How since wee haue knoune our l^jmitts wee haue

[*216.]

Courts ans^r to
M^r Cleves, &c,
remonstrance.

civilly and freindly ordered our right to the inhabitants of those parts, hath bin to their consent & approbation, neither was threatning euer objected to vs till now, too soone because too v^jjustly vpon those that are innocent: wee haue and doe modestly demaund our right, and cannot accept of a denjall from those that ought to yeild it, nor consent to any forbearance thereof, becawse wee haue no doubt therein, and finde that thereby wee doe but furnish others to object against vs. Wee haue not endeavored to infringe the libertjes of the planters of those lands, but haue offered them the same with ourselves, nor to enrich or ease ourselves by taxing their estates; wee expect

no more then what they formerly did, viz., beare their owne charges; nor doe wee seeke to put vpon them that which wee ourselves would count vnaequall, viz., to subject to such lawes and constitutions made by others without their consent, it being the portion of most of our present inhabitants, as of the subjects of most countreys, to be in no other capacitje, the constitutions of government & new modell of lawes not being made in euery age of men, or vpon the arrivall of new comers to a colony. If therefore the sd inhabitants shall endeavor to prevent vs in our just rights, wee must protest against their proceedings as vnjust, and shall advise ourselves to take such course as shall euident our desires to acquitt ourselves honestly before God & men.

1655.
13 November

This Court voted an ans^r to the Dutch goũno^s letter, w^{ch} is in the booke of records for letters.

Itt is ordered, that the secretary shall write a letter to M^r Hopkins in the name of this Court, & send the same to him, so as the Goũno^r & Depty Goũno^r approve thereof.

Secret. to write a letter to M^r Hopkins.

The Court also voted a letter to be sent to his highnes the Lord Protector of the coũnonwealth of England, &c, w^{ch} is in the booke of records for letters, wth y^e Courts instrucõs to Cap^t Leueret.

A letter to y^e Protector.

Itt is ordered, that Cap^t Jn^o Leueret shall & heereby is desired & impoured, according to instrucõs given him, to appeare for vs and act in our behalfe in all matters of concernment to vs, before the Lord Protector and his honorable councill in England.

Capt. Leueret to act for vs before the Protector, &c.

Itt was voted by the whole Court, that Jn^o Cromwell, for trading a gallon of strong waters, almost half a pound of powder, & a tenn pounds of shott, shall pay to the Treasurer, as a fine to the countreje, the some of twelve pounds, and that Jn^o Tincker should pay tenn shillings for selling now & then a gill of strong waters to y^e Indians.

Courts sentence of Jn^o Cromwell.

Itt was voted, that Ensigne Wheeler & Thomas Hineksman shall be allowed out of Cromwells fine three pounds for their paines.

Ensigne Wheelers & Hineksmans recompenc.

The Court, on a full hearing of the case of Thomas Warner in reference to his suffering by imprisonment for suspition of murder, doe judg mee to order, that he be allowed five pounds out of the coũnon treasury, and referr him to make his full reparation on Tho^o Redding, y^t accused him.

Courts judgment in Warners case.

*The Court, further proceeding in the hearing & examining the evidences in the case of M^r Jn^o Gifford and the vndertakers of the iron works in reference to the accõn of revejw, past these seuerall votes: —

[*217.]
Votes in M^r Giffords case.
14, 15:9 mo, 55.

1. Itt was voted by the whole Court, that something shall be abated of the Courts judgment, in Nouember, 1654, in M^r Giffords case.

2. That one hundred thirty eight pounds sixteene shillings and eight

1655. pence shall be abated out of that judgment, Nouember, 1654, w^{ch} in the fower papers appeared to be miscast.

13 November.

3. It being put to the question, whither the plaintiffe hath made any due prooffe of more disbursments, according to his orders and instruccōns contejned in the fower papers, then the two thousand five hundred pounds allowed him in the former judgment, the sallery not being considered in this vote, it was resolved by the whole Court on the negative.

Itt was put to the quæstion, whither any more of the judgment which lyes against M^r John Gyfford should be abated or no, then that w^{ch} hath already binm deducted vppon a mistake, and particularly his sallery for two yeares three quarters & something more. It was resolved on the affirmative by the whole Court.

Itt was voted by the whole Court, mett together, that M^r Gyfford should be abated three hundred pounds out of the judgment of the last Court in Nouember, 1654, in referenc to the fower papers.

Co^mmittee to examine bill of costs.

M^r Symonds, Cap^t Johnson, & Leff^t Clap are appointed a co^mittee to examine the bill of costs produced by Cap^t Keajne & M^r Gifford, and retourne theire thoughts to this Court; w^{ch} was donne accordingly.

M^r Howard, publ. notary.

M^r Robt Howard, being put into the publicke notarys place by the County Court, is approoved of by this Court.

Courts judgment in M^r Giffords case.

Whereas at the Gennerall Court in Nouember last, in the case depending betwixt M^r Josiah Winslow & Cap^t Robert Keajne, deputjes & attourneyes for the vndertakers of the iron workes, & M^r John Gifford, late agent for the sajd vndertakers, the Court gane judgment for the plaintiffs to the value of eigh-teene hundred ninety sixe pounds sixe shillings & eleven pence, as by the sajd judgment, compared with the ffoote of the last audit in the sajd case, (which the judgment referred vnto,) may appeare, as also adjudged the defendant to pay the workemens wages, or give securitje for the same, leaving, notwithstanding, the sajd defendant to his liberty to make due prooffe of any further disbursments (according to his orders and instructions) for the abatement of the sajd judgment or any part thereof; and whereas the sajd Gifford hath, according to lawe and by permission of this Court, p^rferrd a bill of revejw for the further clearing of his accompts and disbursements for the sajd vndertakers, though the Court sawe sufficijent cause not to accept of his oun oath for the proving of his whole accounts, yet vppon a full hearing and examina^cōn of such pleas and other new evidences as he hath now presented, this Court hath adjudged, that the sajd Gifford shall haue allowed him, by way of abatement, out of the former judgment, the so^me of three hundred pounds; and for two yeares & three quarters sallery, the so^me of two

hundred and twenty pounds; and for errors miscast by the auditors in some of the fower papers, vpon which part of the former judgment was grounded, the some of one hundred thirty eight pounds sixteene shillings & eight pene; all which somes being deducted out of the former judgment, wth the costs of this Court, amounting to the some of ninety three pounds twelve shillings fower pene, the former judgment in referenc to workemens wages, and the remajuder stands good against him, together wth costs of the former suite now graunted to the vndertakers by this Court, being *eighty two pounds one shilling & two pene, in all twelue hundred twenty five pounds nineteene shillings one penny, and the debts on accempt to belong to M^r Gifford. [*218.]

1655.
13 November

Itt is ordered, that Cap^t Hawthorne shall pay, or cawse to be paid, the some of nineteene pounds thirteene shillings & sixe pene to Lef^t Rob^t Turnor, for the charges of the magis^ts, expended in the Courts hearing of M^r Gyffords case, this and the last session, according to his engagement.

Capt. Hawthorne to pay 19. 13. 6. to Lef. Turnor.

This Court, finding some inconveniencjes in collecting of the countrje rate at this tyme of the yeare, in regard of Indian corne is not merchantable, doe order, that whosocuer shall remove from one plantaçón to another, or out of the countrje, betwixt this and the tenth of the first moneth, shall not haue libertje to make payment of their sajd rate in Indian corne, but shall make satisfacion, according to lawe, some other way, when they shall be required therevnto. This order to continue vntil this Court meete againe to take further order heerein.

Ab^t y^e countrje rate.

In ans^r to the petiçón of Major Willard, Rob^t Merrjam, in the name of diuse others of the toune of Concord, desiring libertje and authority from this Court to sell the house & land of Frauncis Barker, lately deceased, for the best advantage of his children, the house being much out of repajre, & the land to inconsiderable to defray the charges of repaire, the Court graunts their request.

Ans^r to Concord petiçón to sell or phis^l lands.

Thomas Warner acknowledged before the whole Courte, mett together, that he had wrongfully charged the honored Deputy Gou^{er} in saying the letter he had produced was not the letter he comitted him to prison by, for which he was sorry. The Court accepted his acknowledgment.

Warners acknowledgment.

Itt is ordered, that the Tresurer shall satisfy the magis^ts ferriage for tyme past, they being for tyme to come to satisfy for their oune fferriages.

Magis^ts to pay ferriage, &c.

Itt is ordered, that it shall be left to the Gouernor, Dep^t Gou^{er}, Cap^t Wiggin, Cap^t Sauage, & Cap^t Clarke to shew Cap^t Leucet his instruccions; and if anything is to be altered, it is referred to them to make a supply.

Comittee ab^t Capt. Leif^ts instruccions.

Itt is desired, that the depu^ts of each toune comend the condiçón of M^r Ab^t M^r Nowell.

1655. Nowells family to their seuerall townes, in referenc to some meete recompence for the said M^r Nowells service, by way of rate or otherwise, bringing their retournes to the next Court of Election.

13 November.

Bayle to be taken for M^r Gifford.

It was voted by the whole Court, then mett together, that the Goũno^r, Major Atherton, and the Tresurer shall take sufficiencyent bajle for M^r Gyffords being a true prisoner to this Court till the Gennerall Court of Election next, when he is to retourne to prison the first day thereof, this bond to be given to the Tresurer for y^e vse of y^e countrje.

Secretary to d^d M^r Giffords books.

Itt is ordered, that the secretary and auditor shall forthwith, take the foote of enery page in all M^r Giffords bookes now in the secretarys hand, which, when that is donne, shall be deliuered to M^r Gifford, the booke of bills excepted, which also shall, wthin one moneth, be deliuered him, this to be donne wth as much speede as may be.

M^r Chauncey to preach y^e election sermon.

M^r Charles Chauncey, president of Harvard Colledg, is desired to preach before the Gennerall Court on the next election day.

1656. *Att a Gennerall Courte of Electjon, held at Boston, on y^e 14th of May, 1656.

14 May.

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JN^o ENDECOTT, Esq^ꝰ, was chosen Goũno^r for this yeare, & tooke his oath in open Court.

Rich Bellingham, Esq^ꝰ, was chosen Dep^t Goũn^r, & tooke his oath in open Court.

| | |
|--------------------------------------|---|
| M ^r Symon Bradstreet, | } were chosen Assistants, & tooke their oathes. |
| M ^r Samuel Symonds, | |
| Cap ^t Robt Bridges, | |
| Cap ^t Thō Wiggin, | |
| Cap ^t Daniell Gookin, | |
| Majo ^r Daũ Dennison, | |
| Majo ^r Symon Willard, | |
| Majo ^r Humphrey Atherton, | } was chosen Major Gennerall. |

Edward Rawson was chosen Secretary.

M^r Richard Russell was chosen Tresurer.

M^r Symon Bradstreet, } were chosen Comissioners for the Vnited Colonjes.
Majo^r Daũ Dennison, }

Majo^r Atherton, }
 Majo^r Hawthorne, } in reserve.

1656.

14 May.

The names of such as were returned from the severall townes to serve at this Gennerall Court as Deputjes were as ffolloweth :—

Salem : Majo^r W^m Hawthorne.
 Charlestowne : M^r Rich Russell, Ralph Mowsall.
 Dorchester : Lef^t Roger Clap, M^r John Wisewall.
 Boston : Cap^t Thō Savage, Cap^t Thō Clarke.
 Roxbury : M^r John Johnson, M^r Philip Eliot.
 Watertoune : M^r Ephrajm Child.
 Linne : M^r Thomas Layton.
 Cambridg : M^r Edw̄ Jackson, M^r Edw̄ Collins.
 Ipswich : M^r W^m Hubbard, Lef^t Jn^o Apleton.
 Newbury : W^m Titcombe.
 Weimouth : Thō Dyer.
 Hingham : Cap^t Joshua Hubbard, John Levitt.
 Concord : M^r Robt Merjam.
 Dedham : Cap^t Eliazer Lusher.
 Salisbury : M^r Thō Bradbury.
 Hampton : Henry Dow.
 Rowley : Maximillian Jewett.
 Braintry : M^r Peter Bracket.
 Douer : Cap^t Richard Walderne.
 Woobourne : Cap^t Edw̄ Johnson.
 Malden : M^r Joseph Hills.
 Kittery : M^r Thō Withers.
 Yorke : M^r Edw̄ Rishworth.
 Springfeild : M^r Elitzur Holjoke.

M^r Rich Russell was chosen Speaker for y^e session.

Itt is ordered by this Court and the authoritje thereof, that from henceforth any one of the three commissioners for ending smale cawses in the severall townes where no magistrate dwells, shall & hereby are authorized & impowred to solemnize marriage betweene partjes legally published, provided two of the said comissioners be present ; and all other comissions in this case are heereby made void.

3 comissioners
 pour to marry,
 &c.

Whereas this Court, from tyme to tyme, have bin carefull to restreijne the abuse of am̄ition & other things of like nature from the Indjans, whereby

Horses not to
 be sold to
 Indjans on
 penalty of
 100^s.

1656.

14 May.
3.

they may disturbe our peace and safety, it is therefore ordered by this Court, that no person, on any pretence whatsoever, shall sell or any wajes dispose any horse, mare, or colt to any Indjan, on pœnalty of a hundred pounds; and that this lawe shall be of force, provided each of the Vnited Colonjes shall establish lawes to restreijne their inhabitants on like pœnaltjes.

[*220.]

*This Court, taking into serjous consideration the present streights & necessitjes that lye vppon the countrje in respect of cloathing, which is not like to be so plentifully suppljed from forraigne parts as in tjmes past, & not knowing any better way & meanes conduceable to our subsistance then the improoving of as many hands as may be in spinning woole, cotton, flaxe, &c, —

Itt is therefore ordered by this Court and the authoritje thereof, that all hands not necessarily implojde on other occasions, as weomen, girles, & boyes, shall and heereby are enjoyned to spinn according to their skills & abillitje; and that the selectmen in euery toune doe consider the condiçõn & capacitje of euery family, and accordingly to asseesse them at one or more spinners; & because seuerall families are necessarily implojd the greatest part of their tjme in other buisnes, yet, if opportunitjes were attended, sometjme might be spared at large by some of them for this worke, the sajd selectmen shall therefore assess such families at half or a quarter of a spinner, according to their capacities; secondly, that euery one thus assessed for a whole spinner doe, after this present yeare, 1656, spinn, for thirty weekes euery yeare, three pounds p weeke of lining, cotton, or woollen, & so proportionably for half or quarter spinners, vnder the pœnaltje of twelve pence for euery pound short; and the selectmen shall take speciall care for the execution of this order, which may easily be effected by deviding their seuerall townes into tenn, six, five, and to appoint one of the tenn, six, or five to take an account of their diuicõn, and to certify the selectmen if any are defective in what they are assessed, who shall improove the aforesajd pœnaltjes imposed vpon such as are negligent, for the encouragement of those that are diligent in their labour. And it is further ordered, that the selectmen in all townes within this iurisdicõn shall haue power to make such orders in their respective townes for the clearing of comõns for keeping of sheepe, as also for the time of putting rams to their flocks, as they shall judge meete. And the deputjes of the seuerall townes are hereby required to impart the minde of the Court, for the saving of y^e seede of hemp & flax.

Order requiring y^e improvement of all hands in spinning, &c.
4.

Orders in referenc to y^e house of correction.

It is ordered by this Court and authoritje thereof, that it shall be in the power of euery County Court to make vse of such prison as is at present erected in their county for a howse of correction, till the howses of correction be finished; also, to appointe & authorize the keeper, or some other

meete person, to be master of that howse, as they shall thinke good. 3. That the selectmen of the toune, where such howse is appointed, shall haue liberty & power to procure, in a voluntary & prudent way, some competent stocke of hemp & flax, or other materialls, & vpon account, to comitt the same into the hands of the master of the howse, to be implojed at his discretion by the labors of such delinquents as shall from tyme to time be comitted vnto him from authoritje. That the stock being in value or kinde, preserved to such as put in the same, & all the bennefit attained by the labor of the persons comitted shallbe to the vse of the master, allowing only so much as will keepe the delinquent with necessary bread & water, or other meane foode, out of the same, as fower pene out of the shilling earned by his or her labor. That at the first coming into the howse, the master of the correction howse himself, or whom he shall procure, or in want of a fitt person, the comon corector, in allowance by the Court, residing in the toune, shall whip the delinquent not exceeding tenn stripes, and after that he shall employ him or her by dayly stint; and if he or shee be stubborne, disorderly, or idle, and not performe their taske, and that in good condicōn, it shall be in the masters power to abridg them of part of their vsuall food, or give them meete correction, as the case shall requier from time to tyme; & it shallbe in the power of one magistrate to comitt idle persons, or stubborne persons against them that haue authoritje ouer them, runnaways, comon drunkards, pilferers, *comon night walkers, and wanton persons, as tending to vncleanes in speeches or actions and the like; and it shall not be in the power of the master to deliuer out of prison vnless he hath a discharg or warrant vnder the hand of a magistrate; and if the delinquent be comitted by the Court, not to be deliuered but by order of the Court, or vnder the hands of the greater part of the members of the Court betweene Courts. And euery County Court where such howse is in being are desired to consider & propound to this Court, either for the bennefit of the master or of the implojment in this howse, what may incourage or further the same. This order not to be in force after one yeare.

For the better ordering & setling of seuerall cases concerning the military companyes wthin this iurisdiction, which, vpon experjence, are found either wanting or inconvenient, it is ordered and declared by this Court & the authoritje thereof, that henceforth no negroes or Indjans, although servants to the English, shall be armed or permitted to trajne, and that no other person shallbe exempted from trayning but such as some law doth priuiledg, or some of the County Courts or Courts of Asistants, after notice of the partjes desires to the officers of each companye to which they belong, vpon just cawse, shall dismisse. 2. And it is further ordered and declared to be the

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14 May.

[*221.]

Military
orders.
4.

1656.

14 May.

minde of this Court, in election of millitary officers, that henceforth none but howseholders, free men, & such as are already listed, having taken the oath of fidelitje before the date hereof, shall haue liberty of vote. And whereas this Court hath made seuerall orders concerning the precedencjes of captaines and their companjes, none of which sajd orders doth reach the case of the fower companjes of Boston, being of æquall standing, this Court doth therefore order, in reference to them, that their precedency shallbe for the present, & from tyme to tyme heereafter, according to the prioritje of their cōmissions.

4. It is ordered by this Court, that no troope within this jurisdiction shall exceede the nūmber of seventy listed souldjers, who shall all be furnished according as the lawes doe provide; and it is expected that the capṯ of the sajd troopes respectively, & the majo^rs of the regiments, & majo^r gennerall doe, in their respective charges, take care that the orders concerning troopers be duly executed; & becawse some troopers, living remote, doe often avojd the pēnaltjes of the lawes, by reason of the intollerable burden put vpon the clarkes to demaund & levy the same, it is therefore heereby ordered, that the clarkes of the troopes, for their charges & travajle in levying of all fines, shallbe allowed the fees of the marshall, to be by him levyed & distrejnēd, together wth the fines, provided no distresse be made wthin one month after the offenc, that the partjes may haue libertje to plead their excuses to the officers. And it is further ordered, that no trooper shallbe draune out of the county by the captaines & officers thereof vpon any occasion or pretence whatsoever, nor for exercise only, or at the regimentall meetings, but by order from the majo^r gennerall, & by his cōmaund; and for explanation of that p̄ticular in the lawe respecting troopers, made in the 3^d mo: 48, for free cōmonage for their horse in any of the tounē cōmons where they inhabit, it is declared by this Court, that it is not, nor shallbe, vnderstood or intended of such cōmons as are appropriated to particuler persons, vlesse it be in time of exercise only, provided that such appropriated cōmons be valued and rated in the annuall assessment, as all other reall & personall estate is or by lawe ought to be donne. And for the more constant supply of a cōmon stocke of powder and aṃnition, it is ordered, that the survejor gennerall shall yearely give an account to the councill of the sajd stocke, that accordingly the Gennerall Court, being by them informed, may, out of the publicke treasure, make a contract supply according to the neede of the countrye.

Hen. Nortons
recompenc,
4. 13. 4.

Itt is ordered, y^t y^e fower pounds thirteene shillings & fower pēnc ordered & allowed by y^e County Court at Yorke for Henry Norton for his journeyes to y^e eastward on y^e Geñ^l Courts occasions be speedily pajd him by the Tresurer of the countrye.

*Vpon observacōn of some inconveniences, and for easing the countje respecting the chojce of county Tresurers, it is ordered by this Court and the authoritje thereof, that after this present yeare the chojce of countje Tresurers in each toune shall be made vppon the day of their giving in of votes for magistrates, and sent by the same person to their shire meeting, and there be opened and signified to the seuerall townes who is chosen, any thing in any former law notwithstanding, nor shall any clarke or recorder of any Countje Court be chosen Tresurer for the countje.

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14 May.

[*222.]

Countje
Tresurers,
when chosen.

Forasmuch as the townes of Springfield and North Hampton are so remote that the Tresurer cannot send forth his warrants to them, as is provided by the lawe, Charges Publick, page y^e 9th, it is therefore ordered by this Court and the authoritje thereof, that the constables of the sajd townes, from tyme to tyme, shall call together their inhabitants in each toune, who shall assess their inhabitants and pay in the same according to lawe, vnlesse at such time or tymes as the Tresurer shall send them warrants, as the former lawe provides, then to make their assessment accordingly.

Springfield &
North Hampton
to be rated
as others, &c.

This Court taking into consideration the vncertaintje of procuring salt amongst vs for our necessary vses, and what salt hath binn of late gotten hath binn at very deare rates, and whereas Mr John Winthrop proffereth to make salt for the colonje after a new way, neuer before devised or practised, & desireth that none other may make salt wthin this jurisdiction for the space of twenty one yeares after his manner, which none before hath knowne or vsed, and that he may haue that priuiledg graunted him by this Court, this Gemerall Court therefore doth heereby graunt vnto the sajd Mr John Winthrop the priuiledg of making salt after his new way wthin this jurisdiction, and that none other during the sajd terme shall make salt after his manner wthout the sajd Mr's Winthrops speciall license.

Mr Winthrops
graunt to make
salt.

In answer to the petition of W^m Clements, craving a divorce from his wife, who for seuerall yeares hath refused marriage fellowship wth him, the Court refers the hearing and determining of the ease vnto the County Court of Charlestowne next month.

Ans^r to W^m
Cleomens peti-
tion.

In answer to the petiçōn of the executo^r & ouerseers of the last will of Barnabas Fower, late of Boston, deceased, desiring that this Court would please to graunt that there may be a diuicōn of the estate w^{ch} the sajd testator left to his sonne Eliazer & his wife, that the howse prized at one hundred and eighty pounds may be estated on the sonne, Eliazer, and the other howse, prized at fforty pounds, may be estated vppon John Johnson, husband of the sajd Gracc Fower, the late wife of the aforesajd Barnabas Fower, deceased, and that the rest of the estate may be æqually devided, so as to make the two

Divicōn of
Barnabas
Fawers estate.

1656. whole parts æquall betweene the mother and the sonne, according to the will, the Court graunts theire request.

14 May.
Mr Clarke's gra-
tuitie during
his life.

This Court having made an order in the eighth month, 1652, wherein Mr John Clarke was to haue tenn shillings of euery family that should make vse of his inventjon for saving of firewood & warming of howses, which sajd order was only for the terme of three yeares, w^{ch} is now expired, vpon a mo^on made to this Court in his behalfe, this Court judgeth it meete to confirme the sajd order for the terme of his life.

Ensigne How-
let & Left.
Howard to lay
out the God-
ners land on
Ipswich Riuer.

Att the request of the honored Governo^r, Jn^o Endicott, Esq^r, Ensigne Howlet, & Leftenant Howard is appointed to lay out the land formerly graunted him, lying by Ipswich River, the other formerly appointed not having donne by reason of theire distance, &c.

Ans^r to over-
seers peti^on
of Brigham's
estate.

In ans^r to y^e peti^on of Thomas Danforth, Jn^o Cooper, Th^o Fox, Jn^o Hastings, W^m Toune, ouerseers of y^e childrens estate left by Thomas Brigham, of Cambridge, deceased, the Court, vpon consideration thereof, & the will of y^e s^d Brigham, doe graunt the peti^on, prouided that the ouerseers giue security to the County Court to the vse for the principall & effects thereof, as expressed in the peti^on.

[*223.]

Com^otee ab^t y^e
Castle.
Cap^t Dauen-
ports com^o-
sion.
Adjouⁿment
of Charles
Towne Court.

*Itt is ordered, that Majo^r Atherton, the survejor gennerall, & Capitaine Davenport shallbe impowred as a com^otee to finish the worke at the Castle, to provide ladles, spunges, carriages, &c, at the countrjes charge, and that the cap^t of the Castle haue a com^osion given him according to the tenor of his former com^osion, that he, wth the present garrison, goe on wth the countrjes affaires at the Castle till the next session of this Courte. Itt is ordered, that the County Court to be kept at Charlestoune on the 17th of June shall be & is adjourned to the nineteenth day of the same.

Com^otee to
take y^e tres^r
account.

Itt is ordered, that Cap^t Gookin, Cap^t Frauncis Norton, & Cap^t Thomas Clarke, wth the survejor gennerall, shall be a com^otee, & are appointed, to take the Tresurers account, and to make retourne thereof at the next sessions of this Court.

Farmers dis-
charge, Tres-
urer to rec. y^e
imposts.

Vpon request of the farmers of the impost of wines, who alleadge great losses already sustejned thereby, this Court doth graunt that they be henceforth discharged of the agreement made wth the countrje respecting the same, and the countrje Tresurer is heereby appointed the officer to receive the imposts.

Ans^r to Nicho.
Whits peti-
oⁿ.

In ans^r to the peti^on of Nicholas White, the com^otee a^phending he hath had much wrong and damage in being outed of his land by Mr Hutchinson, whereof he was possessed, and where vnto it appeared to them he had just title, therefore he ought to seeke repara^on legally at the hands of his

disturbers, it is therefore ordered, that the Gemmerall Courts order, dated 24th May, 1655, respecting this case, be & remajne in full force. 1656.

Thomas Hincksmen and Joseph Wheeler are allowed by this Court, ouer and besides w^t this Court allowed them in October Court, 1655, three pounds two shillings in referenc to their paines & charge expended in the imploy the countrje put them vpon in referenc to yeire journey to Cromwell, &c.

14 May.
3rd 2^d added to
Wheeler &
Hincksmans
allowance.

In ans^r to the petiçõn of Symond Lynd & Thomas Gatliffe, the Court doth graunt the petiçõners liberty to trye the title of lands, or the case in their petiçõn mençõned, at the County Court, any thing in the lawe notwthstanding.

Symon Lindes
& Tho. Gatliff
liberty.

Whereas it was ordered by the comissioners w^{ch} came into these parts to take Yorke & Kittery into the gouernment of the Bay, that each toun should make chojce of certaine men from amongst themselves, to lay out the bounds betwixt the two aforesajd tounes, according to w^{ch} order of the sajd comissioners, wee, whose names are heerevnder subscribed, being elected for that purpose, doe, vpon due consideraçõn thereof, mutually agree, pitch, & appoint the bounds betweene Yorke and Kittery, to beginne as followeth, namely, that the diuiding ljne betwixt Yorke & Kittery shall and doth beginne at the head of Brayboate Harbor, which is at the first and lowest descent of that fresh brooke w^{ch} lyeth at the vpper end of the marishes belonging to the sajd harbor, being in distance about one mile & an halfe from the mouth of the harbor, and from the head of y^t harbor to runne in a streight ljne to the head of the south-west branch of the Riuer of Yorke, being the next point of vpland where the creeke treaues about to the northwest, & so from the sajd point of vpland, vpon a direct ljne vnto the southeast side of a certajne pond which lyeth betwixt the northwest branch of the Riuer of Yorke & Newichawanacke. In confirmaçõn of which aforesajd bounds wee haue heerevnto sett our hands this fowerteenth day of December, 1653.

Yorke & Kit
tery bounds,
&c.

Subscribed,

NIC^o SHAPLEIGH,
EDW: RISHWORTH,
ABRA: PREBLE,
NIC^o FROST,
JN^o DAVIS.

The Court approoves of the retourne of the comissioners as aboue, in referenc to the limitts & bounds of the s^d Yorke & Kittery.

In ans^r to a quæstion whither one that serveth a whole yeare as a deputy, though chosen & called thereto from session to session, haue not the same bennefit of lawe as he y^t is chosen at first for the whole yeare, the Court resolved it on the negative.

Ans^r to quæst
abo^t dep^t
priviledg, &c.

1656.

14 May.

[*224.]

Ans^r to John
Holmans peti-
cion.

*In ans^r to the peti^con of John Holman, the Court judgeth it inconvenient to attend the hearing of the case at present, but referr it to the next County Court of Suffolke to heare partjes and witnesses, and if it appeare to the said Court, on hearing the case, that there is just cawse or reason to make null or alter the will of the peti^coners father, then the said Court to state the case, and report the grounds thereof to the next session of this Court ; but if the contrary appeare to the said Court, viz., that the will ought to be & remajne in force, then the peti^coner to be quieted, and not make any further trouble ; & in y^e case also, the Court to make report to the next session of the state of the case, & the grounds wherefore the will should be & remajne in full force, provided that securitje be presently taken by the secretary, to the value of one hundred pounds, on the estate of M^r John Holman, deceased, to be responsall to what this Court shall determine & conclude herein, on information from the County Court.

Ans^r to Left.
Hues peti^con.

In ans^r to the peti^con of Left Joshua Hues, administrator to the estate of Joshua Foote, deceased, earnestly desiring this Courts confirma^con of his sale of that part of the warehowse, w^{ch} M^r Foote mortgaged to John Johnson, of Roxbury, attorney to M^{rs} Katherin Sumpner, to M^r Henry Shrimpton, w^{ch} he was necessitated to, to prevent the forfeiture of the same, and being advanta^g of the said Footes estate nere fifty pounds, the Court graunts the peti^coners request, confirming the sale of the sd warehowse to M^r Shrimpton, as desired.

Ans^r to Jn^o
Smiths peti-
cion, 10^s to be
p^d.

In ans^r to the peti^con of Jn^o Smith, of Charlestowne, humbly craving the remittment of the fine of five pounds imposed on him for the breach of the law about selling of strong water, he taking some for a debt, & being ignorant of y^e law, lett a neighbor haue tenn shillings worth thereof as it cost him, for w^{ch} he is sorry, the Court remitts the said fine to tenn shillings, so as it be paid in to the County Treasurer on notice heereof.

Ans^r to Hamp-
ton peti^con.

In answer to the peti^con of the toune of Hampton, ffor more full sattisfaction, and for prevention of further discord betweene the townes of Salisbury & Hampton, it is ordered, that M^r Samuel Dudley, wth the former co^mmittee, or any two of them, shall againe consider of the case, and heere the allegations of both partjes, and present a retourne with a plat drawne & signed by some artist at the next session of this Court, with theire full determination & explanation of the ljne betweene the said townes, y^e charg thereof to be borne by Hampton.

Water Toune
to pvde for &
maintajne
Mary Davis
child.

Vppon a mo^con made by the keeper of the prison relating to y^e childe of Mary Davis, how it should be maintajned, & charges for time past expended about it defrajed, it is ordered that the toune of Watertoune shall defray & discharg the charges already expended, & provide for its maintainance & education for time to come, & that they shall & heereby are impowred to

recouer and make vse of any estate which they haue or can finde, of hers or hir husbands, or of the fathers of the child, for the mayntayning thereof.

1656.

In ans^r to the petiçõn of the inhabitants of Groaten, it is ordered, that the sajd toune of Groaten be freed from rates for three yeares from the tyme of theire graunt, as is desired; 2^{ly}. That they may employ any other knowne artist in the roome of M^r Danforth, as neede shallbe; 3^{ly}. That the forme of the toune may a little vary from a due square, according to the discretion of the comitte.

14 May.
Ans^r to
Groaten peti
çõn.

In ans^r to the petiçõn of Jn^o Stone, this Court doth graunt the confir-
maçõn of y^t pcell of land, fenct in & broaken vp, w^{ch} he purchast of the Indjans,
lyng neere the south side of Sudbury lyne, & further graunts him fivety
acres more, to be added thereto, provided it be not pjudicijall to any person.
M^r Nojes & Edmõd Rice are appointed to lay out the land aforesajd.

Ans^r to Jn^o
Stones petiçõn

*Whereas, by an order of the Gennerall Court, October, 1655, wee,
whose names are vnderwritten, were appointed to heare and determine the
differences betwixt Newbery and Rowley concerning theire bounds, this is to
certify to this honored Court, that we doe all agree that the lye formerly
runne, viz., from a white oake, marked, standing vppon the north west side of
Eastous Riuer, nere the old path, ouer the riuer, the lyne to runne west oñ
mile, as the trees are marked, and from the trees marked at the mile end
vppon the lyne having a heape of stoncs lajd there, according to Court order;
from thenc the lye to runn north west vnto Merremacke Riuer, as it hath
binn laid forth; having heard the pleas of both tounes, haue thus de-
termined. Subscribed vnder our hands, 17 1st m^o, 1655.

[*225.]
Newbery &
Rowley
bounds.

JN^o WHIPPLE.
SAMUELL HALL,
THOMAS HOWLET.

The Court approoves of this retourne.

Richard Nason, for some miscarriage of his, was bound to his good be-
haviour by the last Gennerall Court, & so to continew during the Courts
pleasure; yet notwthstanding is by the constable of Kittery returned to
serve as a deputy. The Court, rejecting the sajd Nason for serving as a
deputy, did order, that the next County Court at Yorke shall inquier after the
names of such freemen of Kittery that gave theire votes for the choice of
Richard Nason to be a deputy to this Court, and whom they shall finde to be
guilty in such respect to proceede wth, as the law prescribes, according to
theire deserts.

Richard Nason
rejected for
being a deputy.

1656.

14 May.
Grace Porter
& Dani. Smith.

Whereas it appears by an order of this Gennerall Court, bearing date the 24th of the 8 m, 55, that Daniell Smith should haue liberty to bring into Court his reasons why Grace Porter should not sell the howse and land, according to her petition vnto this Court, the aforesajd Smith appeared before the com̄ittee, 20 3 m, 56, and gaue in his reasons, w^{ch} were scene & considered, together wth seuerall things allcadged on both sides; and the issue and conclusion, wth ffree consent of both partjes before the com̄ittee, was, that Grace Porter shall haue full liberty, wth y^e good will of Daniell Smith, her sonne, to dispose of the howse and land in question, for her vse & maintenance, by sale or otherwise, & shall not dispose at all of any meadow land that is not already disposed of. This retourne was approoved of by the whole Court.

Ans^r to Sud-
bury petiçion
for a new plan-
tation.

In answer to the petiçon of seuerall inhabitants of Sudbury, the Court judgeth it meete to graunt them a proportion of land of six miles square, or otherwise, in some convenient forme æquivalent therevnto, at the discretion of the com̄ittee, in the place desired, provided it hinder no former graunt, and that there be a tounce settled with twenty or more familjes within three yeares, so as an able ministrje may be there majutajned; and it is ordered, that M^r Edward Jackson,* Cap^t Eliazer Lusher, Ephrajm Child, wth M^r Thomas Danforth or Leftenant Ficher, shall & hereby are appointed as a com̄ittee to lay out the bounds thereof, and make retourne to the next Court of Election, or els the graunt to be vojld.

M^r Holiocks
dismission.

M^r Elitzur Holiocke, at his request, is dismiss from his ffurther attendanc on this Court, & from his attendane on y^e next session.

Nason nor his
security dis-
charged.

The Court judgeth it not meete to release Richard Nason, or his suretje, ffrom his bond of good behaviour at this time.

It is ordered, that warrant shall issue out of this Court to the countables of Sacho to take such aide as he or they shall judge meete to sease on the person of John Boniton, and bring him to his answer, for his abuse of authoritje, &c, as in the warrant is exprest. The warrant issued out accordingly, & was, —

Courts order to
issue out war-
rant to y^e con-
stable of Saco
to seaz on Jn^o.
Bonith.

Yow are, by virtue of an order of the Gennerall Court, sitting at Boston the 24 of May, 1656, heereby required forthwith to repajre to the dwelling place of Jn^o Bonithon at Saco, & there or elsewhere to seaze on the person of the sajd John Bonithon, & him safely to convey to Boston prison, vnlesse he shall give good securitje of knoune inhabitants of y^e jurisdicçon for his personall appearanc before the next session of the Gennerall Court, to answer the complaint of John Stone *for beating of his servant, refusing to obey the order of the County Court at Yorke, in the yeare 1655, for the

[*226.]

payment of rates, as also for his abusive letter to the Gennerall Court; and if any inhabitants there shall refuse to aide or asist the counstable as abouesajd, that their names be returned to the County Court at Yorke, there to be proceeded against, according to lawe.

1656.

14 May

In ans^r to the petiçõn of Josẽh Jones, the Court, considering the petiçõners acknowledgment & humble submission, together wth his soleũ en- gagement for more due observanc of all knoune lawes for the future, judg meet to remitt all his fine to thirty shillings

Ans^r to Joseph
Jones petiçõn.
fined 30^s.

We, whose names are here subscribed, according to an order of the honored Gennerall Court, in Nouember, 1655, appointing vs to make a just di- uisiõn of the pattent of Quampscot, doe thus make our retourne: —

When wee came to pervse the pattent, wee found it to extend, for the length of it, from the lower part of the Riuer of Pascataquake, on the south side of the sajd riuer, vnto the falls of the sajd riuer at Exiter; and for breadth, along the sajd riuer three miles from the falls of the head lje for the breadth of it; w^{ch} head line wee runne vppon a southeast point of the compass, w^{ch} ended three quarters of a mile beyond Aspe Brooke, toward Hampton, about forty poles below the highway, where wee marked a great red oake on fower sides. 2^{ly}. From the sajd head lyne wee measured for the length, vppon the north east point of the compass, six miles and a half, the w^{ch} extended to that part of the bay neere Winiconot Riuer. 3^{ly}. Wee also measured a second crosse ljue, for breadth, beginning at Quampscot Howse, extending it three miles vpon the southeast point, when wee did marke seuerall pine trees. The rest of the land belonging to the pattent aboue and belowe the great bay wee vnderstood to be impassable (as to measuring) by reason of the exceeding thicke swamps, but wee tooke the best informaçõn wee might of diuers and seuerall inhabitants of the great bay and of Strawberry Banke, and their reports agreed, viz., that from the lower part of the bottom of the bay, nere to Capt Chamnoones house, to the riuer neere the Boyling Rocke, or thereabouts, all the necke of land wthin that ljue vnto the little bay, conteyning, as neere as men of best experienc can informe vs, about fower miles square, being all wthin the patent. And whereas from the easterly part of the great bay, being a part of the riuer, wee should haue measured three miles into the land, wee finde in that place, by credible informaçõn, the land so narrow to the seaward that wee cann allowe no more, according to the intent of the pattent, as wee vnderstand it, then one mile & halfe, to be runn from each point of the bottome of the bay, vppon an easterly ljue, into the land. To the matter of service appointed vnto vs by the Gennerall Court,

Coõmittees re-
turne ab^t
Quampscots
diviçõn, &c.

1656.

14 May.

Mr Lake & Mr
Gardiners, &c,
part.

[*227.]

Capt. Wiggins
p^t.Shrewsbury
mens p^{ts}.

concerning devisiōn of the pattent, wee, finding the present owners to be of three sorts or rancks, wee haue therefore agreed to make three seuerall devisiōns. The first deviçōn being eight shares and one quarter, belonging to Mr Nathaniell Gardiner, Mr Thomas Lake, and partners, wee assigne and lay out vnto them all the land from Bloody Point vnto the Boyling Rocke, for breadth, or thereabouts, and for length extending to the lower lyne of the middle diuicōn, which is about forty pole from Sandy Point, and so the lyne running south east three miles into the land, as also the land lying vppon the bottom of the great bay, being or extending one mile & a halfe from euery part of the bottom of the bay, vppon an easterly lyne, into the woods, in which diuision all the land and marish graunted vnto Douer by the Gennerall Court shallbe and remajne to them for euer, the land from Kennrys Creeke to a certajne coue nere the mouth of the great bay, called Hogsty Cone, wthall the **the* marish from that place round about the bay, vp to Cotterills Delight, with fower hundred acres of vpland, as it is graunted by the Court, bounded, lajd out, and possessed by the inhabitants of Douer, with fuety acres of vpland more, about or nere the great bay, wth fuety acres to be lajd out and disposed of by Cap^t Richard Walderne, to some of the inhabitants of Douer, whom he sees fitt. The second diuision being eight shares and one quarter, belonging to Cap^t Thomas Wiggin and partners, who haue purchased & obtajned the same, wee assigne and lay out three miles square, begining at a plumpe of trees standing on a peece of old planting land, about forty pole beloue Sandy Point, and vp the riuer vppon a streight ljne towerds Exiter, the riuer being the bounds of it on the northside, and at each end to runne a ljne vppon the south east point of the compasse three miles into the land there to bound it on that side; provided, that Cap^t Thomas Wiggins pay vnto the other two thirds the so^me of sixty six pounds thirteene shillings and fower penc, according to their shares and proporçōns, in boards, wthin six months, if demaunded, which he is to pay at either of his sawemills, in Pascataquak Riuer. 3^v. To the third diuicōn, being eight shares and one quarter, belonging to the Shrewsbury men, to w^{ch} wee assigne & lay out all that land from the vppermost ljue of the middle diuicōn to the mouth of the creeke called Mr Wheelwrights Creeke, the same to runne three miles towards Hampton, vppon a south east ljne, all the land betweene this ljue & Exiter Falls, to the full extent of the ljne, to lye to Exeter, being graunted to them by deed of giift from Cap^t Wiggin, sole agent for the company. The Court doth allow and approve of this retourne of the co^mittee as is aboue written.

Proposicōns to the Gennerall Court at Boston, the 22th 3rd m^o, 1656, for

1656.

14 May.
Beex & Compa.
letter to y^e
Court.

of the Generall Court concerning the same is, and should be, the finall issue thereof, wthout any more hearing in y^t respect.

Jn^o Giffords
release here
from being a
prisoner on
Beex acct.

The Court, on pervsall of a letter directed to the Gouenor, and councill, and Generall Assembly of New England, or who els it may cencerne, signed by Jn^o Beex, Phœbe Frost, Thō Foley, Jn^o Poocke, & W^m Greenhill, bearing date 27 of February, 1655, w^{ch} also was recorded in the Courts day booke, 21th of May, 1656, the same day on which it was brought and presented by M^r Gyfford, doe judge meete, in answer thereto, and on their request, doe order, that the sajd Jn^o Gifford shall and is heereby released and discharged from being any longer a prisoner, vppon the judgment of this Court, in reference to the sajd Beex & Company, for which he hath bin and yett is a prisoner, he discharging the charges of the prison.

Time of Yorke
Courts beg^{ing},
&c.

Whereas hitherto by appointment the County Court of Douer hath bin kept, begi^{ing} vppon the last Twesday in June, and the Court for the county of Yorke, begi^{ing} vppon the Thirsday following, for the more enlargement of time vnto the sajd Courts, it is ordered, that Douer Court shall begi^{ne} as before, and the Courte for Yorke on the Munday ffollowing; and that Cap^t Thomas Clarke shallbe asistant wth Cap^t Thomas Wiggins this yeare to keepe the County Courts of Yorkeshire & Douer.

M^r Alcocks
request
graunted.

In ans^r to the request of M^r Jn^o Alcock, the Court doth graunt, that Thomas Danforth or Leftenant Fisher may lay out y^e lands mençoned in y^e order recited by him, bearing date 23 of May, 1655.

Ans^r to M^r
Elliotts
petiçon.

Ans^r to
Chelmsford.

In ans^r to the petiçon of the inhabitants of Chelmsford, together wth y^t part of M^r Elliotts petiçon respecting an enlargement of land, on conferenc with the co^mittee who lajd out the bounds of Chelmsford, and pervsall of a plat of the sajd plantaçons, and also of the tracke of land now by both parts petiçoned for, the Court judgeth it meete that the Indian graunt be extended a mile from the north east angle or corner bound of Chelmsford, abutting on Merremacke and Patuckett eastward, taking in John Saganores planting ground, and the end of the sajd mile, to determine the Indjan plantaçon; and for the rest of the land, on behalf of both tounes petiçoned for, that Chelmsford south and north ljne, abutting on Tadmuck, be extended from the north west angle, or corner, three miles north, so as it passe not Merremacke Riuer, and from thenc to runne a parralell ljne wth the east & west ljne of Chelmsford, vtill it meete wth Merremacke Riuer, and that the whole tracke of land so taken be & remajne in co^munitje vnto the toune of Chelmsford and the Indjan toune called Patuckett for all vses.

In ans^r to
Billirrikeys
petiçon.

In ans^r to the petiçon of the inhabitants of Billirrikey, this Court doth graunt the toune of Billirrikey eight thousand acres of lands for the ends

desired in any place or places that are free & not capable of making a town, provided that the said lands be laid out before the next Court of Election, and that the inhabitants of Cambridge doe accept thereof, & disengage the lands desired at Billirrikey, & also that the town of Billirrikey be setled wth twenty families at least w^{thin} three yeares, y^t the ordinances of God may be setled & encouraged in the said place of Billirrikey; & it is ordered, y^t Major Willard, Capt Edw Johnson, M^r Edw Jackson, or any two of them, wth Thomas Danforth, or any other surveyor, shall lay y^e same out at the petitioners charge, making retourne to the next Court of Election.

1656.

11 May.

*In ans^r to the petition of Sarah, the late wife of David Mattox, the Court judgeth it meete to allowe & confirme hir sale of two acres of meadow to Giles Pason, the house and land of the said David Mattox standing engaged for y^e payment of fiveteene pounds to David Mattox, the sonne of David Mattox deceased, five pounds whereof was given him by the County Court, & tenn pounds was given to his sister, deceased.

[*229.]

Ans^r to Sarah Mattox petition.

In ans^r to the petition of Willjam Cleoments, of Water Towne, in reference to a divorce, the Court judgeth it meet to referr the hearing and determining of this cause vnto the County Court of Charles Towne next month.

Ans^r to W^m Cleoments petition.

In ans^r to the petition of the jury of trialls at y^e last County Court at Salisbury, humbly desiring y^t the expenc of the jury of trialls necessarily expended in the county of Norfolk may be borne by the countye,—if in time to come there shall be ground of complaint of this nature, itt is ordered, y^t on their request to the County Court their necessary expenses shall be allowed out of the county treasury, by virtue of the late lawe for countye treasurers.

Ans^r to jury of trials for Norfolk petition.

The Magistrates not receiving the verdict of the jury in M^{rs} Hibbens hir case, having bin on triall for witchcraft, it came, & fell of course to the Gennerall Court. M^{rs} Ann Hibbins was called forth, appeared at the barr; the indictment against hir was read, to w^{ch} she answered not guilty, & was willing to be tried by God and this Court. The evidences against hir was read, the parties witnessing being present, hir answers considered on, and the whole Court, being mett together, by their vote, determined that M^{rs} Anne Hibbens is guilty of witchcraft, according to the bill of indictment found against hir by the jury of life & death. The Govern^r in open Court pronounc sentence accordingly, declaring she was to goe from the barr to the place from whence she came, & from thence to the place of execution, & there to hang till she was dead.

M^{rs} Hibbins triall.

Sentence.

Itt is ordered, that warrant shall issue out from the secretary to the marshall gennerall for the execution of M^{rs} Hibbens on the 5th day next come fortnight, presently after the lecture at Boston, being the 19th of June next, the marshall gennerall taking wth him a sufficient guard.

1656.

14 May.
Toumes defects
ab^t proxies.

The comissioners for the seuerall countjes to open the proxies for the nomination of magistrates present to y^e honnoured Court the deffects of y^e seuerall countjes, viz. : —

In the county of Suffolke, Hull brought no proxies.

Weimouth brought theires after y^e day.

In Middlesex : Nashaway, Bellirecay, Chelmsford.

In Essex : Wenham after y^e day, Glocester, Topsfield, Manchester, Marble Head.

In Norfolke : Portsmouth, Exiter, Douer.

The county of Yorke was wholly defective.

Subscribed,

WILLJAM DAVIS,
EDW: COLLINS,
JOSEPH JEWETT,
ANTHO: STANION.

Itt is ordered, that the secretary, after this session, shall retourne the names of the toumes that haue binn defective in each county, as aboue is exprest, to the clarke of each County Court, who is here by required to suñon the seuerall toumes to send some meete pson to appeare before the next County Court, as aforesajd, to answer in their behaf. The sajd Court shall haue power to impose such fines on such as shall appeare delinquents, as the lawe provides or they shall judg meete.

Ans^r to M^r
Bradstreets
request.

In ans^r to the request of M^r Symon Bradstreete, it is ordered, that M^r Edward Jackson, M^r Thomas Danforth, & Leftenant Fisher, or any two of them, shall be a comittee, & are hereby authorized to lay out his eight hundred acres, formerly graunted him, beyond Dedham, neere Cap^t Keaynes ffarne, in one, two, or three parcells, as the place is capeable of, they being so many distinct graunts of debt, & not of guift.

Capt. Oliuers
allowanc of
10^{li} towards
losse.

Cap^t James Oliuer, having sold vnto Major^r Atherton, y^e survejour genñll, 20 barrells of poudere, for country pay, at a reasonable rate, was, by reason of the scarsity of poudere y^e yeare, enforced to purchase it at a deare rate, to make good his bargaiue, whereby he was a great looser, which this Court considering of, judge meete to allow him tenn pounds towards his losse.

[*230.]

From hence.
Comissioners
of Weimouths
acts confirmed.

*The comissioners for the toune of Weimouth, appointed to end smale causes there, being chose, approoved of, and sworne by y^e County Court some fower yeares since, according to lawe, & having binn continued in that place vntill this present yeare, were neuer retourned to any Court to take their oaths annually, yett, on the request & desire of soundry inhabitants, haue

ended many differences amongst them, according to their best skill. Now, to prevent any evil consequence which might ensue upon such a neglect, at their desire, so far as any of their actings have been just & according to law, this Court doth confirm the same.

1656.

14 May.

Granted to Mr Joseph Hills five hundred acres of land neere Norwotocke, where Mr Bradstreet & others have graunts, in consideration of an adventure of thirty three pounds, and severall services to y^e countrje.

Mr Hills
graunt of 500
acres.

In ans^r to the petition of the inhabitants of Northwotock, alias North Hampton, W^m Holton, Edward Elmer, & Thomas Baslom are appointed to end small causes there vnder forty shillings, according to law, and that the commissioners of Springfeild are hereby impowered to give them their respective oaths, & y^t such constable as shall be legally chosen there by the inhabitants of the said town shall repaire to Springfeild to the foresaid commissioners, to take his oath for the faithful discharge of his place.

Ans^r to Nor-
wotocke
petiçon.

Whereas the Court hath been informed that Robert Bartlett, of Northwotocke, alias Northhampton, hath committed a great misdemeanor in attempting to force the wife of one Smith, of the same town, and some report that he did force the said Smiths wife, the case being doubtful, and not yett examined, & no Court or magistrates being in those parts, so remote, this Court doth order and appointe Mr John Pinchon & Mr Elitzer Holljocke to hear the case and take examination and testimonjes therein, *to heare the case and take examination and testimonjes therein*, and if they judge the case capitall, then to cause the offender to be forthwith sent to the prison at Boston to answer the same at the next Court of Asistants, where all the testimonjes and examinations are to be sent, & the witnesses required to appeare at the said Court; but if it be found by them only a misdemeanor, & not capitall, in that case they shall binde over the said Bartlett vnto the County Court of Middlesex, held at Cambridge in October next, wth sufficient securitje to answer for his fault, and cause all the testimonjes & examinations in the case to be sent to the Clarke of the said Court, sealed vp; and the Court doth hereby giue full power to the aforesaid commissioners by warrant to send for partjes, and make full processe in the case for the fulfilling of this order.

Courts order in
Bartletts case.

In ans^r to the petition of Thomas Rucke, craving this Courts fauor to heare the case betweene him and James Wall, lately issued by the Court of Asistants, the Court graunts his request, provided he put in caution to respond the charge of the Court whiles they heare & determine it.

Courts judg-
ment in Rucke
& Walls case.

In the case depending betweene Mr Thomas Rucke, plaintiffe, & James Wall, defendant, about a third pt of a sawmill sold by the said Wall to Edw Colcord, and by Colcord to Mr Rucke, the Court, on pervsall & examination

1656.

14 May.

of the evidences in the case produced by both partjes, the Court doth judg the said sales to be illegall, and that the right propriety of the said third pt of the sawmill to be and remajne in the defendant, & determines the plaintiffe, i. e., M^r Rucke, to discharg the charges of the Court for half a day, & pay the defendant fforty seven shillings costs.

[*231.]

Courts ans^r to
Georg Bunker
& Edw. Burt.

*In ans^r to the petiçõn of George Buncker & Edward Burt, administra-
to^{rs} to the estate of Augustine Walker, humbly craving this Courts confir-
mation of two sales by them made, the one of the howse & half acre, wth the
priviledges there to belonging, lately the propper estate of Augustine Walker,
to Jn^o Trumble, as also two acres of land, formerly the propper estate of the said
Augustine Walker, vnto Samuell Carter, both for the sattisfaçõn of his debts
& behoofe of the widdow, the Court graunts their request, & confirms the
sales accordingly, provided they be Aus^tin Walkers pr^er estate.

Courts ans^r to
George &
Joanne Hal-
salls petiçõn.

In ans^r to the petiçõn of George Halsall, together wth the ans^r to the
petiçõn of Joane Halsall, there having binn two comittées that haue had
the hearing of this case, whose asphencõns haue binn different therein, this
Court is not willing to act heerevppon, but judge it meet to referre the exam-
inaçõn & final determinaçõn of this case vnto the Court of Asistants, to
whom it doth properly belong; provided, and it is heereby ordered, that the
said Joanne Halsey shall haue libertje to goe to the publicke meetings on the
Lords & lecture dajes, or at other times, on hir occasions, wthout interruption
or disturbance from George Halsey, or any on his behalfe; and if the said
Halsey shall goe about to seaze on hir, vex, molest, or any way disturbe hir in
the streetes, or otherwise, till the cawse be issued, on complaint thereof to the
Gouerno^r or Dep^t Gouerno^r, he shall be comitted to prison till he give bond
for his good behaviour; and it shall be lawfull for any inhabitant, on sight of
any disturbanc or vjolenc offered the said Joanne by the said George, to res-
cue hir out of his hands, & to convent him before authoritje.

Ans^r to M^r
Dummers
petiçõn.
800.

In ans^r to the petiçõn of M^r Richard Dummer, craving an allowance of
land for seventy three pounds by him long since given to the countrijes vse by
the appointm^t of the Court in the yeares 1637 & 1639, this Court, in con-
sideraçõn thereof, doth graunt the petiçõner eight hundred acres of land in
any place that is free from former graunts, & not pjudiciall to a plantaçõn,
provided it be lajd out, bounded, & retourne made by some surveyor wthin one
yeare.

Ans^r to M^r
Coggans peti-
çõn.

In ans^r to the petiçõn of Jn^o Coggan, in behalfe of Martha, his wife, it
being on reccord that five hundred acres of land is graunted to M^r Coytmore
in the bounds of Woobourne, and that it is to be set out by the Court, vnlesse
the partjes agree, it is therefore ordered, that M^r Thomas Danforth, or John

Sherman, wth M^r Edward Collins and Cap^t Edward Johnson, be a co^mitte^e to lay out the sajd land according to the graunt, to the vse of the heires of the s^d M^r Thomas Coytmore, at the charge of the s^d John Coggan, vntill the right heire be determined, making theire retourne to this Court in October next.

1656.

14 May.

In ans^r to the peti^cōn of M^r Thomas Bratle, in behalf of his wife, & the rest of the daughters of Cap^t W^m Tyng, the Court judgeth it not meete to heare & determine the case men^cōned in his peti^cōn at this time, but referr the hearing thereof to the next session of this Court, & doe therefore order, that securitje be forthwith given to the secretary, to the value of sixe hundred pounds, by M^r Coggan, to be responsall to the Court for the estate in contro^uersie vntill this Court shall determine to whom it doth of right appertajne.

The Court, having read & considered of the letter sent by his highnes to this Court, wth the instruc^cōns given by him to Cap^t Daniell Gookin in referenc to the transplanting of persons to Jamajca, doe order a letter to be drawne vp & sent to his highnes from this Court, to manifest theire thankfull acknowledgment of his highnes favor, &c, w^{ch} was donne accordingly, & is in the booke of letters.

Courts order for a letter to be sent to his highnes, &c. Vide booke of let.

*Whereas this Court is informed of senerall neglects of the inhabitants of Yorkeshire in not being furnished wth suffieyent armes, poud^r, &c, as the lawe requires, there being no gennerall officer at present to call persons so neglecting to an account, it is therefore ordered, that Cap^t Nicholas Shapleigh shall henceforth haue power to call together the cheife officers of each company wthin the sajd county to examine such abuses and defects as may or shall arise amongst them, and is heereby impowred to act therein as a major may & hath power to doe in the like case, till the Court shall take further order therein.

[*232.]

Capt. Shapley's co^missioner to act in Yorks, &c.

Forasmuch as information was given to this Court, at theire last session, that some wittnesses in Colcords case were not allowed theire charges, att which Court it was ordered, that it should be in the liberty of Salisbury Court to sattsify such wittnesses charges out of the fower pounds thirteene shillings in M^r Stanion hands, due to the countrje as a fine, & as yet vn^pajd, which sajd order hath not binⁿ attended, by reason no notice hath binⁿ given of y^e Courts pleasure herein, it is therefore ordered, that the like liberty shall be graunted to the next Court at Hampton, to act according to former order, & a retourne of the ouerplus of the sajd so^me to be pajd into the countrje Tresurer.

Wittnesses in Colcords case to be allowed out of M^r Stanions fine.

The retourne of vs, whose names are vnderwritten, in referenc to the 27: 12: 1655.

1656.

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order of the Gennerall Court, impowring and requiring vs to heare and determine the case in differenc betweene the brethren and neighbors of Sudbury. Whereas at the last sessions of the Gennerall Court held at Boston, Octō, 55, wee presented a bräife narration of a majue parte of the case in differenc so farr as wee had then heard the same, wth some quærjes arising therefrom, vppon the resolution whereof the issue of the case doth depend, but not obtayning so much favor of this honored Court, according to our bounden duty to this Court, requiring vs thereto, as also the sad vnecomfortable estate of the inhabitants whilst the case remajnes vndetermined, calling earnestly vpon vs to declare our aphençõns and determinations touching the same, wee doe therefore, with humble submission to the wisdome and authoritje of this honored Court, heereby declare our aphençõns and determinaçõns touching the same, as followeth : 1. Concerning the title of lands appropriated to seuerall inhabitants, according to what information haue bin presented vnto vs, wee doe not finde just eawse to make vojld their clajme and interest concerned therein ; and as concerning the lands held by the reuerend M^r Browne, pastor of the church there, touching a parte thereof, some objections haue bin made, and clamorous reports lajd against him, wee doe not finde any just ground for the same, but having pervsed the townes records, doe aphenç his interest in such his lands to be good, and doe heereby confirme the same to him and his heires foreuer.

2. Concerning such lands as are reserved in cõmon for feede, whereof wee finde, touching one part of the sajd eõmon, by eõmon consent and agreement, the rule for stinting the same to be agreed vppon as appeareth in the toune booke, foł 27, as also the bounds of the sajd cõmon, therein limited, the which wee doe hereby ratefy & confirme, together wth the order in the toune booke, foł 58, so farre as it respecteth that part of the cõmon. And as for the other part of the eõmon within the *eõmpasse of the five miles, the rule for stinting the same, wee finding that hitherto it hath not bin so clearly determined as could be desired, wee doe therefore agree that the rule for stinting the same shall, wth due respect had as well to such who, although they brought good estates into the toune, yett are now weakened, having improoved the same, as also their tyme, and other personall abilitjes for the cõmon good of the place, as also with respect had to such whom God hath bin pleased to blesse & increase their estates, and thereby are made more able to be vsefull & profitable, as well persons as estates for the cõmon good, and stand in more neede of inlargement of their accomodaçõns then formerly, and for a more cleere rule to direct hcerein, wee doe hereby declare, that it is our intent & meaning, that such whose estates are weakened as aforesajd shall be considered & proportioned according to their seuerall allotments of meadows, which gaue them

[*233.]
Coñittees re-
turne in Sud-
bury case.

the right in the other part of the com̄on, already determined, and such as God hath bin pleased to increase their estates shall be considered & proportioned according to the invoice of their estates, given in for the countrje rate last past, without any respect had to their meadowes formerly allotted them. Also wee doe hereby declare, that no person or persons whatsoever shall have power to give their votes or suffrages touching the said com̄ons but such as have bin allowed as free inhabitants of the towne, or have come vpon the right of some that were so allowed, and that in such wise whereby the number of voates may not be increased above or beyond the number of such as had their interest by graunt of the towne. Also, whereas, since our last meeting, wee finde that the records of the towne booke, fol 58, touching this case, have bin crossed and defaced, and that without a mutuall consent of both partjes, wee doe hereby declare that the said act was not allowable, and therefore wee cannot forbear to leaue our testimony against the same; and for the future wee doe agree that the towne booke shall be kept by the recorder of the County Court vntill there be a loving composure and agreement for former differences, and a mutuall chojce of a fitt person to keepe the same; & further, wee having had some complaints made in referenc to the title of Hugh Griffins land, the objections made being considered by vs, wee doe hereby declare, that wee judg his title thereto to be good and valid, according to the transcript thereof in the towne booke, vnto which declaration the complaynants joyntly concurred and agreed. Also, wee doe hereby declare, that such of the inhabitants as entred their contra dissent against the act made for a rule of division of the last two miles graunted by the Court, as appeareth in the towne booke, fol 56, shall have their interest therein according to estates and persons. Also, wee doe declare, further, it to be our true meaning, that every pson that is an allowed inhabitant in the towne shall have liberty to have his com̄onage according to his meadow or invoice of his estate at his pleasure; and no person which hath neither meadow, nor is an allowed inhabitant, as is above premised, in case of voting shall have no power to make any claime to any com̄onage.

Signed, SYMON WILLARD,
 TH^o DANFORTH,
 JN^o SHEREMAN.

Wee, whose names are vnderwritten, the inhabitants of Sudbury, doe hereby testify our full consent & owning of the above written acts of the com̄issioners, with all hartly thanks vnto them for their paines, faithfulness, & loue therein expressed, humbly intreating the honored Court will be pleased

1656.

14 May.

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Courts appro-
baçõn.

to confirme & ratterfy the same for the p̄venting of all after trouble, & for settling of peace & truth amongst vs.

Signed,

EDMOND BROWNE,
WALTER HAJNES,
PETER NOJES,
JN^o PARNITER, Señ,
EDMOND GOODENOW,
JOHN GROUTE,
W^m BROUNE,
JN^o HAJME,
PETER NOJSE, Juñ,
JN^o PARNITER, Juñ,
JN^o SMITH,
PHILEMON WHALE,
HEN: CURTIS,
THIO: PESBETH,
JAMES PENDLETON,
JOSIAH HAJME,
HUGH GRIFFIN,
JANE GOODENOW, Widdow.

The Court doth allow & approve of the retourne of the com̄ittee above written.

[*234.]

Ans^r to M^r
Gajners
petiçõn.

*In ans^r to y^e petiçõn of M^r Thomas Gajner, the Court declares, that if any thing be due to him by audit, &c², he may haue his remedy at the County Court, and that this Court will not attend to such complaints wthout more cawse then by the petiçõn doth appeare.

Day humili-
tiõ.

The 11th day of June next is com̄ended by this Court to y^e seuerall congregations wthin this jurisdicçõn, to be kept as a publicke day of humiljation, to seeke the face of God in behalf of our native countrje, in referenc to the abounding of errors, especially those of the Raunters and Quakers, that the Protector may be preserved from the machinatjõs of evill minded persons, that the Lords presence and blessing may be on the navall and land forces of our native countrje at home and abroad, that the Lord would goe out wth the Protestant armjes against Anti-Xt and his adherents, the settling of vnitje and peace amongst the churches heere, that the ordjnances of Christ may become more effectuall to all, especially to children & servants, the rising generation.

This Court is adjourned to the 14th of October next, at eight of the clocke in the morning.

Att a Generall Court, held at Boston, 14 of October, 1656.

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14 October.

The Court mett on y^e day appointed.

| | |
|--|--------------------------------|
| PRESENT, Y ^e Goũno ^r , | Cap ^t Gookin, |
| Dep ^t Goũn ^r , | Majo ^r Geñ Denison, |
| M ^r Bradstreet, | Majo ^r Willard, |
| M ^r Symonds, | Major Atherton. |
| Cap ^t Wiggins, | |

THIS Court, having heeretofore made a lawe to restrajne the seuerall inhabitants of this iurisdic^on from exporting mares from hence into forraigne parts, expecting the like lawe to be established in the rest of the colonjes, w^{ch} hitherto hath not binn effected, & not knowing any reason why this iurisdic^on should be restrajned and others left at liberty, itt is therefore ordered, that the sajd law respecting the exporta^on of mares be henceforth repealed, and of none effect.

Law prohibbit
ting transpor-
tation of mares
repealed.

This Court, taking into consideration the necessitje of restraying from y^e Indjans whatsoever may be a meanes to disburbe our peace & quiet, doe order, and by the authoritje of this Court be it enacted, that henceforth no person or persons inhabitting wthin this iurisdic^on shall, directly or indjrectly, any wajes give, sell, barter, or any otherwise dispose of any boate, skiffe, or any greater vessell vnto any Indian or Indians whatsoever, vnder the pœnalty of fiuety pounds, to be pajd to the countrje Tresurer, vpon legall conviction, for euery such vessell so sold or disposed of as afore^sd.

Sale of boates
&c. to y^e
Indjans pro-
hibbitted.
6.

8.

Whereas there is a cursed sect of hœreticks lately risen vp in the world, w^{ch} are comõnly called Quakers, who take vpon them to be imediately sent of God, and infallibly asisted by the spirit to speake & write blasphemous opinions, despising gouernment & the order of God in church & comõnwealth, speaking evill of dignitjes, reproaching and revjling magistrates and ministers, seeking to turne the people from the faith, & gajne proseljtes to their pernicious wajes, this Court, taking into serious consideration the p̄mises, and to prevent the like mischiefe as by their meanes is wrought in our native land, doth heereby order, and by the authoritje of this Court be it ordered and enacted, that what master or comãnder of any ship, barke, pinnace, catch, or of any other vessell that shall henceforth bring into any harbor, creeke, or coue wthin this iurisdic^on any knoune Quaker or Quakers, or any other blasphemous hœreticks, as aforesajd, shall pay, or cawse to be pajd, the fine of one hundred pounds to the Tresurer of the countrje, except it appeare that he wanted true knowledg or information of their being such; and

Order ag^t the
Quakers, &c.
9.

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[*235.]

in that *case he hath libertje to cleare himself by his oath when sufficient prooffe to the contrary is wanting, and for default of payment, or good securitje for it, shall be comitted to prison, & there to contjnew till the sajd some be satisfied to the Tresurer as aforesajd; and the comānder of any such ship or vessell that shall bring them (being legally convicted) shall giue in sufficient securitje to the Gofino^r, or any one or more of the magistrates who haue power to determine the same, to carry them backe to the place whence he brought them; and, on his refusall so to doe, the Gouverno^r, or one or more of the magistrates, are hereby impowred to issue out his or their warrants to comitt such master or comānder to prison, there to continew till he shall give in sufficient securitje to the content of the Gouverno^r or any of the magistrates as aforesajd. And it is hereby further ordered & enacted, that what Quaker soeuer shall arive in this countrje from forraigne parts, or come into this jurisdiction from any parts adjacent, shall be forthwith comitted to the house of correction, and at their entrance to be seuerely whipt, and by the master thereof be kept constantly to worke, & none suffered to converse or speak wth them during the tyme of their imprisonment, w^{ch} shall be no longer then necessitje requireth. And further, it is ordered, if any pson shall knowingly import into any harbor of this jurisdiction any Quakers bookes or writings concerning their diuillish opinions, shall pay for euery such booke or writting, being legally prooved against him or them, the some of five pounds; and whosoeuer shall disperse or conceale any such booke or writing, and it be found wth him or her, or in his or her howse, and shall not immediately deliuer in the same to the next magistrate, shall forfeite and pay five pounds for the dispersing or concealeing of euery such booke or writing. And it is hereby further enacted, that if any person wthin this colonje shall take vpon them to defend the haereticall opinions of the sajd Quakers, or any of their bookes or papers, as aforesajd, ex animo, if legally prooved, shall be fined for the first tyme forty shillings; if they shall persist in the same, and shall so againe defend it, the second tyme fower pounds; if still, notwthstanding, they shall againe so defend & maintajne the sajd Quakers haereticall opinions, they shall be comitted to the howse of correction till there be conuenient passage for them to be sent out of the land, being sentenced by the Court of Asistants to banishment. Lastly, it is heereby ordered, that what pson or persons soeuer shall revile the office or pson of magistrates or ministers, as is usuall with the Quakers, such person or psons shall be seuerely whipt, or pay the some of five pounds. This order was published 21: 8 m, 56, in seuerall places of Boston, by beate of drumme.

Itt is heereby ordered, that the p̄sident and fellowes of Harvard Col-

ledg, for the tyme being, or the major part of them, are heereby impowred, according to their best discretion, to punish all misdemeano^{rs} of the youth in their society, either by fine or whipping in the hall openly, as the nature of the offence shall require, not exceeding ten shillings or ten stripes for one offence; and this lawe to continue in force vntill this Court, or the ouerscers of the colledg, provide some other order to punish such offences.

1656.

14 October.
Prasident &
fellowes perm^t
to punish
youth.

Itt is ordered by this Court, that all sorts of corne, and other things, to be paid in to the country rate, shall be in all respects as it was the last yeare, except rye, wth shall be pd in at three shillings p bushell, and Indjan at two shillings and fower pence, and that the last order made in referenc herevnto shall be of force for this yeare ensuing.

Prises of corne.

*This Court, considering the manifold mercjes of God, and his great kindness multipljed vpon vs from day to day, notwithstanding our forgetfulness of him, and vnthankfulness to him, doe comend it to all the churches in this iurisdiction that the fifth day of Nouember may be kept a day of thanksgiving vnto God, that hath given vs the gospell of his Sonne, & cawsed vs to cleave vnto and imbrace the same, in some measure, in these backsliding tymes, hath given vs peace within our gates, plenty and abondance of the blessings of the earth, suppljed our churches with officers beyond our expectation, made vp some breaches, as an earnest of his further presence wth vs & his blessing vpon vs, as also for the peace & preservation of our nation in all the difficultjes & daingers they haue passed thro, and therefore doe desire his name may haue the glory.

[*236.]

Day of thanks
giving, Nov.
5th, 1656.

In ans^r to the request of Tristram Coffyn, Jn^o Scuens, Philip Chalice, & seuerall other inhabitants of the county of Norfolke, the Court doth graunt them liberty to list themselves in a troope of horse, and that they enjoy the priuiledges thereof, provided their novmber and furniture be sufficient according to lawe.

Norfolk troope.

Itt is ordered, y^t the secretary forthwith issue out a warrant from this Court to the marshall generall, or his deputy, to impresse a meete boate, & sufficient & conuenient help, to carry doune and deliuer the Quakers aboard M^r Locke.

Warrant to
send away y^e
Quakers.

It is ordered, that the millitary officers of Dorchester shall and heereby are impowred to sell one of the countrjes great gunnes at Dorchester, provided they buy lesse in its roome to the full value thereof.

Dorchester
liberty to sell
a great gunn
of y^e countrjes.

The Court, having considered of the offences comitted by Niccolas Vpshall, in reproaching the honored magistrates, and speaking against the lawe made & published against Quakers, judge meete & haue determined that the sajd Vpshall, for such his offences, shall pay as a fine to the countrje the

Nicholas Vp-
shalls censure

1656.

14 October.

some of twenty pounds, w^{ch} if he pay not, his estate shall be seized vpon by the marshall before he be lett out of prison, and also that, the sajd fine being paid, he shall depart this iurisdicōn wthin one moneth, and not to retourne vnder the pœnalty of imprisonment, there to continew close prisoner vntill, by publicke acknowledgment before some County Court, ^ giue satisfactjon for what he hath spoken.

A letter from the Generall Court of Conecticot was presented to this Court, (together wth seuerall quæstions of practicall concernment in the churches,) wherein they propound their desires of our concurranc wth them in desiring the help of the elders, for the resolution and clearing the sajd quæstions, and for that end that a tjme and place of meeting be assigned by this Court, and notice thereof may be given to the rest of the colonjes, that they may haue the optunitje to contribute their asistance to this worke. The Court, considering the premises, doth order, that M^r Mather, M^r Allyn, M^r Norton, M^r Thatcher, of the county of Suffolke, *M^r Bulkely, if he cann come, M^r Chauncey, M^r Syms, M^r Sherman, M^r Michells, of the county of Middlesex, M^r Norrice, M^c Ezekiell Rogers, M^r Whiting, M^r Cobbet, of y^e county of Essex, be desired to meet at Boston the first fifth day of June next following, to conferr and debate the sajd quæstions, or any other of like nature that shall or maybe propounded to them by this Court, either amongst themselves or wth such diuines as shallbe sent to the sajd meeting from the other colonjes; and it is expected that the resolution of the sajd quæstions, together wth the grounds & reasons thereof, be presented to the Generall Court, to be cōmunicated and cōmended to such of ours that want information therein; and it is heereby ordered, that Robert Turner take care to provide conuenient entertaynement for the sajd gentⁿ during their attendance on the sajd meeting, and that the charges of those of this iurisdicōn be defrajed by the Tresurer; and it is further ordered, that, together wth the letter & quærjes from Conecticott, a cōpy of this order be sent to all the confæderated colonjes, wth a letter from this Court desiring their asistance in this buisnes at the tjme & place aforesajd, y^t the secretary send a copy hereof, wth the quærjes, to one of y^e elders of each county.

[*237.]
Meeting of
elders in June
next.

Plaintiff or
defend^t to
peure copies of
y^e County
Courts pro-
ceedings be-
fore y^e case be
heard, &c.

10.

It is ordered by this Court, that, in all cawses that are to be transferd from the County Courts, by reason of the disagreement betweene the Court and the jury, to the Generall Court, that it shall be the care of the partjes, either plaintiffs or defendants, that doth or shall expect benefit by the prosecution thereof, to bring copies of the proceedings of the County Court, attested vnder the hand of the clarke, wthout w^{ch} no cawse of that nature shallbe admitted into this Court.

It is ordered, that the case betweene Major Hawthorne and Amos Richardson, plaintiffs, ag^t Ju^o Divan, defendant, heard the last Salem Court, and not issued, be referred to the next Generall Court.

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14 October.

Amos Richardson, agt. Ju^o Divan, to be heard next Court.

The case betweene M^r Shcafe, attorney to M^r Shelden, ag^t Joshua Hues, administrator to y^e estate of M^r Joshua Foote, heard at the last County Court at Boston, and not then issued, is referd to the next Generall Court.

M^r Sheldons case to be tried at y^e next Court.

The Court, having heard & considered the whole case betweenc M^r Bratle and the daughters of Cap^t Ting, against M^r John Coggan, concerning the estate of Thomas Coytmore, the only sonne of M^r Thomas Coytmore, late of Charles Toune, who dying in his minoritje, the estate remayneth in the hands of Martha, the relict of the s^d Thomas Cojtmore, now wife of M^r Ju^o Coggan, vnto whom this Court doth confirme the sajd estate, both of lands & goods, and doth hereby order, that the sajd M^r Coggan, in consideration thereof, doe, wthin sixe months, pay, or cawse to be pajd, to the sajd M^{rs} Bratle, and to the three other children of Cap^t Tyng, two hundred pounds, that is to say, to euery one of them fuety pounds.

M^r Coggan & M^r Bratle case, &c.

The two counstables of Kittery, [^] Ellingham & [^], being bound by the County Court at Yorke to appeare before the Generall Court, attended the 22th of October, and made such answer to what was objected against them as the Court accepted, & they were dismissed.

Counstables of Kittery discharged.

*Itt is ordered, that Samuell Archer, of Salem, shall be sattisfied and pajd by the countrye Tresurer the some of seventeenc pounds fueteene shillings, & is for his bringing the prisemen to the prison and vnloading M^r Gardjners catch, the County Court of Salem not having fines sufficijent to defray publicke charges, out of w^{ch} it should haue binn pajd.

[*238.]

Ans^r to Samuell Archer.

It is ordered, that one eight part be added to the countrje rate, and to be pajd together with it in wheate, pease, or malt, at such prises as the rate is pajd in, and to be deliuered to the survejour generall & Cap^t Oliuer, or by their appointment, for the procuring of a comon stocke of pouder for the countrje; and the Tresurer is heereby ordered forthwith to send forth his warrants to the seuerall counstables to levy & collect the same.

Addition to y^e countrje rate.

It is ordered, that the Deputy Gouēno^r, Cap^t Clarke, M^r Secretary, & Cap^t Savage shall examine the lawes of the Generall Court for two yeares past, and to cawse such lawes as are of public concernment to be written out, whereby they may forthwth be comitted to the presse, & sent to the seill Courts.

Comittee ab^t pvsing acts of Court.

The Court, being sencible of the lowe condiçōn of the late honored M^r Nowells family, & remembring his long service to this comonwealth, in the place not only of a magistrate, but secretary also, for w^{ch} he had but litle and

M^r Nowells recompenc.

1656.

14 October.
2000 acres.

slender recompenc, & the countrjes debts being such as out of the country rate they cannot comfortably make such an honorable recompenc to his family as otherwise they would, judge meete therefore, do give & graunt to M^{rs} Nowell and hir sonne Samuel two thowsand acres of land, to be lajd out by M^r Thomas Danforth and Robert Hale, in any part of the countrje not yett graunted to others, in two or three farmes, that may not hinder any plautaõn to be erected.

Coõmittee to
settle Hamp-
ton bounds.

There having binn heretofore an order of this Court appointing seuerall coõmissioners to settle the bounds betweene Hampton & Salisbury, w^{ch} is not yett effected, the coõmissioners not appearing, that a finall issue may be put therevnto, it is ordered, that Cap^t Bryan Pendleton, M^r George Gittings, Rob^t Lord, & Ensigne Howlet, or any two of them, shall be a coõmittee to settle all differences betweene the two tounes in referenc to their bounds, according to the last order of this Generall Court, making retourne thereof to y^e next Court of Election.

Ans^r to Left.
Drues petiõn.

In ans^r to the petiõn of Robert Drue, humbly craving that no customes be taken for the wines brought in the prize from y^e West Indies, itt is ordered, that the sajd Robert Drue and the rest shall pay the customes for y^e sajd wines brought in according to order.

Ans^r to Mary
Batchilers
petiõn.

In ans^r to the petiõn of Mary Batchiler, desiring liberty from this Court to dispose of herself, hir husband being gonne from hir, & as she p^tends, since his going, married, &c, the Court judgeth meete to referr the examination of the case to the next County Court at Yorke, and the sajd Court to make retourne of what they finde to y^e next Court of Asistants, who haue power to issue and determine the case.

10th allowed y^e
secret. for losse
of corne for y^e
42th, &c.

The secretary, as agent for the colonjes two yeares past, was pajd by the Tresurer forty two pounds odd money, in Indian corn, at three shillings p bush, which, for y^e most p^t, he could make but two shillings. Itt is ordered, that the Tresurer pay him tenn pounds for such his losse.

[*239.]

Ans^r to Anne
Knights peti-
õn.

*In ans^r to y^e petiõn of Anne Knight, widdow, for the remittment of thirty pounds due to y^e country from hir late husband, the Court judgeth it meet to abate hir tenn pound thereof.

Ans^r to Fran-
cis Brounes
petiõn.

In ans^r to the petiõn of Elijah Corlett, on y^e behalf & by order of Fraun-
cis Broune, y^e married the relict of George Bennet, humbly craving, for y^e
p^rvention of all future clajmes, that they would be pleased to confirme their
sale of the howse to Jn^r Shawe, the Court judgeth it meet to graunt the pe-
tiõners request.

Courts graunt
of 1000 acres to
M^r Deane Win-
throp.

In ans^r to the petiõn of M^r Deane Winthrop, craving this Courts favo^r
to graunt him such a proporõn of land as formerly was appointed to his

honnored father, at Chochituit, & should haue binn layd out by Cap^t Pelham and M^r Pendleton, the Court doth graunt vnto the petiçõner a thousand acres of land where he cann finde it free from former graunts, and not hindering a plantation.

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In ans^r to the petiçõn of Jn^o Samuell, the Court doth graunt the sajd Jn^o Samuell liberty to sell the land w^{ch} he lately purchased of John Viol, of *of* w^{ch} land the howse was burnt, & impowres him to make a good title thereto, so as the children of his wife, in leiw of theire interest in the sajd land, be instated such howse and land as he shall purchase in Boston, and that at least it be of as good value as that wherein they had interest, and it is left to y^e commissioners of the toune of Boston to see it effected.

Ansr to Jn^o Samuells petiçõn.

In ans^r to the petiçõn of Daniell Fairefeild, the Court graunts him liberty to goe in one of these shippes to England, as he desiens; provided, if he euer come againe, he shall forthwith retourne to the same condiçõn as now he is in, & be forthwith co^mmitted to prison.

Ansr to Fairefeilds petiçõn.

In ans^r to the petiçõn of M^r Willjam Hubbard, of Ipswich, Seⁿ, the Court judgeth it meete to graunt him a thousand acres of land in any place or places that he cann finde lying out of any former graunts or tounships beyond Exiter Riuer, toward the east or north east, to be lajd out to him by M^r W^m Bartholmew, M^r Thomas Bradbury, & M^r Samuell Hall, or any two of them; this being in satisfaction of fivety pounds disbursed by him in England; and also the land graunted to him by this Court in the yeare 1652, w^{ch} he hath resigned vp to the Courts hands againe.

Courts graunt to M^r Hubbard.

In ans^r to the petiçõn of Edward Burt, though the Court judge not the countrje to be bound to secure prisners or pay the damages which may arise by theire escape, yett, in regard the petiçõner is but lowe in his estate, this Court doth graunt the petiçõner two hundred acres of land where he cann finde it, according to lawe.

Courts ans^r to Edw. Burts petiçõn.

Wee, whose names are vnder written, ouerseers to the last will and testament of Barnabas Fower, having mett together wth Jn^o Jn^oson, that married the execcutrix of the sajd Fawers will, have agreed that the two howses lately in the possession of Barnabas Fawer, being somewhat better then the one whole half of that estate, shallbe and remajue the inheritance of Eliazer Fawer, only child of the sajd Barnabas Fower; the rest of that estate, consisting in goods & debts, hereby is & shall be estated on M^r Jn^o Johnson, in right of his wife, with a wood lott, being the ninth from Cambridg lje, to the sajd Jn^o Johnson and his heires, w^{ch} sajd lott came from Thomas Negus to the sajd Grace Fower. And it is further agreed, that the ouerseers of the sajd will

Courts allowance of executrix & oifers agreement in referenc to y^e diuicõn of Fower's estate.

1656.

14 October.

shall pay vnto the sajd John Johnson thirteene pounds out of the next rents of the two houses aboue mençõned to make his part æquall wth the childes half. All w^{ch} wee humbly desire the honored Court would be pleased to confirme, y^e overseers of that will having subscribed their names to a paper annext.

JAMES PENN,
W^M PADDY,
THOMAS MARSHALL,
JOHN JOHNSON.

The Court doth allowe, & approoves of the agreement aboue mençõned, & orders it to be recorded.

Courts order to
Sudbury, to
defray comit-
tees & charges
there to Jn^o
Parmiter.

It is ordered, that the charg of y^e comittee of the Generall Court expended at Sudbury 55, as also the charg of the councill of elders, &c, there in fifty sixe, to defray comittees, &c, amounting in all to seventeene pounds five shillings & two penc, be borne by all the toune, & levyed as is vsuall in other rates.

[*240.]

Comittee in
referene to y^e
inhabitants of
Cambridg.

*The Court, having considered of the case respecting Cambridge and those of the south side of the riuer, finde it attended wth such difficultjes as will not admitt at present of a comfortable issue, doe therefore judge meete to referr the case to be further enquired into by a comittee, and to that end haue chosen M^r Tresurer, Cap^t Lusher, & M^r Ephrajm Child, who are heereby appointed to informe themselves more fully of the estate of Cambridg, and whateuer else they shall judge meet, w^{ch} may be necessary for this Court to know, and to make retourne thereof to the next Court of Election.

Ans^r to Lef^t
Phillips peti-
çõn.

In answer to the petiçõn of Lef^t W^m Phillips, the Court vnderstanding that the customes of the wines mençõned in the petiçõn amount to vppwards of forty pounds, vppon a just account, yett the petiçõner, being vnwilling to proceed in a legall course of lawe for the recouery thereof, is willing to take but thirty pounds, w^{ch} the Court judgeth meete to allow him vppon account wth the audito^r.

Courts ans^r to
y^e auditors
paper.

The Court, having considered of a paper presented by the audito^r gene^l, in ans^r thereto, judg it necessary, that the audito^r contjnew in his place, and attend his worke, vtill the next Court of Election, when the Tresurer hath fully cleared his accounts, and that Court to determine concerning the contjnuaⁿc of such an office in this commonwealth.

Courts judg-
ment ab^t Jn^o
Holmans will.

The County Court at Boston having made report of what they had determined in referenc to the case concerning M^r John Holmans will, according to the order of the Generall Court, May, 1656, i. e., that, notwithstanding the

evidences produced by Jn^o Holman, w^{ch} are on file, they judged the will of the said Holman legally proved, & see no cawse to alter the same, this Court doth approve of the said act of the County Court.

1656.

14 October.

Cap^t W^m Torrey & Cap^t Richard Brackett are appointed as com^{is}sioners from this Court to joyne wth two from Pljmouth on the 18th of Nouember next, to meet at Walter Briggs house, at an eleven of the clock, to lay out the sixty acres of meadow according to the agreement betweene our & Pljmouth com^{is}sioners, & in case they agree not, they fower are to choose a fifth, and any three of them are to determine it, making retourne of what they shall doe to the next Geⁿ Court. This to be donne at the charge of Hingham.

Com^{it}tee to lay out y^e sixty acres of meadow at Conni-hasset.

In ans^r to the peti^{ti}on of Edward Goffe, itt is ordered, that what M^r Richard Russell, Tresurer, & M^r Ralph Mousall shall finde on examina^{ti}on of the said Goffs account to be due vnto him, on a just account, shall be pajd vnto him out of the publicke tresury.

Ans^r to Edward Goffs peti^{ti}on.

**Att a Generall Court of Election, held at Boston, 6th of May, 1657.*

1657.

J^N^o ENDECOTT, Esq^ꝰ, was chosen Govern^r for this yeare ensuing, & tooke his oath in open Court.

6 May.

[*241.]

Rich Bellingham, Esq^ꝰ, was chosen Dep^t Go^v for this yeare ensuing, & tooke his oath.

| | | |
|---|--|--|
| Mr Symon Bradstreet, | } were chosen Asistants, & tooke their oaths in Court. | |
| Mr Samuell Symons, | | |
| Cap ^t Th ^o Wiggins, | | |
| Cap ^t Da ⁿ Gookin, | | |
| Majo ^r Daniell Dennison, | | } was chosen Majo ^r Generall. |
| Majo ^r Symon Willard, | | |
| Majo ^r Humphry Ather- ton, | | |

Edward Rawson was chosen Secretary for this yeare ensuing.

M^r Edward Russell was chosen Tresurer for this yeare ensuing.

| | |
|--|--|
| M ^r Symon Bradstreet, & | } were chosen Com ^{is} sioners for y ^e Vnited Collonjes. |
| Majo ^r Ge ⁿ Daniell Denison, | |

| | |
|--|-------------|
| The Go ^v no ^r & | } Reserves. |
| Dep ^t Go ^v no ^r , | |

1657.

6 May.

The names of the Deputys retourn'd to serve at this Court were as
folł:—

Majo^r W^m Hawthorne, for Salem.
 M^r Rich Russell & Thō Lyne, for Charles Toune.
 Left Roger Clap, Enš Hopstill Foster, for Dorchester.
 Cap^t Thō Savage, Cap^t Thō Clarke, for Boston.
 M^r Jn^o Johnson, M^r Phillip Elliott, for Roxbury.
 M^r Ephraim Child, M^r Charles Chadwick, for Water Toune.
 M^r Thomas Layton, for Lynn.
 M^r Edwards Collins, M^r Thomas Danforth, for Cambridg.
 M^r W^m Hubbard, Left Jn^o Apleton, for Ipswich.
 Left Jn^o Pike, for Newbury.
 Thomas White, for Weimouth.
 M^r Jeř Houchin, for Hingham.
 M^r Rołt Merriam, for Concord.
 Cap^t Eliazer Lusher, for Dedham.
 M^r Thō Bradbury, for Salisbury.
 Rołt Page, for Hampton.
 Maximilljan Jewet, for Rowley.
 Sañ Basse, for Braintrje.
 Cap^t Rich Walderne, M^r Vał Hill, for Douer.
 Cap^t Edw̄ Johnson, for Wooborne.
 Humphry Chadborn, for Kittery.

Majo^r W^m Hawthorne Speaker for y^e session.

Comitteē ab^t
 ministers
 maintainanc.

Forasmuch as there are many complaints of the great suffering of the families of diuerse reñend ministers of Gods word wthin this jurisdicōn, for want of such suitable supply as their state & condiōn doe require, the which thing, if reall, tendeth not only to the reproach of the churches of Christ planted in these parts, but also to the scandall of our proffession, and the losse of the Lords fauorable presence wth vs, itt is therefore ordered, that Cap^t Thō Savage, Cap^t Eliazer Lusher, and Surveyo^r John Johnson, for Suffolke; M^r Richard Russell, Cap^t Edw̄ Johnson, and M^r Edward Collins, for Middlesexe; Majo^r Hawthorne, M^r Hubbard, Señ, & Cap^t Gerrish, for Essex; Cap^t Pendleton, M^r Vał Hill, & M^r Bradbury, for Norfolke, be comittees impowred respectively wthin the seuerall countjes to enquire concerning the truth of the sajd complaint, and (if any be) of the grounde and cawse thereof, as also where they shall finde any defect, to enquire into the state & condiōn

of the people to such minister doe belong, and make retourne thereof to the next sessions of this Courte, that so this Court, wth are, by Gods promise, nursing ffathers to the churches, may see that there be meate in Gods howse, and the Lord may still delight in vs to dwell amongst vs, and to blesse both vs & our poore posteritje, and the sajd scandall taken of & prevented for the future.

1657.

6 May.

*Seeing it is difficult to order and keepe the howses of publicke entertajnement in such conformity to the wholesome lawes established by this Court as is necessary for preventjon of drunkenes, excessive drinking, vaine expence of money, tyme, and the abuse of the creatures of God, itt is therefore ordered by this Courte and the authoritje thereof, that no person or persons heereafter shall be lycensed to keepe an howse of cōmon entertajnement, or to sell strong waters for any longer then one yeare at one tyme, and that such as keepe howses of publicke entertajnement, or sell stronge waters, which for the present are the present vintners, during their contract excepted, shall and heereby are enjoyned to repajre once wth in this yeare to their seuerall County Courts for renewing their seuerall lycenses, according to this lawe, for which they are to pay two shillings & sixe pence to the clarke of the Court, or els they shall forfeite and pay, as vuljcensed alehowse keepers, for euery offenc ffive pounds.

[*242.]

Inkeepers license limited to one yeare.

Forasmuch as the recorders of the seuerall countjes are by lawe enjoyned to record all wills and inventorjes, mortgages, and sales legally brought vnto them, and safely to keepe the same, and as yet no lawe hath provided or determined their just recompence, this Court doth therefore order that the ffees of the recorder or clarke of any County Court shallbe as followeth: For entry of *of* a mortgage, or sale of howses or lands, verbatim, not exceeding a page, consisting of twenty eight or thirty lynes, eight words to a lyne, twelve pence, and proporcionably to eight pence p page for what it shall exceede; and for attesting the record on the originall deede, sixe pence; and in like manner for wills and inventorjes, wth six pence a peece for filing vp the originall, and safe keeping thereof; and for entring an order as for the determining of an estate of such as dyed, intestate or other, wherein the Court is to give their approbaçõn or determinaçõn, twelve pence; and for entry of the examinaçõn and proceedings of the Court in any criminall case, or presentments, wth the judgment of the Courte therein, two shillings and sixe pence; and for entry of a recognizanc, twelve pence, to be pajd or secured in Court by the delinquent party.

Recorders ffees stated.

Itt being found by experjence that the countrje is much troubled to prosecute offences of an inferior nature, and to execute and performe what the lawe in seuerall cases requires, by reason that the magistrate live farre remote from some parts of the countrje, it is therefore ordered, that for this present

Comissioners in townes lymitted & new comission^{rs} stated.

1657. yeare, Majo^r W^m Hawthorne in Salem, Lynne, Marblehead, & Manchester, M^r Richard Russell in Charlestowne and Malden, Cap^t W^m Gerrish for Newbury, M^r Bradbury for Salisbury, Cap^t Edward Johnson for Wooburne, Redding, & Billirrikey, Cap^t W^m Torrey for Hingham, Weimouth, and Nantascott, Cap^t Eliazer Lusher for Dedham and Meadefeild, bee impowred in all criminall cases binding ouer offenders, taking testimonys vpon oath, swearing of connstables, taking acknowledgments of deeds, *marriages, to act in their respective places as any one magistrate may doe, of all which acts they are to keepe a dew record, which they shall retourne to the Court of the countje to w^{ch} they belong, and all lawes impowring the co^mmissioners for the ending of smale cawses (except the co^mmissioners of Boston & Yorkshire, to act in the cases aforesajd) are heereby repealed.

Title to inher-
itances settled
& ljmited.

This Court, taking into serjous considera^on the great neglect of many persons, in the infancy of these planta^ons, to observe any due order or legall course for the confirma^on of such sales and aljenatjons of howses and lands as haue passed from man to man, w^{ch} thing may seuerall wajes be of very ill consequence to posterity in future tjmes, doe therefore order, and heereby enact, that any person or persons that hath, either himself or by his graunto^{rs} or assignees, before the lawe made for direction about inheritances, bearing date October 19, 1652, possessed and attayned, as his or their oune propper right in ffee simple, any howses or lands wthin this jurisdic^on, and shall so contjnew, whither in their oune persons, their heires or assignees, or by any other person or persons, from, by, or vnder them, wthout disturbanc, lett, suite, or denyall, legally made, by having the clajme of any pson thereto entred wth the recorder of the county where such howses or lands doe lye, wth the name of the person so clayming, and the quantitje & bounds of the land or howse claymed, and such clajme prosecuted to effect wthin the terme of five yeares next after the twentjeth of *of* this present moneth, euery such proprietor, their heires and assignees, shall for euer after injoy the same wthout any lawfull lett, suite, or disturbance, or deniall, by any after clayme of any person or persons whatsoever, any lawe or custome to y^e contrary notwthstanding ; and for all bargaines and aliena^ons made, or to be made, after the aforesajd tjme, that euery pson concerned therein observe the directions given in the aboue recited lawe, vpon perrill of suffering all the damage that shall acruer to them, their heires and assignees, by neglect thereof.

Rectifying as-
sessments.

Whereas it is euident that there is much injustice & inæquallitje in the assessments of publicke rates in each toune wthin this jurisdic^on, whereby some are eased, others burthened, and the co^monwealth pjudiced, for the prevention whereof, it is ordered, that howses & lands of all sorts shall be

rated at an æquall and indifferent value, according to their worth in the townes and places where they lye; also every bull & cowe of fower yeares old and vpward at three pounds; heifers & steeres betweene three & fower yeares old at fifty shillings, and betweene two & three old at forty shillings, & betwixt one and two yeares old at twenty shillings; every ox of fower yeares old and vpward five pounds; every horse and mare of three yeares old and vpwards tenn pounds, betweene two and three yeare old at seven pounds, of one yeare old and vpwards five pounds; every ewe sheep above one yeare old five and twenty *shillings; every goate above a yeare old at eight shillings; every weather sheepe above one yeare old at tenn shillings; every swine above one yeare old at twenty shillings; every asse above one yeare old at forty shillings; and in all other respects to proceede as provided in the printed law, title Charges, Publicke, and according to the lawe for rectifying assessments, made May, 1651, that so many great estates, though more obscure and difficult to finde out, may beare their due and just proportion wth such estates as are more obvjous, & cannot be hidd.

1657.

6 May.

[*244.]

Whereas this Court hath made severall orders for the preventing of excessive drincking and drunckenes amongst the Indjans, and yett, notwithstanding, there is litle or no reformation in that kinde, but it appeareth by complaints from all parts of the countrye, and by frequent expedient, that no moderation can be attained to prevent drunckenes amongst them, (the fruites whereof are murder and other outrages,) this Court, therefore, the premisses considered, doth heereby wholly prohibitt all persons, of what qualittje soever, henceforth to sell, trucke, barter, or give any strong liquors to any Indian, directly or indirectly, whither knoune by the name of rumme, strong waters, wine, strong beere, brandy, cidar, perry, or any other strong liquors going vnder any other name whatsoever, vnder the pœnalty of forty shillings for one pinte, and so proporcionably for greater or lesser quantitjes so sold, bartered, or given, directly or indirectly, as aforesajd. And for the better execution of this order, all trucking houses erected (not allowed by this Court) shall be forthwith demolished. And for the better effecting of this order, it is declared, that one third part of the pœnalty shall be graunted to the informer. It is also ordered, that speціаль care shall be had by the grand jury of every Shire Court to inquire & present to the Court what they finde or discover matter leading to such a practize against the true intent of this lawe; and all other orders giving liberty to sell strong liquors to Indians are heereby repealed, and all licenses formerly graunted are hereby disabled and called in; provided, alwayes, that it is not intended that this lawe shall extend to re-strayne any person from any charitable act in relieving any Indian (bona fide)

All sorts of strong liquors prohibited to y^e Indians.

Vnder pœnalty of 40^s a pinte, &c.

Unless in case of extreme necessity, &c, to be allowed by one magistrate, &c.

1657.

6 May.

in case of suddaine extremitje by sicknes or fainting, which calls for such help not exceeding one dramme, nor when any phisition shall prescribe, in way of phisicke, any of the particulars before mençoned, so as vpon sight of his direction in writing, there be allowance had vnder the hand of one magistrate, or where no magistrate is in the toune residing, vnder the hands of the toune comissioners or two of them.

Owners of cattle impounded to pay y^e damage or replevy y^{er} cattle on perill, &c.

It is ordered by this Court and the authoritje thereof, that euy person having notice given, or otherwise left in writing at their howse or place of vsuall aboade, of any their cattle impounded or otherwise restrajnt, shall forthwith giue satisfaccõn to the party wronged, or otherwise replevy their cattle and prosecute the same according to lawe, vpon perill of suffering all the losse and damage that shall come to their cattle by standing in the pound or *other lawfull place of restrajnt, vntil such tyme as the party wronged shall retourne his damage in a legall way.

[*245.]

Clarks of y^e writts charged wth psecuting y^e lawe ag^t such as refuse to record y^e name of such as are born, dy, or marry, &c.

This Court, taking into their consideraçõn the great damage that will vnavoydeably acruè to the posteritje of this comon wealth by the generall neglect of observing the lawe injoyning a record of all births, deaths & marriages within this collony, doe therefore order, that henceforth the clarks of the writts in each toune respectively take due care for effecting the same according to the intent of the aforesajd lawe: and in case any person or persons shall neglect their duty required by the sajd lawe more then one month after any birth, death, or marriage, the clarke of the writts shall demand the same, wth twelve pence a name for his care and paynes; and in case any shall refuse to satisfy him, he shall then retourne the names of such person or persons to the next magistrate or comissioners of the toune where such person dwell, who shall send for the party so refusing, and in case he shall persist therein, shall give order to the counstable to levy the same. And if any clarke of the writts shall neglect his duty hereby injoynd him, he shall pay the following pœnalty; i. e., for neglect of a yearly retourne to the County Court, five pounds, and for neglect of retourning the name of any person retourneable by this lawe, whither borne, marrjed, or dead, more then thirty dajes before his retourne to the County Court, five shillings. And that no future neglect may be heerein, the recorder of each County Court is hereby injoynd from tyme to tyme to certify the County Courts respectively the names of all such clarks as shall neglect to make their yearly retourne according to this lawe, who, vpon notice given, shall send for such clarke, and deale in the case according as lawe requireth.

Whereas, in all civill cases depending in suite, y^e plaintiff affirmeth that y^e defendant hath donne him wrong, and accordingly presents his case for

judgment and satisfaccōn, it behooveth both Court and jury to see that the affirmacōn be proved by sufficijnt evidenc, els the case must be found for the defendant ; and so it is also in a criminall case ; for, in the eye of the lawe, euery man is honest & innocent, vnlesse it be proved legally to the contrary. All evidenc ariseth p̄tly from matter of fact, and partly from lawe or argument. The matter of fact is alwayes feazable to be judged of as well by the jury as by the Court ; and concerning the lawe, or the point of lawe, in referenc to the case in quæstion, it is either more easy & generally knowne, or more difficult to be discerned. The duty of the jury is, if they doe vnderstand the lawe to the satisfaccion of their consciences, not to put it of from themselves, but to finde accordingly ; but if any of the jury doth rest unsatisfied what is lawe in the case, then the whole jury haue liberty to present a speciall verdict, viz., if the lawe be so or so in such a point, wee finde for the plaintiffe, but if the lawe be otherwise, wee finde for the defendant, in w^{ch} case the determinacōn is left to y^e Court. And whereas the clause in y^e lawe, page thirty two, mentioning evidenc, is obscure, the jury may bring in a non licquet, which words hath occasioned much trouble and delay in civill proceedings: this Court doth heereby repeale that clause, & directeth accordng to what is aboue expressed for the future.

1657.

6 May.

Non licquetts
phibitted for
time to come.

*Whereas M^r Rich Russell, Tresurer, Cap^t Eliazer Lusher, & M^r Ephraim Child, in October last, were appointed by the Generall Court as a comittee to informe themselves more fully of the estate of Cambridge, and whateuer els they shall judg meete, w^{ch} might be necessary for this Court to know, and to make retourne thereof to this Court, w^{ch} not taking effect, itt is ordered that that order & comittee be in force againe, & continew till the next session of this Court, to w^{ch} the comissioners aboue menccōned are to make their retourne.

[*246.]

Comittee about
Cambridg vil-
lage.

Whereas the trade of furs wth the Indians in this jurisdiccōn doth properly belong to the comonwealth, and not vnto particular person, who, wthout liberty of this Court, doe trafficque wth the Indians (as it may be justly feared) seucrall prohibbited comoditjes, as gunns, powder, shott, & strong licquor, &c, this Court doth therefore order and declare, that no person or persons, directly or indirectly, after the publication hereof, doe trade wth the Indians for any sort of peltry, excepting only such as are authorized by this Court, or those deputed by them, on the pœnalty of one hundred pounds fine for euery offenc ; and the Court doth hereby invest Cap^t Daniell Gookin, M^r Richard Russell, Cap^t Edward Johnson, M^r Edward Tyng, M^r Edward Jackson, and M^r Edward Colljns, or any three of them, wth full power to finde out the best way and meanes, and to make agreement & contract wth such able & honest persons

Trade wth In-
dians for furs
limited.

1657.

6 May.

as shall tender themselves to prosecute the Indian trade for the best benefitt of the countre, and suppressing all irregularities therein; and it is further ordered, that all informers of the breach of this order be allowed ten pounds for every offence out of delinquents fines, and that this order be forthwith published by posting the copie thereof in every towne.

No graunt, order, or law to pass before it be three days read.

Whereas it is found by experience that the passing & enacting of diuers graunts, orders, & lawes vpon the first proposall hath occasioned many inconveniences, w^{ch} might haue bin prevented by mature deliberation, and that it is the laudable custome of the Parliament of England to passe no bills which haue not bin their read & debated, it is therefore ordered & enacted by this Court, that no graunt of land, lawe, or order (except transient acts) shall henceforth be of force but such as, after reading and mature consideration on three seuerall daies, shall be approved and consented to by the major part of Magistrates and Deputies.

Law prohibiting butchers to kill lambs repealed.

The clause in y^e lawe made in the 6 month, 1654, restraining butchers to kill rams or weather lambs vntill they be two yeares old, vnder y^e penalty of twenty shillings, is hereby repealed.

[*247.]

Courts answer to Salisbury petition.

In answer to the petition of the inhabitants of Salisbury, the Court, considering the seuerall orders of Court, and seuerall retournes of committees therevpon, and both parties being heard, judge that the bounds mentioned in the said petition are not yett perfected & legally settled, forasmuch as the last Court order refers to the former, dated 14th of 3 m^o, 56, w^{ch} requires explanation, and a true platt signed by some artist, w^{ch} not yett being donne, the worke is not orderly finished, nor the retournes fitt to be recorded, and doe therefore order Lef^t Jn^o Apleton, M^r Joseph *Medcalf, & M^r W^m Bartholmew, of Ipswich, Nicolas Noyes, & Daniell Pearse, of Newbury, as commissioners, who shall & hereby are impowred to act in this case according to former orders of Court; and whatsoever they, or the major part of them, shall conclude in reference to the said bounds mentioned in this petition to stand firme & good, provided that Cap^t Nicholas Shapleygh, of Charlestowne, be procured by the parties to assist the commissioners in drawing out a platt, and running the lyne according to their direction, the charge of the commissioners to be borne equally by both townes, and the artist to be paid by Salisbury only, and that a true retourne be made of what is donne herein to y^e next session of this Court, to be ratified & confirmed.

Answer to M^r Gayners petition.

In answer to the petition of M^r Thomas Gayner, the Court, considering the order of the Generall Court, 23^d of May, 1651, whereby the petitioner is enabled to reueiw his action by virtue of his charter party, although cancelled, judge meete to refer him therevnto; and as for his want of

estate, the Court judgeth he may take the bennefit of the lawe in that case provided.

1657.

For the better ordering & regulating of constables watches, which in seuerall respects are found defective, it is therefore ordered, that henceforth it shall be in the power of the select men of each toune wthin this jurisdiction, or the major p^t of them, to order & dispose of the said watches, both respecting t^jme, place, n^umber, qualiti^e of persons, and what els may conduce therevnto, so as to them shall seeme most meete.

6 May.
Regula^on of
constables
watches.

In ans^r to the peti^on of the inhabitants of Chelmsford, craving the remittment of the fines imposed by lawe on them for their not attendanc to y^e p^rformance of the lawe the last year, & this also, for nomination of magistrates, the Court judgeth meete to remitt all the fines to twenty shillings.

Ans^r to
Chelmsford
peti^on, 20^s
fines.

In ans^r to the peti^on of John Sternes, c^onstable, of Billirrikey, humbly craving the remittment of the fyne the lawe imposeth on him for neglecting to warne y^e freemen of y^t place to attend the lawe for nomination of magistrates the last year, the Court, considering the freemen are few, y^e peti^oner hath put himself to travaile, besids the charge of entring his peti^on, doe remitt his fine.

Ans^r to Jn^o
Sternes peti-
oⁿ.

Whereas the lands & propertjes of the honored Cap^t Wiggins hath not hitherto binn brought wthin the l^jmits of any toune, nor binn liable to pay taxes & assessments, as other the honored magistrates haue donne, it is therefore ordered by this Court, that henceforth the now dwelling howse of the said Cap^t Wiggin, togeth^r wth the lands and proprietjes therevnto appertayning, shall belong to the towne of Hampton, and by the selectmen of the said toune to be assessed in all rates, according to lawe, any custome or vsage to the contrary notwithstanding, & y^t for the t^jme past he allow only the so^me of five pounds to the publicke treasury.

Cap^t Wiggins
howse & lands
lyable to as-
sessments, &c,
at Hampton.

*On the mo^on about Thomas Wests burglary, which was not issued, but he standing bound ouer to Salem Court, this case is referd to Salem Court next, who are heereby impowred to heare and determine the same.

[*248.]

Wests case re-
ferd to Salem
Court, deter-
mina^on, &c.
Mr Chadborns
dismission.

Mr Humphry Chadborne, being farre remote, & having now an opportunity to haue a passage home by water, & the Court being neere ready to be adjourned, on his request, is dismiss from his further attendanc on the service of the Court.

In ans^r to the peti^on of Anne Bate, itt is ordered, y^t Lydia Bucke be forthwith safely convejed back againe to Hingham at the charge of them that cawsd hir to be brought from thenc, and that the select men of Hingham take care to provide for the said auld \wedge , according to the order of the

County Courts
order ab^t Lydia
Burke con-
firm'd.

1657. County Court formerly to them directed, w^{ch} if the select men aforesajd, in behalfe of the sajd toune, shall further neglect, they may expect the displeasure of this Court.

6 May.

18 November,
1656.

Wee, whose names are heerevnder subscribed, being appointed by the Generall Courts of the Massachusetts and New Pljmouth to settle a difference betweene the townes of Hingham and Scittuate, referring to sixty acres of salt marish graunted to the Massachusetts, lying on the east side of the Riuer Conchasset, and in obedience to the sajd order mett accordingly vpon the place, and vpon a survey of the sajd land, could not finde any bound marke appearing according as it was sett out by Hingham men, but vnderstood that Hingham men had runne the ljne a little higher vpon the riuer then Scittuate men had donne, and thereby had taken six or seven acres of land vpon the riuer, which Scittuate men had lajd out neere the sea, w^{ch} wee conceive was not so agreeable to the cōmissioners order as the first lync, and doe therefore conclude and agree, as a full issue of the case, that the sajd lync, as it now stands marked and bounded by Scittuate men, shall stand firme and good, and the other ljne runne by Hingham men to be vojld and of none effect.

Lands abt
Conchasset
settled.

WILLJAM TORREY,
JOSIAS WINSLOW.

The Court approoves of the retourne of the cōmissioners aboue exprest in referene to y^t land.

Secretary appointed attorney to sue Rich. Woodey, &c.

Whereas this Court is informed that there is a matter of seventeene pounds wthholden by Richard Woodey from this jurisdiction by occasion of some transac̄on about the Indians, concerning w^{ch} there hath passed some accounts wth the cōmissioners of the colonjes, for the recouery whereof this Court hath and hereby doth empower M^r Edward Rawson, secretary, to be attorney in behalf of this jurisdiction, and to prosecute the suite to effect.

[*249.]
Courts confirmation of M^{rs} Nowells land lajd out, &c.

*Wee, whose names are subscribed, according to an order and graunt made by the Generall Court, held at Boston, Octob^r 14, 1656, haue lajd out to M^{rs} Parnell Nowell one thousand acres of land, lying beyond Douer bounds on the northwest, & lyeth vpon the Cochecho Riuer, on both sides thereof, beginning on the north east side of a brooke that runneth into the sajd riuer on the north west side of Seohomogomocks Hill, lately planted by Indians, and lying two miles in length, vp streame, vpon the sajd riuer, and half a mile in breadth; also, on the southwest side of the sajd riuer, beginning

at a pine tree, marked, standing anent the aforesajd Scohomogomocke Hill, and from thence running southwest three quarters of a mile, and in length, vp streame, one mile and a halfe, and at the vpper end of the sajd lyne lying in breadth from the riuer halfe a mile, being parralell to the lower lyne.

1657.

6 May.

Also, lajd out vnto M^r Samuëll Nowell one thousand acres, lying on y^e south and east side of the aforesajd Scohomogomocke Hill, and is bounded with the wilderness land anent the great pine swamp on the north east side thereof, and so continewed betweene that and Chochecho Riuer towards Douer bounds, the which south east lync wee could not cleerly determine, becawse Douer bounds is as yett unlajd out.

Given vnder our hands, Apr^r 28, 1657.

THOMAS DANFORTH,
ROBERT HALE.

The Court accepts of this retourne of the com̄issioners in reference to the lands therein mençōned.

In ans^r to the petiçōn of Samuëll Cole and Cap^t James Johnson, administrators to y^e estate of Edmond Grosse, humbly craving power from this Court to sell the two thirds of the howse and land belonging to the children of y^e sajd Grosse, ffor y^e better enabling of them to pay his debts and sett forth the s̄d children, being smale, the Court judgeth it meete to graunt them theire request, & hereby impowres them to make a good sayle of the sajd two third parts of the howse accordingly.

Ans^r to M^r
Cole & Cap^t
Johnsons peti-
çō.

In the case of Henry Farnham ag^t Lawrence Douse, counstable of Charles Toune, the last County Court & jury not agreeing in y^e verdict, after a full hearing of the case and all the evidences produced, the Court found for the plaintiffe thirty three shillings & sixepence damage & costs, and his bond returned.

Courts judgm^t
in Farnams
case.

In the case of Seaborne Batchiler, now Cromwell, bound ouer by the Court of Assistants for com̄itting ffolly wth Ezekiell Euerell, being with child by him & marrying wth Jn^o Cromwell, & not discoūring the same to him, w^{ch} she confest, the whole Court, having heard the case, sentenced hir to be whipt wth twenty stripes the next fifth day after lecture, Ezekiell Everell hauing binn sentenced in y^e last County Court.

Courts judgm^t
in Seaborn
Batchilers
case.

M^r Thomas Danforth, of Cambridge, and M^r Robert Hale, of Charles Toune, are appointed as com̄issioners to lay out the land, being three thousand two hundred acres of land graunted by the Generall Court, 22 3 m^o, 1650, to y^e executors of y^e last will of M^r Isack Johnson to M^r Increase Nowells

M^r Nowells
3200 acres to
be lajd out.

1657. executo^{rs}, according to the graunt, provided the tenn pounds due to the country
 6 May. from the executo^{rs} of y^e sajd M^r Nowell be first pajd to the countrje Tresurer,
 or securitje given for the same.

[*250.] *In ans^r to the petiçõn of M^r John Alcocke, for the confirmaçõn & this
 Ans^r to M^r Al- Courts acceptation of the eight hundred forty two acres of vpland & meadow,
 cocks petiçõn. w^{ch}, according to this Courts graunt in fuety six, is returned as lajd out by a
 plott, together with a two hundred acres more, as is expressed in the sajd plott,
 for all w^{ch} he hath compounded wth the native Indjans and nerest inhabittants
 betwixt Naticke & Wippsufferage, who are satisfied herewith, the Court ac-
 cepts & approoves of the retourne mençõned in the plott annex to the petiçõn,
 & graunt the petiçõners request, so as it hinder no former graunt.

Courts graunt of 500 ac. to M^r Chauncey. This Court doth graunt to M^r Charles Channey, præsidet of Harvard
 Colledg, five hundred acres of land, to be lajd out, in any place not formerly
 graunted by this Court, by Edward Goffe & Ensign Jn^o Sherman.

Ans^r to Lan- In ans^r to the petiçõn of the inhabitants of Lancaster, this Court judgeth
 caster petiçõn. it meete to graunt their request, & doe therefore order and appoint Major
 Symon Willard, Cap^t Edward Johnson, and M^r Thomas Danforth comi-
 sioners, impowring them to order the affaires of the sajd Lancaster, and to
 heare and determine their seuerall greivances and differences w^{ch} obstructs
 the present and future good of the toune, standing in power till they be able
 to make retourne to y^e Generall Court, that the toune is sufficijently able to
 order its oune affaires according to lawe.

Ans^r to fferry mens petiçõn. In ans^r to the petiçõn of Frauncis Hudson & Jn^o Burrage, in referenc
 to regulaçõn of payments to y^e fferry at Charlestoune, the Court declares that, for
 sure payment, the law already in force, dated anno 1648, provides sufficijently
 for y^t case, and orders that, in case of change of money, this country coyne
 being not in smaler peeces then sixpenc and three pence, it shall not be lawfull
 for any passenger to refuse to receive one penny or two pence in good peage,
 to make their change more easy & ready; that connstables in all cases shall
 pay for their oune passages, and for such as are or shallbe implojed in pub-
 licke service by authoritje they shall bring wth them a certifficat vnder the
 hands of them by whom they are implojed, w^{ch} shall be pajd by the Tresurer
 of the countrje or county, according to order expst in y^e certifficat, to which
 Tresurer it properly belongs.

Ans^r to Eliza- In ans^r to the petiçõn of Elizabeth Jackson, humbly craving the remitt-
 beth Jacksons ment of a fine of one hundred pounds, imposed by the County Court at Ips-
 petiçõn. wich for neglecting the probate of hir former husband Hugh Chaplins will
 twenty months, w^{ch} shee affirms to be only through ignorance of y^e law in
 y^t case, the Court judgeth it meete to reffer the modderating of y^e fine y^e

petiçõner hath incurred to the next County Court at Ipswich, as they in their discretion shall judg meete; and it is ordered that the party y^t ought to prove the will appeare before the sajd Court.

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In ans^r to the petiçõ of John Trumble, the Court judgeth it meete to refer the moderating of the fine the peticoner incurred by his neglect in not taking administracõ to y^e estate of his wifes former husband to the next County Court at Ipswich, as they in their discretion shall judge meete.

Ans^r to Jn^e Trumbles petiçõ.

*In ans^r to the petiçõ of Martyn Stebbin, humbly desiring liberty & license to brew & sell strong beere, the Court judgeth it meete to deny his request.

[*251.]

Ans^r to Martin Stebbins petiçõ.

In ans^r to the petiçõ of Cleoment Grosse, humbly craving liberty to brew strong beer & sell it, the Court judgeth it meete to graunt his request.

Ans^r to Clem. Grosse petiçõ.

In ans^r to the petiçõ of Fermon Hadden, the Court having spoken wth Mr Bratle, one of the selectmen of Charlestone, who informed the selectmen had rec^d & owned the order of the last County Court at Boston in y^s case, whereby what y^e petiçõner desires is settled and provided for.

Ans^r to Fermon Haddens petiçõ.

In ans^r to the petiçõ of John Jephson, the Court, vnderstanding that the petiçõner, having made a cleere & full contract wth the ouerseers of Cap^t Tings estate, judg it his duty, therefore, to beare what burden Providenc shall lay on him, or if otherwise he could haue ease, his way is to make his addresse to the toune of Boston.

Ans^r to Jephsons petiçõ.

In answer to the petiçõ of Nicholas Davison, in behalf of Doctor Whichcott and Rebeekah, his wife, the whole Court having heard what Mr Davison could say, & on perversall of the accompts, they voted, that the former answer given by the Generall Court to M^r Davisons petiçõ of the like nature, bearing date the 15th of October, sixteene hundred and fuety, should be the answer to his petiçõ now presented to this Court.

Ans^r to M^r Davisons petiçõ in behalf of Doctor Whichcott, &c.

In ans^r to the petiçõ of Mathias Ines, humbly desiring the remittment of a fine of five pounds imposed on him by the County Court for suffering a man to be druncke, & not sending for a counstable, as y^e lawe requires, the Court sees no cawse to remitt his fine.

Ans^r to Ines petiçõ.

In answer to the petiçõ of M^r Samuell Mauericke, humbly craving the remittment of the forfeiture of his bond of twenty pounds, w^{ch} he stood bound for Doctor Hogsflesh, the Court graunts his request.

Ans^r to M^r Mauericks petiçõ.

In answer to the petiçõ of senerall inhabitants of Portsmouth, it is ordered, in ans^r to this petiçõ for the settling of a minister, as also the meeting howse at Portsmouth, and for prevention of further inconveniencjes touching the same, that the petiçõners nominate and choose one man, the rest of the inhabitants another, and the County Court at Douer a third, who are heereby

Ans^r to Portsmouth petiçõ, &c.

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6 May.

authorized to goe on the place, and to heare what on both sides shall be al-
leadged in the premises, and determine the same as they shall judg best con-
ducing to the peace & welfare of the toun; and in case the partjes shall
refuse to proceed to choose as above is exprest, then it is referred to the sajd
County Court at Douer to make such order therein as thē shall judg best
conducing to that end, & cawse retourne to be made to the next Court.

Ans^r to Boston
pet.
Lyne be-
twene Charls
Toune, Lyn, &
Boston.

In ans^r to a petition from the inhabitants of Boston for laying out the
bounds betweene Boston & Lynne, it is ordered, that Leif^t Joshua Fisher, of
Dedham, or whom els they should appoint, shall be & is hereby appointed to
lay out the sajd bounds, & to runne a north north west l^jne into the country
from the middle of Brides Brooke, neere to the ffoote path, to be runne by a
meridian compas, the propriety of any lands layd out to the inhabitants of
Lynne being not disturbed, according to agreement.

[*252.]

Ans^r to Hen.
Sherborns pe-
ti^tion ab^t Gib-
bjns will.

*In answer to the peti^tion of Henry Sherborne, who, for reasons exprest
in the peti^tion, renounceth his executorshipp, which this Court doth allow and
approove of, and graunts administrac^tion to the estate of the sajd Ambrose Gib-
bons to the sajd Henry Sherborne, and orders, that after the debts of the sajd
Gibbins is satisfied, that Samuell Sherborne, his sonne, shall have a double
por^tion, and the rest of that estate be æqually distribbuted amongst the rest of
the children; and this Court doth heereby further impower the sajd Henry
Sherborne to sell and make a good title to the howse and lands of the sajd
Gibbins, to whom he shall sell the same.

Co^mmission for
Yorke, &c.

Itt is ordered by this Court and the authorit^je thereof, that M^r Symon
Bradstreet, Cap^t Thomas Wiggin, Cap^t Daniell Dennison, & Majo^r Gen^l
Danj; Dennison, wth the rest of the co^mmissioners y^t are appointed to keepe the
County Courts of Yorke, Douer, & Hampton on the dajes appointed by lawe,
and at their being at Yorke whiles M^r Bradstreet or Majo^r Dennison be there
according to the co^mmission and instruc^tions which the former co^mmissioners
received from the honored Gen^l Court, when the former easterne inhabitants
were tooke in, that so they not only take in such as are wthin our l^jmitts
vnder this gouernment, but also to appoint and setle them in such a way of
gouⁿment, wth co^mmissioners, connstables, & other officers, as they may be
enabled to preserve the peace and defend themselves from tumult, and setle
due ministr^je amongst them, that they may live according to God, vnder such
ordinances they are capable of; and further, that the sajd co^mmissioners take
a due and effectuall course for the bringing in of Juⁿ Bonnington to a due
trjall at Boston for his abusive carriages & speeches against this gouⁿment,
and that they propor^tion each of the tounes in those parts to pay the seven-
teene pounds tenn shillings for time past & time to come.

Itt is ordered by this Court, that all lawes of publicke concernment not yett printed be forthwith transcribed by y^e secretary, and sent to the presse to be printed at the publicke charge, y^e printer to be paid by the Treasurer.

1657.

6 May.

Lawes to be printed.

Ans^r to Boremans petiçion.

In ans^r to the petiçion of Thomas Boreman for liberty to build a bridge over a creeke about his farme, y^t in consideraçion of his building a bridg so necessary, he might be exempted from county rates, and y^t such as make vse of y^e s^d bridg, & not contribute to y^e same, they might be l^jable to such charge as this Court shall determine, &c, the Court doth not judge it meete to exempt the petiçioner from rates, but judg it æquall that none make vse thereof, except it be by the allowanc of the petiçioner, or making contract wth him.

*The councstables of Braintrje and Weimouth being defective in making their retournes of y^e chojce of deputjes for their seuerall townes, as the lawe requires, the Court, on their appearance, & hearing what they had to pleade for favor, it is ordered, that they pay only five shillings, the councstables of each toune.

[*253.]

Braintrey & Weimouth councstables fined x^s.

The answer of the Generall Court of the Massachusetts to the mocion or request of Wequaganoag, sach of Narraganset, Weto Washaljmassetpeah Peeompt, Sachem Wampquamenet, Sach Warquaquetnisquoauc, for liberty or our consent to make warre vpon Vncus, sachem of the Mohiggins, the Court acknowledgeth the freindship of the Narragansetts, Pocompticks, & Maoake in many of the particulars mentioned, which they haue euer answered wth like love & freindship, & haue neuer donne them nor any of their people any wrong or injury since their coming hither, and desire that loue & peace may be continued betwixt them & the succeeding generations. 2^{ly}. The Court likes well their present addresse to the English, before there be any further ingagement wth Vncus, & should haue taken it more acceptably if they had donne the like formerly. 3^{ly}. Considering the differenc betwixt Vncus & y^e Pocompticke Indians, as the Court doth not fully vnderstand the ground of it, as not having heard both partjes together, so vpon what they haue heard they are apt to thinke Vncus maybe in fault, which, if it appeared to be so vpon due hearing, the English will not excuse or countenance him therein; but seing the Pocompticke Indjans haue had so great a victory ouer him, & kild so many of his men, the Court thinks they may well rest satisfied, and doe desire there maybe no further proceeding in way of hostilitje till the comissioners for the seuerall colonjes haue heard and judged the case, who are to meete at Boston about fower months hence, and are deputed by all the English to heare and end all differences amongst the Indians that are in freindship wth them, which if yow will promise to doe, they will forthwith require Vncus to forbear any assault vpon y^orselfes or freinds, and doe expect hee will doe accord-

Courts ans^r to y^e Narrow Gansett Indjans.

1657.

6 May.

ingly. 4^y. As for the mo^ooⁿ of the Narrow Gansetts for liberty to aide the Pocomptick or Mowaks Indians against Vncus, the Court cannot by any meanes assent vnto, much lesse vpon any such old & offensive ground as was mentioned, and which the dead sachem of the Narrow Gansett, at the last meeting of the co^mmissioners at Pljmouth, did openly professe before many sachems and others to throwe a way, as he sajd, and foreuer to forgett, and for any late and new injurjes or affronts that Vncus may haue donne or offered, the co^mmissioners at their next meeting willbe ready to heare, & cawse due satisfac^ooⁿ, if the case require it, to be given. The Court takes notice that yow are mindfull of yo^r couenant made wth the co^mmissioners at Boston, anno 45, which is twelve yeares agoe, not to warre wth any Indians that are in freindship wth the English wthout the consent of the co^mmissioners, and therefore like well your coming for advice in so great a case that may so deeply concerne both yow & themselves, yett cannot consent to yo^r mo^ooⁿ, but doe require you, according to yo^r couenant, & as yow desire the continuance of their freindshipp, to forbear any hostile attempt against Vncus or any other Indians in freindship wth them, till yow haue liberty from y^e co^mmissioners of the colonjes so to doe, to whose next meeting they further referr you for finall resolution in all cases of differences betwixt yo^rselves & him or any others.

[*254.]

About Chasmores rescue.

*The Court, having read & considered the seuerall letters & papers referring to the rescue of Chasmore, of Pawtuxit, judge it necessary to vindicate our just right of judicature ouer them, and that wee should not in silenc passe ouer the affront offered to the marshall and those that were wth him by the men of Providence, and though wee signifie to the praesident our good acceptance of his readines to aply himself to what may conduce to wajes of peace & righteousnes, yet that wee also lett him vnderstand our deepe sence of the injury donne vs in preventing vs in the prosecution of justice against delinquents, desiring the sajd praesident to consider of some way for giving due satisfac^ooⁿ to vs in doing justice on such persons as vpon examination shall be found guilty, according to the merrit of the facts, that so, justice having a ffree course amongst vs, peace and amitje maybe majtajned betweene the two jurisdicc^ooⁿs. And it is hereby desired, y^t o^r present honno^red Gouverno^r & Depty Gouⁿr would, by letter, wth all convenient speede, lett the sajd praesident vnderstand the Courts pleasure heerein.

M^r Hubbards graunt lajd out.

Wee, whose names are heerevnder written, being appointed by the Generall Court, held at Boston the 15th of October, 1656, to lay out to M^r W^m Hubbard, of Ipswich, senio^r, one thousand acres of land in any place or places beyond Exiter Riuer, east or north east, haue accordingly lajd out the sajd

land as followeth: viz., vpon the north side of Quochecha Riuer, about eight or nine miles from the mills, as wee judg, the noubmer of eight hundred & ninety acres in a pine swampe, begiing at the westermost end of the sajd swampe, at a great red oake marked on fower sides, & from thence eighty rods, east & by south, to a great white pine tree vpon the westermost end of a great old Indian feild, and from thence along the same ljne through the sajd feild three hundred and twenty rod to a great pine tree marked on fower sides, and from thence vpon a north east ljne two hundred and forty rods to a great pine tree vpon the top of a hill, marked on fower sides, and from thence west and by north three hundred and twenty rod to a red oake marked on fower sides, and from thence three hundred and twenty rod to the first marked red oake, and vpon the eastmost end of the aforesajd diviçõn two hundred rod square vpon each corner, bounded wth a great pine tree marked on fower sides; and the remajnder of the thousand acres lajd out in two smale pareels of land on both sides of the riuer, that on the north side conteyning about seventy acres, bounded wth the riuer & a great hemlocke tree markt vpon fower sides wth a T & a W, & three pine trees, and a litle white oake, all the trees markt on fower sides, that parcell of land on the south side, about forty aeres, bounded wth the riuer and two pine trees, a hemlocke & beech, all the trees markt on fower sides; these two latter parcels lying about three or fower miles from the mills, vpon Quochecho Riuer, as we suppose; all the sajd parcells conteyning, as appeares, a thousand acres. Dated y^e 28th of Aprill, 1657.

1657.

6 May.

SAMUELL HALL,
THOMAS BRADBURY.

The whole Court mett together 15th May, 1657. By their vote they allowed & approoved of the eight hundred & ninety acres in a pine swampe, as aboue is exprest, lajd out to M^r W^m Hubbard and to his heires for euer; and for the hundred & tenn acres exprest in the retourne, it was voted to belong to y^e secretary, Edward Rawson, & therefore he is at his liberty to lay so much as compleats that graunt, according to the sajd graunt.

15 May.

*Wee, whose names are vnder written, being appointed by the Generall Court to lay out two hundred acres of land for M^r Edward Rawson, secretary, haue donne accordingly, as followeth: on the east side of Quochecho Riuer wee haue ordered one hundred acres, begiing at a beech tree neere the riuer, marked as in the margent, and from thene to runne northward fower score rod, and from the marked tree eastward two hundred rods, and one

[*255.]

200 acres lajd
out & con-
firmed to Ed-
ward Rawson.

1657. hundred acres on the west side the riuer, a little below the Indian path, beginning at a white pyne marked as aforesajd, and from thence to runne southward, but could not further determine vntill Douer hath layd out their bounds. The above path lyeth about three miles about Peter Cofyns house. Dated this 4th May. P vs,

15 May.

BRYAN PENDLETON,
PETER COFFYN.

The whole Court, mett together 15th of May, 1657, by their generall vote, allowed and approved of the two hundred acres so lajd out, as about Edward Rawson and his heires foreuer.

Ans^r to Sam.
Bennetts petition.

In answer to the petition of Samuell Bennett, humbly craving the remittment or abatement of a fine imposed on him by the County Court for selling goods at excessive prizes, the Court, hauing perused, and by their comittee examined, the papers in this case presented, together wth the allegations & pleas of the petiçoner & others, by him produced, vnderstanding, by what appeared, the petiçoner received of George Wallis about forty pounds or vpwards meerey for the release of the bargaine made betwixt them, all other charges the petiçoner was necessarily occasioned thereby fully satisfied, see it not meete to graunt the petition in whole or in part.

Ans^r to George
Wallis petiçon.

In answer to the petition of George Wallis, humbly craving the remittment or abatement of a fine of fifty pounds imposed on him by the County Court for selling goods at excessive prizes, the Court, vnderstanding by their comittee that the petiçoner was necessitated to be at the losse of about forty pounds, or more, to attayne a release of the bargaine betwixt him & Samuell Bennett, wherevpon he received most of the goods againe, judge meete to remitt the fine all to tenn pounds, w^{ch} the petiçoner is to pay for selling to others goods at excessive prizes.

April 24, 1657.

Eight thousand
acres of
land lajd out to
Billirrikey.

Layd out to the vse of the inhabitants of Billirrikey eight thousand acres of land lying vpon Merremacke Riuer, on both sides thereof, taking in the tencking howse now inhabited by Jn^o Cromwell, the sajd land being layd out about sixe thousand three hundred acres on the east side the riuer, and about seventeene hundred and fucty acres on the west side the sajd riuer, and is bounded by the wildernes surrounding the same, as is demonstrated by a plott thereof, taken and made by Jonathan Danforth, survejour, and exhibbited to this Court by Major Symon Willard and Cap^t Edward Johnson, appointed by this Court Octo^b 14, 1656, to lay out the same.

SYMON WILLARD,
EDWARD JOHNSON.

The Court allowes and approves of the retourne of these comissioners in reference to the land heerein exprest.

1657.

15 May.

Whereas Hugh Gunnison was returned by the councstable of Kittery to serve as a deputy of this Generall Court, and on good informatjon given to this Court was judged vnmeete to be imployed in a place of that trust, and whereas the sajd Gunnison hath also had some power in judiciary proceedings and in military affaires, of all which the Court, for seuerall reasons, judge meet to dischargd the sajd Gunnison therefrom.

Hugh Gunnison discharged.

*Capt Richard Walderne, having vrgent occasion to leave the Court, being to dispatch a ship for the Streights, on his earnest request is dismist.

[*256.]

Capt. Walderns dismission.

The Court, having considered of the case of Nicholas Norton, connstable of Weimouth, referring to the losse he sustajned in collecting the countrje levy, know not how in a way of justice to releive him, yet, in a way of favor, judg meete to exempt him from three single countrje rates.

Nortons recompene for losse.

It is ordered, that the present secretary shall and heereby is authorized and appointed to take due care and cawse such meete and due proviçions as he shall judg necessary for the honnor of this colony be made for the entertayning of the honored comissioner for the Vnited Colonjes, their servants, &c, and that the marshall generall, besids our comissioners oune attendants, shall waite on them, and see that all things are carrjed honorably & orderly.

Secret to provide for y^e comissioners.

In ans^r to the request of M^r Symon Bradstreete, that he might have liberty to take the five hundred acres of land graunted vnto him at the Court in August, 1653, on this side Conecticott Riuer, next the two hundred acres formerly graunted him there, in such place as he may finde most convenient, either below or aboue the new toune that is on the other side the riuer, and to agree or compound wth the Indians for their interest therein, if the case so require, the Court graunts his request, provided the two hundred acres formerly graunted to Major Gen^l Daniell Dennison take place before this five hundred acres, and that it hinder no former graunt.

M^r Bradstreets graunt of 400 acres.

In answer to the petiçon of M^r Samuell Symonds, that he might take three hundred acres as part of his former graunts by way of exchange, to be lajd out by M^r Bradstreets, on this side Conecticott Riuer, and to compound wth the Indians for their interest therein, if y^e case doth so require, the Court graunts his request, so it hinder no former graunt.

Ans^r to M^r Symonds requests.

In ans^r to the request of Major Gen^l Daniell Dennison, the Court, in reference to his service wth other gentⁿ imployd by this Court to the eastward, doe graunt him five hundred acres of land, two whereof was formerly graunted him, & is to take place on Conecticott Riuer before M^r Symon Bradstreets

Major Dennisons 500 acres.

1657.

15 May.

Edward Rawsons 200 acres.

five hundred, the other three hundred acres to be lajd out there or in any other place not hindering former graunts.

The Court, in referenc to y^e secretary Edward Rawsons service wth other gentⁿ for the eastward, doe graunt vnto him two hundred acres more of land, to be lajd out vnto him besids w^t was confirmed to him on Quochecho Riuer, in any place not interfering wth former graunts.

500 acres a peece to Capt. Gookin & Major Willard.

In ans^r to the mocōn of Major Symon Willard and Cap^t Daniell Gookin, in referenc to their publick service donne, the Court doth graunt them five hundred acres of land a peece, not p^judging former graunts.

[*257.]

500 acres to Rich. Russell.

*Mr Richard Russell having binn very serviceable to the countrje in his publicque employment of Tresurer for many yeares, for which he hath had no annall stipend, this Court doth graunt him five hundred acres of land, in any place not formerly graunted, vpon Nipnop Riuer, at his choice.

1000 acres to Jn^o Endecott, Esq., Go^vno^r.

In answer to the mocōn of Jn^o Endecott, Esq^o, our present Gouvernor, this Court doth graunt him one thonsand acres of land, to be lajd out vnto him in any place not p^judging former graunt, & is in leiw of seventy five pounds by him & his wife in the generall adventure.

300 acres to Major W^m Hawthorne.

In ans^r to y^e mocōn of Major W^m Hawthorne, the Court, in reference to his service wth other gentⁿ to the eastward, judgeth it meete to graunt him three hundred acres of land, in any place to be lajd out not p^judging former graunts.

300 acres to Mr John Johnson, surveyor.

Mr John Johnson having binn long serviceable to y^e countrje in the place of survejo^r generall, for w^{ch} he hath binn so farr from receiving due satisfactiō that it hath rather turned to be p^judiciall to his estate, w^{ch} this Court considering of, judg meet to graunt him three hundred acres in any place where he cann finde it according to lawe.

300 acres to Cap^t Tho. Clarke.

This Court thinks meete to graunt vnto Cap^t Thomas Clarke three hundred acres of land on this Conecticott Riuer, neere the lands lately graunted to Mr Bradstreet, Mr Symonds, &c, provided it hinder no former graunt.

Ans^r to Mr Coggans peti-
ōn, &c.

In answer to the peti-ōns of John Coggan, & Martha, his wife, referring to seuerall matters of account, and other things, w^{ch} tyme will not permitt this Court now to enter vpon, nor any necessitie appearing which might call for present issue, the Court judgeth it meete to order and appointe Cap^t Daniell Gookin, Mr Richard Russell, & Cap^t Eliazer Lusher a comittee, Cap^t Daniell Gookin to appoint time & place, & impoweres therein to call all partjes concerned therein before them, & on examination & hearing the allegations on all sides, to make a true representaciōn of what they finde in the case to the next session of this Court in October, that it may be determined as the Court shall see meete.

Itt is ordered, that M^r Thomas Danforth and Robert Hale are & hereby shallbe appointed to lay out the former graunt of lands graunted to the honored Governor, Jn^o Endecott, Esq^ꝑ, on Ipswich Riuer, making retourne thereof to the next Court if they may, and that the Governor shall not suffer damage that it hath not him layd out formerly.

1657.

15 May.
Comittee to lay out ye Gov^m^{ts} former graunt.

Itt is ordered, that Cap^t Daniell Gookin, Majo^r Atherton, Majo^r Willard, & Cap^t Edward Johnson are appointed and heereby authorized as a comittee wth full power, as the Gemnerall Court might doe, to heare and determine all differences betweene M^r Henry Dunster and M^r Thomas Danforth, in behalfe of the children of M^r Josse Glouer, that Cap^t Gookin appointe both time and place.

Comittee to detcrmine y^e difference betweene Mr Dunster & Mr Danforth, & betweene Mr Dunster & y^e countrye.

Also, it is appointed and ordered, that the sajd comittee shall and hereby are impowred to heare and determine all differences betweene the sajd Henry Dunster and the country in reference to his accompts, the secretary being appointed in behalfe of the countrje to make all due objections against his accompts.

It was voted by the whole Court, that the lawe in reference to the howse of correction & punishing offenders in the sajd lawe exprest, made May, 1656, be & continew in force till the Court shall take further order.

Order ab^o house of correction, &c, made May, 1656, confirmed.

*Itt is ordered, that the administrato^rs to the estate of David Selecke shall & hereby are impowered to sell the house and lands belonging heretofore to y^e s^d David Seilecke, to sattisfy the creddito^rs, the thirds of Susan, his wife, during hir life, if challendged, excepted.

[*258.]

Administrators power to sell Mr Sellecks howse.

Gent^m:

Wee suppose you are not ignorant of y^e elajme made by our comissioners att Wells, anno Dōni 1653, to the government of those parts, & theire protestacōn, then published by the marshall, against any that should challenge or excercise authoritje ouer any persons inhabiting wthin the ljmitts of our pattent beyond Saco but what shall be derived from this Generall Court, which, though they were not then exactly knowne, yett in the yeare ffollowing were bounded by artists employed by vs, and are yet vnknoune to yourselves, since which wee haue implojed comissioners to setle those parts, and to finish what was not donne by our former comissioners at Wells; but that buiseness proceeded not according to our expectation, although yo^rselves were desired to meete our comissioners at Yorke. Wee haue heard diverse complaints for want of government, and haue binn informed of some endeavo^rs to disturbe the quiett of y^e people at Saco and Wells, which wee haue winked at, expecting a ready complyanche of all persons inhabiting our limitts, especially since our answer to y^e expostulacōns and demaunds made to us by the

Letter to Mr Jocelyn & Mr Jourdan.

1657.

15 May.

inhabitants there, presented to vs by M^r Cleve; but finding ourselves deceived in our expectation, wee haue againe given comission to some gentlemen, whom wee desire and expect yow will meeete at the next County Court at Yorke, and contribute yo^r asistance for the setling of those parts beyond Saco to the vt-most bounds of our pattent; and yo^r concurrence heerein will, wee doubt not, much conduce to the good of those parts, which is a principle scope and desire of the Gen^l Court of the Massachusetts.

Yorkshire petition be sent to his highnes.

M^r Collings & M^r Hill.

Itt is ordered, that the petiçon presented from the inhabitants of Yorkshire be sent to his highnes the Lord Protector, according to their desire.

The Court, observing that two gentⁿ returned for deputjes to serve at this Court, after chojce & acceptance, viz., M^r Edward Collins for Cambridg, & M^r Valentine Hill, of Douer, whereby they haue broken the lawe made in y^e yeare 1654, requiring their attendance vnder the penalty of twenty shillings p day, it is ordered, that the gentⁿ should haue notice to give a reason of their absence at the next session of this Court, or else the lawe provided in that case to be in force against them.

Days graunts of land, 300 acres.

Steven Day, of Cambridg, having often complajned that he hath suffered much damage by erecting the printing presse at Cambridge, at the request of the magistrates & elders, for w^{ch} he neuer had yett any considerable satisfaction, this Court doe graunt him three hundred acres of land in any place not formerly graunted by this Court.

Marshall Michelsons graunt of 300 acrs.

Marshall Generall Edward Michelson having binn many wayes seruicable to the country, as in wayting on the comissioners to Kettery, & otherwise, besides his constant employment, for which he hath had no allowance from the publicke tresury, this Courte doe therefore graunt him three hundred acres of land in any place not formerly disposed of by this Court.

[*259.]

In obedience to an order of the County Court, held at Charles Toune, Decemb^r 30th, 1656, wee, whose names are vnderwritten, meeting at Cambridg, 2^d 1st m^o, 5th 7, to weigh and consider what briges are fittest to be built & mainteyned at the countjes charge, after due examination of things, wee finde the bridges of this county already erected & to be erected (as wee conceive) to exceede for nonumber & charge all the other countjes wthin this colony, and wthall considering the *greate necessitje of bringing in all that are alike vsefull, w^{ch} would amount to such a charge that wee question the countjes abilitje to mainteine & beare the charge thereof, and having some experimentall knowl-edge that tounes will be more cautious in laying out their oune costs then the countjes, both in building & repaying, doe therefore conclude, according

to our weake apprehensions, that as few bridges should be built at the countys charge as possibly maybe, only those two bridges, i. e., at Billirrikey & Misticke, to be finished at the countys charge, and for tyme to come mainteined in repaire by the townes & precincts in which they are, and those townes that are forced to build bridges more for the passage of others then their owne benefitt, may haue help from the county, by this honored Courts appointment, if their burden in building bridges exceede their sister townes, and in case any towne shall propound to this honored Court for erecting of bridges contrary to what is heere present, wee are ready to giue further account to this Court why the county should be no further charged that way. And whereas it appeares to vs that Concord, Sudbury, & Lancaster are at a greater charge in bridges for the publicque vse of the country then some other of their neighbor townes, wee conceive it meete that they be abated as followeth: Concord & Lancaster all their rates, whither paid or to be paid, to those two bridges aboue named, & Sudbury the one halfe of their rates to the said bridges, and their abatements to be satisfied to the vndertakers of those bridges, or repaid againe to such as haue paid, as followeth: i. e., Chelmsford, two pounds; Billirrikey, one pound; Charles Towne, ten pounds; Meadford, two pounds; & what these shall fall short of satisfying those aboue mentioned abatements, made vp out of the countys stocke, either fines or otherwise, as the Court shall please to determine.

Provided alwayes wee thinke it meete that no stop be made of any the aboue said abatement, so as to interfere or obstruct the performing of the present engagement respecting those bridges.

RALFE MOUSALL,
 HUGH MASON,
 EDWARD GOFFE,
 JOSEPH WHEELER,
 THO: NOJES,
 EDWARD JOHNSON,
 WILL: COUDREY,
 ABRAHAM HILL,
 JN^o PRESCOTT,
 JOHN PARKER.

7: 2 m, 1657.

This retourne being made to y^e Court, it was accepted by y^e Court, who ordere that this retourne of y^e committee shall be presented to the next Generall Court by the clark of y^e Court for their confirmacon & setting thereof.

THOS: DANFORTH, Recorder.

1657.

15 May.

Order setting
 bridges in y^e
 county of
 Middlesex, &c

1657.

15 May.

This retourne, aboue mençōned, so signed, was accordingly presented to the Generall Court the 18 3 m̄, 1657, who did allow, approove, and confirme the com̄ittees determinations in reference to y^e matters conteyned in the retourne, according to y^e County Courts desire, any lawe, vsage, or custome to y^e contrary notwthstanding.

Artilliry,
graunt of 500
acres lajd out.

In answer to y^e petiçōn of y^e Artilliry Company at Boston, five hundred acres, pt of the thousand acres formerly graunted them, & layd out by Jn^o Sherman, neere vnto Concord lje, where it comes ouer Shawshin Riuer, being fower hundred rods in length & two hundred rods in breadth, the ljnes running neere south west & by west, & north east & by east, & north west & by north, & south east & by south, is allowed & confirmed to them; and it is further ordered, that the other five hundred acres be lajd out next y^e five hundred acres already layd out, at the head lync, betweene Concord & Cambridge, if free from other graunts, els on y^e southwest of Meadefeld.

14 October,
1657.

The Court is adjourned to y^e 14th day of October next, at eight of y^e clocke in y^e mořing.

[*260.]

14 October.

**Att a Gennerall Court, held at Boston, 14 of October, 1657.*

Addition to y^e
late lawe ag^t
entertayning
Quakers, &c.

THE Court mett againe at the tyme appointed.

As an addition to y^e late order in reference to the coming or bringing in any of the cursed sect of the Quakers into this jurisdiction, it is ordered, that whosoever shall from henceforth bring, or cawse to be brought, directly or indirectly, any knoune Quaker or Quakers, or other blasphemous hæreticks, into this jurisdicōn, euery such person shall forfeite the some of one hundred pounds to y^e countrje, and shall by warrant from any magistrate be com̄itted to prison, there to remajne till the penalty be satisfjed and pajd; and if any person or persons wthin this jurisdicōn shall henceforth entertajne and conceale any such Quaker or Quakers, or other blasphemous hæreticks, (knowing them so to be,) euery such person shall forfeite to the countrye forty shillings for euery howers entertajnement and concealement of any Quaker or Quakers, as aforesajd, and shall be com̄itted to prison, as aforesajd, till the forfeitures be fully satisfjed and pajd. And it is further ordered, that if any Quaker or Quakers shall presume, after they haue once suffered what the lawe requireth, to come into this jurisdicōn, euery such male Quaker shall for the first offenc haue one of his eares cutt off, and be kept at worke in the howse of correction till he cann be sent away at his oune charge, and for the second offenc shall haue his other eare cutt off, &c,

and kept at the house of correction, as aforesaid; and every woman Quaker that hath suffered the lawe heere that shall presume to come into this jurisdiction shall be severely whipt, and kept at the howse of correction at worke till she be sent away at hir oune charge, and so also for hir coming againe she shallbe alike vsed as aforesajd; and for every Quaker, he or she, that shall a third tyme heerein againe offend, they shall haue their toungues bored through wth a hot iron, & kept at the house of correction, close to worke, till they be sent away at their oune charge. And it is further ordered, that all & every Quaker arising from amongst ourselves shall be dealt wth & suffer the like punishment as the lawe provides against forreigne Quakers.

1657.

11 October.

It is ordered by this Court & the authority thereof, that henceforth every constable is impowred & hereby enjoyed faithfully to collect such rates and assessments as shall from tyme to tyme be committed vnto them respectively by y^e select men of the seuerall townes, provided it be by warrant vnder their hands.

Constables to collect rates.

Itt is ordered, that all sorts of corne, payable into the country rate for this yeare, shall be paid the one halfe in wheate, barley, or barley mault, at fower shillings p bushell, not above one quarter in Indian, at two shillings sixe pence p bushell, in rye & pease at three shillings p bushell, and all other goods shallbe valued at the price of corne. And it is further ordered, that the current price of all sorts of corne shall be in all payments as it is stated in the country rate for this yeare, except it be otherwise concluded by mutuall consent of parties as are concerned therein.

Prise of corne to country rates, &c.

In the case of Leuten^{nt} Phillips, he being bound to ans^r to this Court for his son, who was accused for bringing in Quakers into this jurisdiction, the Court, on a hearing of the case, doth acquitt & discharge y^e sd Lef^t Phillips of his bond, no good evidence appearing to proove y^e accusacōn.

Lef^t Phillips discharged, &c.

*Whereas in y^e originall bill for y^e desiring the honored Gove^{nr} to remoove & make his aboade in Boston, it was propounded by the Magis^{ts}, & consented to by y^e Deputjes, to consider either then, w^{ch} was in May, 1655, or the next sessions in the same yeare, suiteable accomodaçōns that may encourage for the future, w^{ch} being forgotten or neglected at the tymes, the Govern^r having attended the Courts moçōn, it is therefore ordered, that his howse rent for this two yeares past shall be paid & discharged by the Tresurer.

[*261.]

Governors house rent to be discharged, &c.

Whereas, att a meeting of the councill of the cōmonwealth, August 14th, 1656, they tooke into consideraçōn the sad contençōn & diviçōn of the church^s of Salisbury & Hauerill, & therevpon thought it necessary to send certajne elders & other messengers to compose that difference, which, through

1657.

14 October.
Charges ex-
pended at
Salisbury &
Hauerill to be
satisfied by y^e
counstable
there by a rate,
&c.

the blessing of God vpon their endeavours, is in a good measure attained, & their officers settled amongst them, which greatly concerns the welfare of those townes, and whereas the said councill appointed Mr Sañ Hall & Mr Jun^o Cleoments to entertajne the said messengers, and to receive payment for the present from the Treasurer of y^e countrie, intending at the least to lay the charges in conclusion vpon the delinquents that were the occasion of that trouble, but forasmuch as the said messengers haue made only a verball retourne in the generall what successe God hath given to that affaire, nor doe wee finde them free to nominate persons that maybe sent for & further proceeded with, & considering the whole townes hath received reall benefit more wajes then one by the result of that meeting, & the following successe, haue therefore thought meete to recede from that wth was first intended, & from that which in after tymes this Court intends to practise towards delinquents in like cases, & that shallbe found so by this or any other Court of judicature, doe therefore order & appointe the constables of the said townes forthwith to call the toun together, & levy, by way of rate, the some of twelve pounds nineteene shillings, according to the way & rule of the countrie rate vpon enery inhabitant for his estate, only leaving out head money, & deliuer the same to Mr Hall, or his assignes, in satisfaction of the aforesaid chardges at Salisbury: the like course the counstable of Hauerill is to take for y^e satisfying of Mr Cleoments for y^e chardges expended in Hauerill, &c.

At a County Court, held at Salem, 15 m̄, 57.

Ipswich case
resolved on y^e
affirmative.

Whereas there were seuerall accōns comēced at this Court by some of the inhabitants of Ipswich, which were of great & generall concernment, and the Court, fearing the vsuall manner of proceeding would not put a comfortable issue to y^e said cases, propounded to the partjes that the quæstion in controuersie might be stated & presented to the Generall Court for resolution, w^{ch} determine the particullar accōns, and all others that arise vpon the said quæstion, w^{ch} quæstion was by the Court stated, wth the consent of partjes, & is also as followeth:—

Att a generall yearely meeting of the inhabitants of the toun of Ipswich, 25 Febr, 1655, voted to give one hundred pounds towards building or buying a howse for Mr Cobbett. The quæstion is, whither this vote doth binde all or any of the inhabitants of the said toun to pay any thing towards the said hundred pounds, & that such as are or were vnwilling maybe compelled therevnto, yea or no; and it is agreed, that either partje shall haue libertje to present their reasons in writing to the Generall Court, pro & con, but no other pleading by either parte to be allowed.

Vera copia.

P ELIAS STILEMAN, Clerc̃.

This case, thus signed by the officer of the County Court at Salem, was presented to the Generall Court sitting at Boston 14th of October, 57, who, after pvsall of the reasons alleadged by both partjes, and consideraçõn of the quæstion, the Court resolved it on the affirmative.

1657.

14 October.

*In the case betweene Mr John Johnson, of Roxbury, attourney for Mr W^m Sheldon, of London, plaintiffe, & Leifř Joshua Hues, of Boston, administrator to the estate of Mr Joshua Foote, defend^{nt}, in referenc to two hundred pounds wth he, the sajd Mr Joshua Foote, promised to giue as a marriage porçõn wth his daughter vnto the sajd Sheldon, the Court, on a hearing of the case & all partjes concerned therein, finds for the plaintiffe two hundred pounds damage, & thirty nine shillings & eight pence costs.

[*262.]

Sheldens case determined.

In answer to the petiçõn of Edward Michelson, the Court judgeth it meete to graunt the petiçõner the impost of strong waters, according as it was formerly graunted, only for two yeares now next coming, and for his attendanc on the honored comiissioners of the colonjes the somẽ of three pounds.

Edward Michelsons recompence, &c.

Vpon occasion & in answer to the petiçõn of Concord, Lancaster, &c, the Court, taking into consideraçõn the great necessitje of a constant supply of iron to carry on the occasions of the countrje, and being credibly informed that the workes in present being are not like long to continew, nor doe those gentⁿ in England (to whom this Court graunted certajne priueledges & immunitjes) psecute the same, as was expected & intended, nor take care how the countrje for the present & future tjmes maybe provided for, whereby vnsufferable damage may acrew, if not tjmelj prevented by the care of this Court & industrje of the people; and forasmuch ^ the present owno^s of the sajd works haue not binn able at all tjmes to supply the inhabitants wth iron, because they had it not, and many tjmes haue exceeded the price ljmited in the agreement wth the first vndertakers, & being demanded by this Court whither they held themselves engaged to make good the vndertakers couenant as to the supplying the countrje with iron, refused to make answer therevnto, the premisses considered, the Court judgeth it necessary to provide for their oune indemnity, and therefore doe graunt to the inhabitants of Concord & Lancaster, and such as they shall associate vnto them, according to the tenor of their petiçõn, liberty to erect one or more iron workes wthin the ljmitts of their oune toune bounds, or in any comõn place neere therevnto, any law, order, or graunt to the contrary notwithstanding; provided, neuertheless, the aforesajd gentⁿ in England, or their assignes, shall haue libertje for one yeare from the first of March next to purchase the sajd worke or workes, vpon due valuation & consideraçõn, as this Court, or persons indifferently chosen, shall judge æquall; provided also, that it shall not be lawfull for the owno^s of this new

Ans^r to Concord & Lancasters petiçõn about iron workes, &c.

1657. worke intended by themselves or agents, directly or indirectly, to hire or entertajne any of the workemen at p̄sent implojed in or about the workes at Ham̄ersmith or Braintrje that are by covenant engaged to the ounoʳs thereof, or that are indebted to them, & by promise bound to worke out the same, except they shall obtajne the free consent of the sajd owners or agents so to doe, that so the setting vp of one worke may not p̄judice the old.

14 October.

Ans^r to fishermens petiçon.

In answer to y^e petiçon of Edw̄ Rainsford, Gamaljel Wajte, John Shawe, Mathew Abdy, Richard George, John Pell, Richard Hollige, Rich Woodhowse, Robt Linkhorne, Abell Porter, Peter Till, Abraham Broune, Jn^o Mel-lows, fishermen, humbly desiring that they may be exempted from traynings during the t̄jme of the fishing season, &c, the Court graunts theire request.

[*263.]

*Whereas this Court hath formerly declared theire right of jurisdicçon ouer the inhabitants of Blacke Pointe, Blew Point, & Casco Bay, to the lattitude of forty three degrees forty three northly lattitude, and haue hitherto made very amicable applications to the inhabitants there, and this last sōmer did send com̄mission^{rs} to Yorke, expecting the principall persons dwelling in those parts would, vpon our letters formerly to them directed, haue attended our com̄missioners for the issuing of the buisnes, but the sajd partjes fayling, the sajd com̄missioners did, by warrant vnder theire hands, (whereof the partjes had notice,) sum̄on the inhabitants of the parts aforesajd to appeare at the Generall Court at Boston, October 14th, 1657, where and when the partjes aforesajd, being called, appeared not, but made default, and insteede thereof, at the latter end of the Court, a paper, subscribed by George Cleve, was presented to this Court, (wherein he declares against the legalitje of our proceedings, & the resolution of the inhabitants there, as he p̄tendeth,) to deny submission vnto vs, wee doe heereby declare our right & clajme to those parts, & the injurious refusall of the inhabitants there, concerning which wee shall seriously advise what for the future maybe most expedjent for vs, yet for the present judge it best to surcease any further prosecution, wth this protestation, that if

Courts declaration & protestation in referēce to y^e eastern pth.

October 23, 57.

any mischief or inconvenienc happen, by reason of theire oune differences, or for want of a settled government there, that wee are innocent, (having vsed, in our vnderstanding, all requisite endeavors,) and that all the blame & dainger must & ought to be imputed to the sajd inhabitants.

Mr Dunsters recompence.

In the case betweene M^r Dunster & y^e countrje, wee, the com̄ittee of the Generall Court, having duly examined & seriously weighed the allegations of M^r Edward Rawson on the countrjes behalfe, as well as the dilligent service of M^r Dunster for soundry yeares as p̄sident of the colledge, doe humbly conceaue his recompenc then rece'vd was short of his labor, being much more

then is allowed in that service at present, & therefore wee doe judge it for the honor of the countrje to give him the additionall reward of one hundred pounds, or at least to acquitt him of any debts due to the countrje ; & all this with submission to y^e honored Court.

1657.

23 October.

DANIELL GOOKIN,
 SYMON WILLARD.

The Court considering that M^r Dunster, in the tyme when he was president, was very serviceable to his vtmost to advance the good of the colledge; for w^{ch} no full recompence hath binn allowed, judge meete to acquitt & discharge him of that debt he owes to the countrje, which is not aboue forty or fuyety pounds, as a gratuity for his good service.

In the case of Edward Rawson, attourney for the Massachusetts jurisdiction, plaintiffe, against Richard Woodde, defendant, the Court, on hearing of all evidences in y^e case y^t was produced by both partjes at the County Court and Courte of Asistants, doe finde for the plamtiffe seventeene pounds nine shillings & six pence, & thirty shillings costs, & ordered the sajd seventeen pounds to be pd in peage, at 6 a penny, as he received it.

Courts judgment ag^t Rich. Woodbury.

M^r Jeremiah Houchin, Cap^t Thō Savage, Cap^t Thō Clarke, M^r Anthony Stoddard, M^r Nath Duncan, M^r Edward Tyng, & M^r Richard Parker, chosen & retourned comissioners for y^e tounce of Boston for y^e yeare ensuing, tooke their oathes before the whole Court.

Comissioners of Boston sworn before y^e Court.

*Whither execution issuing out of the Court of Boston comissioners, by virtue of a judgment there obtajned, may be executed in any part of this jurisdiction, the Court resolved it on the negative, declaring y^t execution cann goe no further then attachment, and that all persons sued to the Comissioners Court are bound to giue in suretje by some knowne able inhabitant of Boston to respond the judgement & satisfye execution.

[*264.]

Question, how farr executions may be served, resolved. Comissioners Court.

There being in the yeare 1656 fifty acres of land graunted to John Stone, of Sudbury, M^r Noyce & Edmond Rice being appointed to lay out the sajd land, M^r Noyce being deade, Ensigne Noyce is appointed to supply his fathers roome, to joyne wth Edmond Rice to lay out the sajd land.

Edmōd Rice & Tho. Noyce to lay out 50 acres of land for Jⁿ Stone.

In ans^r to the petiçōn of Robert Pike, humbly desiring y^e Courts favor, his fine being pajd, to remitt to him & release him from the other p^{te} of the Courts former sentence against him, M^r Worcester, y^e pastor of y^e church at Salisbury appearing on y^e behalfe of the petiçōner, and acknowledging himself much bound to the Court if they would be pleased to graunt y^e sajd Pikes request, the Court graunts his request.

Rob^t Pikes discharge.

In answer to the petiçōn of Steeven Gates, humbly desiring y^t no fine

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Ans^r to Gates
peti^on.Ans^r to Mars-
tons peti^on,
he fined 10^{li}.Cap^t, left, &
ensigne of
Springfeild
comp^y.Ans^r to major
genⁿ peti^on.Cap^t Gookins
500 acres at
Pequod.[*265.]
Roxbury land
of 4000 acres to
be lajd out.Ans^r to Jn^e
Shaws peti^on.Ans^r to Cap^t
Davenports
peti^on.Provi^on for
setling of min-
isters & minis-
ters majnte-
nance.

may be inflicted on him for his neglect in not warning the freemen to give in their votes for magis^{ts}, he being at y^e tyme sicke, & having pd tenn shillings for entering his peti^on, the Court graunts his request.

In answer to the peti^on of Willjam Marston, humbly desiring the remittment of his fine, imposed on him by y^e County Court at Hampton, for keeping two Quakers bookes & a paper of the Quakers, according to law, i. e., fiveteene pounds, leaving himself to y^e Courts mercy, acknowledging he hath transgrest y^e law of y^e countrje, the Court judgeth it meete to remitt one third pt of his fine, the other two thirds being levjed & pajd in forthwith.

In answer to the peti^on of Henry Burt, clarke to y^e company at Springfeild, humbly desiring that their chojce of M^r John Pinchon, captaine, M^r Elizur Holiocke, leftenant, & Thomas Cooper, ensigne, may be allowed and approved of, & confirmed in their places by this Court, the Court graunts their requests, & allows of & confirms y^e gentm above sajd in those places.

In ans^r to the peti^on of Major Gen^{ll} Daniel Dennison, desiring that y^e five hundred acres of laud graunted to him by this Court to be lajd out on Conecticott Riuer in two places, may be graunted him to be lajd out to him either at Pemaquooke, on either side of Merremake Riuer, or neere Pacom-sickqucke, about 3 or 4 miles beyond Merremack Riuer, about sixe or eight miles below Patucket, as he shall find most convenient for him to choose, the Court graunts his request, provided it hinder no former graunts.

It is ordered, that the five hundred acres of land graunted the last session of this Courte to Captaine Daniell Gookin be lajd out in some convenient place on the eastermost side of Pequot Riuer by Cap^t George Dennison, who is appointed to see the same donne accordingly.

*There being heretofore fower thousand acres of land graunted to Roxbury by this Court, a pt of which remajnes yett vnlajd out, this Court doth therefore heereby order & appointe, that Cap^t Eliazer Lusher & Leiu^t Joshua Fisher, of Dedham, to lay out the sajd land according to the graunt, and, hauing finished the same, to make retourne thereof at the next Court of Election. This to be donne at the charge of the grauntees.

In ans^r to the peti^on of John Shawe, the Court declares, that if any man deprives him of his right in any lands, the lawe is open for him to trye his title in y^e County Court.

In ans^r to the peti^on of Cap^t Richard Davenport, the Courte judgeth it meete to graunt him five hundred acres of land.

Whereas it appears by the retournes of the seuerall com^{it}tees of the respective countjes that some ministers are not so well provided for as they ought to be, & some places wholly destitute of ministers, this Court, taking the same into considera^on, doe therefore order, that the sajd retournes be

transmitted to the Courts of that county to w^{ch} they belong, which Courts are heereby fully authorized, & also desired, to take the best & speedjest oppertunitje & meanes to releiue the sajd wants, either in supply of ministers where there is none, and meanes to majutajne and supply the minister where they are in the seuerall countjes, as to the sajd Courts shall seeme most expedjent, & in case no way or meanes shall appeare for the attajnement hereof, that then they shall signify the same from tjme to time to y^e Generall Court to be further considered of.

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In answer to certaine proposalls presented to this Court by the ouerseers of Harvard Colledge, as an appendix to the colledge charter, it is ordered, the corporation shall haue power from tjme to tjme to make such orders & by lawes for the better ordering & carrying on of the worke of the colledge, as they shall see cawse, wthout dependance vpon the consent of y^e ouerseers fore-going; provided, alwajes, that the corporation shall be responsable vnto, & those orders & by lawes shallbe alterable by, the ouerseers according to their discretion. And when the corporation shall hold a meeting, & agreeing wth colledge servants, for making of orders & by lawes, for debating & concluding of affaires concerning the proffitts & revenues of any lands or guiftes, & the disposing thereof, (provided that all the sajd disposalls be according to y^e will of the dono^{rs};) for manning of all emergent occasions for the procuring of a generall meeting of the ouerseers & society in great and difficult cases, & in cases of non agreement, & for all other colledge affaires to them ptajning, in all these cases the conclusion shall be valjd, being made by the majo^r part of the corporacōn, the president having a casting vote; provided alwajes, that in these things also they be responsable to the ouerseers as aforesajd. And in case the corporacōn shall see cawse to call a meeting of the ouerseers, or the ouerseers shall thinke goode to meete of themselves, it shall be sufficijent vnto the validditje of colledge acts that notice be given to the ouerseers in the sixe townes mençōned in the printed lawe, anno 1642, when the rest of the ouerseers, by reason of the remotenes of their habbitacōns, cannot conveniently be acquainted therewith.

An appendix
to y^e colledge
charter.

*In ans^r to the petiçōn of Georg Dennison, W^m Thompson, Walter Palmer, Thō Stainton, & Jn^o Gallop, the Court judgeth it meete to order, that the letter herevnder writt be sent to the Generall Court of Conecticott by y^e secretary.

[*266.]
Ans^r to Capt.
Dennisons
petiçōn.Gentⁿ:

Wee cannot but take notice of yo^r clajme vnto and disposing of the lands in the Pequot countrije, wherein wee haue alwajes challenged an interest, and yet see not reason to lay doune the same. Wee haue pervsed the judgment

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of the commissioners in 46 & 47, that the jurisdiction on the west side of Pequot Riuer ought to belong to Conecticott till the Massachusetts shew reason to the contrary, against which wee shall not at present object, conceiving thereby our title to the lands on the east side the riuer to be (at least tacitly) yeilded to vs, notwithstanding w^{ch} yow haue proceeded to dispose of those lands to diuerse persons, and to exercise jurisdiction ouer them, w^{ch} wee cannot but take notice of and declare to be p̄judicjall to our right, and therefore doe desire & expect yow doe freindly yeild vp those aforesajd lands on the east side of Pequot Riuer vnto vs, and that yow doe not further proceede to exercise authoritje ouer the inhabitants there, or to be greivous to them wthout their oune consent, till the matter be determined according to the articles of confederation ; if (at least) yo^r oune justice shall not p̄vaile wth yow to yeild it to vs wthout that trouble, wee are at present to make knoune our clajme to yow by a petiçion p̄sented to vs from the inhabitants there. Supposing it will not be vnacceptable to yow that this buisnes be issued peaceably & freindly, according to the relation wherein wee necessarily stand engaged, wee shall not ad further at present, but com̄itt yow to God, and rest yo^r ^.

Hamton &
Salisbury
bounds.

Wee, whose names are heere vnto subscribed, being appointed by the honored Generall Court to consider and determine the bounds betweene yo^r two townes of Hampton and Salisbury, we having binn vpon the lands in difference betweene the sajd townes, and having heard the allegations on both sides, doe, according to our best light and vnderstanding, determine, after due observaçon of all former orders, as followeth, viz. : That the bounds betweene the two townes mençoned towards the sea is to be vpon a streight lje beginning at the middle of Hampton Riuer mouth, and runing vpwards vnto a marked tree, being and standing at the vppermost corner of the farme com̄only called M^r Batchilers farme, the sajd lje to runne vpon a west north west pointe of the compasse nearest, and the sajd lje being so runne by both townes, & marked out according as Cap^t Shapleigh hath now drawne the platt. Wee agree, vpon consideraçon of all pleas, that the toune of Salisbury shall haue and enjoy thirty acres of marsh on the north side of the sajd lje towards Hampton, at the lower end of the sajd lje, to be lajd out by both townes, and adjoining to the lje. Also for the vpper lje into the woods wee determine that the lje shall runne from the marked tree before mençoned vpon a west and by north lje, nearest according as Captajne Shapleigh hath given in the lje of the treading of Meremacke Riuer, the which wee conclude to be the bounds betweene the sajd two townes, vnto their vtmost extent towards Hauerill. Wee doe further declare, that what marsh the toune of

Salisbury hath lajd out to any of theire inhabitants that shall fall wthin the lyne *aboue mençõned, towards Hampton, they shall enjoy, and so much more as shall make vp the whole thirty acres, to be lajd out belowe the proprietjes, if there to be fõnd, or els aboue, joyning to the ljne; and this wee giue as our determination in the buisnes to vs comitted, concerning the pmisses. Wittnes our hands this 3^d day of the 5^m, 1657.

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23 October.

[*267.]

Hampton &
Salisbury
bounds set-
tled.

JOHN APLETON,
JOSEPH MEDCALF,
W^m BARTHOLMEW,
DAN: PEARSE.

It is ordered, that the retourne of the comittee aboue mençõned, w^{ch} this Court allowes & approoves of, shall stand & be a fnall determinaçõn of y^e case in controùsie betweene the two tounes.

In reference to the case betweene M^r Elljott, in behalfe of the Indians of Oguonikongquamesit & Sudbury men, in answer to both theire petiçõns, the Courte finding that the Indians had a graunt of a touneship in y^t place before the English, the Courte determines & orders, that M^r Edward Jackson, M^r Thomas Danforth, and M^r Ephrajm Child, & Cap^t Lusher, or any three of them, as a comittee, shall, with the first convenient opportunitje, if it maybe before winter, lay out a touneship in y^e sajd place of sixe thousand acres to y^e Indjans, in which at least shallbe three or fower hundred acres of meadow; and in case there be enough left for a convenient touneship for the Sudbury men to lay it out to them, the graunt of M^r Alcocks, confirmed by the last Court, out of both, excepted and reserved; the Indjans to haue the hill on which they are, and the rest of the land to be lajd out adjoyning to it, as may be convenient to both plantaçõns.

Ans^r to M^r
Elljotts for y^e
Indians & Sud-
bury mens
petiçõns.

In ans^r to the petiçõn of Samuel Hide, of Cambridge, excecutor to y^e last will & testament of Richard Oldam, deceased, declaring that by y^e advice of M^r Edward Jackson, ouerseer to y^e sajd will, he had bargained & sold vnto Thomas Broune the houses & lands whereof the sajd Richard djed seized, they being vncapable of improovement, for the behoofe of the children, vpon condiçõn of securitje to be given by y^e sajd Thomas Broune for discharge of the childrens porçõns according to theire fathers will, & therefore humbly desires this honored Court would be pleased to confirme the sajd bargine, that future damage may be prevented to him, the s^d petiçõner, & his family relaçõns, who hath thus improoved his labor and travajle for the provission & well ordering of the estate of the ffatherles and widdow. The Court, having

Ans^r to Sam-
uell Hides
petiçõn.

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Cannidge discharged at present.

Deacon Parkes ag^t Le^t Rich. Cooke.

[*268.] Mr Jocelyn & Mr Jourdans non appearance.

Jn^o Mellowes 200 acres.W^{ms} & Armitages case referd to Election Court.Courts judgment in y^e case betweene Mr Jn^r Coggan & Ric. Wodey.Order for an addition to y^e country rate.Office of auditor gen^l ceast.

considered of this peti^on, & spake wth M^r Jackson, doe judge meete to graunt the peti^oners request, so as the purchaser, Thomas Broune, who marrjed the widdow, doe put in security to this Court of eighty pounds into this Court for the due payment of the childrens por^ons, & that the land also ingaged as further securitje, reserving y^e late widdows right of dower, according to lawe.

In the case of Gregory Cassell, the Court, vejwing and considering of the evidences on file against him, the cheife whereof being out of this jurisdiction, & not to be had, the Court judged it meete to discharge him at present, he giving in his oune securitje to value of one hundred pounds, that, on notice from authoritje, he shall appeare to answer what shall be lajd against him in reference to the vntjmelj death of Mathew Cannidge.

In the ac^on of the case betweene Deacon W^m Parkes & Le^t Richard Cooke, brought to this Court by y^e Magis^{ts} non acceptance of the jurys verdict at y^e County Court in July, held at Boston, after all the evidences were read & p^{vs}ed, the ac^on was wthdrawne by consent of partjes, they agreeing about it.

*M^r Henry Jocelyn & M^r Robert Jourdan were called by the marshall generall to make their appearances before the Generall Court, according to their su^mons, by themselves, or others in their behalfe, three tjmes, but they nor none for them appeared.

In the case of Abraham Mellowes & M^r Joseph Hills, it was voted by the Generall Court mett together, that the two hundred acres formerly graunted to Abrahame Mellowes & his heires or assignes is due, & the inheritance of John Mellowes.

Th^o Willjams appeared by his attourney, Edward Colcord, the secretary, by order of M^r Payne, engaging for y^e charge of both howses, & Major Hawthorn, in behalf of Joseph Armitage, engaging for the like, the whole Court mett together voted, that the case betweene Thomas W^{ms} & Joseph Armitage should be referd to y^e next Generall Court, in May next, to be heard, when both partjes are enjoyned to appeare.

In answer to the peti^ons of M^r John Coggan and Richard Wooddey, referring to the seventy pounds as the estate of John Wooddey, child of Jn^o Wooddey deceased, after a full hearing of what both partjes could say, the whole Court mett together voted, that the seventy pounds belong to Mary, the mother.

Itt was ordered, that the Tresurer issue out his warrant to y^e counstables of euery toume forthwith, for the gathering of one quarter parte more to this yeares rate, towards the defraying the country debts.

It was voted by the whole Court mett together, that the office of auditor

generall shall from henceforth cease, and all lawes refering to y^e auditor 1657.
 generall shall henceforth be accounted as referring to the Tresurer of the
 countrje. 23 October.

Cap^t Thomas Clarke, Cap^t Thomas Savage, Cap^t Lusher, & M^r Thomas Danforth, or any three of them, are appointed a co^mittee to take y^e Tresurers
 account betwixt this & the next Court of Election. Co^mittee to
 take y^e Tres-
 urers acco^t.

In answer to the request of Richard Fellowes, humbly desiring the
 honored Court to graunt him two hundred acres of vpland and meadow, to
 be lajd out to him at Checcopecy River by George Colton & Benjamin Cooley,
 that the sd land & stocke be rate free, promising & ingaging, in considera^coⁿ
 thereof, to build a howse there for the entertainement of travajlers, both for
 house roome for horse and man, & some lodging & provi^coⁿ for both, wth
 beere, wine, and strong licquors, if this Court shall see meete to require it,
 the Court judgeth it meete to graunt his request, provided the peti^coⁿer build
 an howse wthin one yeare, and majntajne the same for seven yeares, fitt to
 entertajne & accomodate straingers. Ans^r to Rich
 ard Fellowes
 request.

It was voted by the whole Court, that Cap^t Robert Bridges shall haue
 thirty two pounds one shilling & eight pence allowed him for his sallery. Capt. Robert
 Bridges saller-
 ry.

*Whereas the Generall Court were pleased to depute vs, whose names are
 subscribed, to heare and informe ourselves of the state of Cambridge, and of
 the inhabitants on the other side of the riner, wee, having labored therein,
 doe present our conceavings, as the condition of either party is presented to
 vs, as followeth: — [*269.]

1. Wee conceive that if the peti^coⁿers should wthdraue their help from
 their contributing to Cambridge church and ministry, it would be over bur-
 densome to Cambridge to provide honorably for their carrying an end those
 occasions; 1. Because it is acknowledged on both partjes the majntenance at
 present is short enough, and our charitje leadeth vs to beleive they want
 not love either to their minister or ministrje. 2. Because wee know some
 considerable persons haue removed on such groundes, and others seeme to
 intend it, th^o indeered to the present ministrje amongst them, and many of
 them in an ebbing conditjon referring to outward things.

2. Referring to the brethren who haue petitioned freedome to be in a way
 of providing for their supplie of a minister amongst them, who doe tender
 ten pounds p^añum towards Cambridge ministrje, th^o wee acknowledge they
 are exposed to tempting difficultjes to moove, yett it seems not convenient at
 the present to sepearate from their brethren; 1. In regard of the feared inca-
 pacitje amongst themselves to effect their desires; 2. In regard of some

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23 October. decljning as to prosecution of the worke amongst themselves ; 3. Considering how greivous it is to their brethren, who professe much care of & respect vnto them, which wee conceiue may mooue them still to wajte on the Lord, in the expectation of a further discouery of his minde heerein as referring to either partje.

Yo^r servants, y^e comittee,

RICHARD RUSSELL,
ELJAZER LUSHER,
EPHRAJIM CHILD.

The whole Court mett together voted the acceptance of this retourne.

23 : 8 m̄, 57, this Court was dissolved.

*Att a Generall Courte of Election, held at Boston, the 19th of
May, 1658.*

1658.
19 May.

JOHN ENDECOTT, Esq^r, was chosen Governo^r, & tooke his oath, & Comission^r.

Richard Bellingham, Esq^r, was chosen Dep^t Gove^r, & tooke his oath.

M^r Symon Bradstreete was chosen Assistant,

M^r Samuell Symonds,

Cap^t Thomas Wiggins, were chosen

Cap^t Daniell Gookine, in reserue, 3.

Majo^r Daniell Dennjson,

Majo^r Symon Willard,

Majo^r Humphrey Atherton,

Edward Rawson was chosen Secretary.

M^r Richard Russell was chosen Tresurer.

} & Comission^r.
} Assistants, & tooke their
} oaths.

The names of the Deput^s returned from y^e townes to serve at this Court:—

Majo^r W^m Hawthorne, M^r Henry Bartholmew, Salem.

M^r Richard Russell, Cap^t Francis Norton, Charles Town.

M^r Jn^o Wisewall, M^r W^m Soumner, Dorchester.

Cap^t Thō Clarke, Cap^t Edw̄ Hutchinson, Boston.

M^r Jn^o Johnson, M^r Jn^o Rugles, Roxbury.

M^r Jn^o Coolage, M^r Jn^o Wincoll, Water Towne.

M^r Thō Layton, Lynn.

Mr Edw̄ Collins, Mr Thō Danforth, Cambridg.
 Mr W^m Hubbard, Leff Jn^o Apleton, Ipswich.
 Leff Jn^o Pike, Newbury.
 Mr Thō Dyer, Weimouth.
 Cap^t Josh Hubbard, Mr Jer: Houchin, Hingham.
 Mr Robt Merriam, Concord.
 Leff Josh Fisher, Sarj: Danj: Fisher, Dedham.
 Leff Robt Pike, Salisbury.
 Leff Christ Hussey, Hampton.
 Maximī Jewett, Rowley.
 Mr Peter Bracket, Brajntry.
 Cap^t Rich Waldern, Douer.
 Cap^t Edw̄ Johnson, Wooborne.
 Leff Charles Frost, Kettery.
 Cap^t Briā Pendleton, Portsmouth.
 Mr Edw̄ Rushworth, Yorke.
 Mr W^m Coudrey, Redding.

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Mr Richard Russell chosen Speaker for y^e session.

*That Quakers and such accursed hæreticques arising amongst ourselves [270.]
 may be dealt withall according to their deserts, and that their pestilent errors and practizes may speedily be prevented, itt is heereby ordered, as an addition to the former lawe against Quakers, that every such person or persons professing any of their pernicious wajes, by speaking, writting, or by meetings on the Lords day, or any other tyme, to strengthen themselves or seduce others to their djabolljcall doctrine, shall, after due meanes of conviction, incurre the pœnalty ensuing; that is, every person so meeting shall pay to the countrje for every tyme ten shillings, and every one speaking in such meeting shall pay five pounds a peece, and in case any such person hath binn punished by scourging or whipping the first tyme, according to the former lawes, shallbe still kept at worke in the house of correction till they put in securitje wth two sufficjent men that they shall not any more vent their hatefull errors, nor vse their sinfull practizes, or els shall depart this jurisdiction at their oune charges; and if any of them returne againe, then each such person shall incurre the pœnalty of the lawes formerly made for straingers.

Itt is ordered by this Court & the authoritje thereof, that the County Courts of each shire, vpon request of the tounes, shall appointe one of the

Comission^{rs}
 in tounes
 power to marry
 & giue oaths.

1658. three commissioners appointed to end smale causes in the severall townes to solemnize marriage, and also to giue oathes to persons in all civill cases. This law to continew till y^e next Geñll Court.

19 May.

Clarks, sar-
jants, & corpo-
ralls to be al-
lowed of by y^e
County Courts.

Itt is ordered by this Court & authoritje thereof, that henceforth all sargents, clarkes, and corporalls chosen in any millitary company in this jurisdiction shall be allowed of by the County Courts as well as comission officers, or els not to be accepted to their places, & captajnes are hereby required not to install them before approbation so attained.

Bridges &
highwajes, how
to be repajred.

Whereas inconvenjencjes & daingers arise vpon bridges & passages that ly vpon toune high wayes, some of which belong vnto the toune, others to particullar persons, being of publicke and frequent passage, both for toune and countrje, and many tjmes the safety of persons is hazarded for want of their tjmely repajre, although those townes or persons would doe it, yet cannot procure workemen to effect the same, it is therefore ordered by this Court and the authoritje thereof, that vpon the complaint of any such toune or person to any one magistrate, he shall hereby be impowred to issue forth warrant to the counstable to impresse such workemen in their owne townships as shall be needefull to secure & repajre the same, who shall be pajd for their worke, either by the toune or persons to whom such bridges or passages doe belong.

Prices of corne
free.

There being an order made by this Court in October last, wherein the prizes of corne of all sorts were stated, not only as it had referrence to the countrje levy, but also in other payments, as in that order doth appeare, this Court, in consideration that it falls below the currant price, occasioned through the scarsitje of corne, doth hereby order the repealing of that clause of the aforesajd order respecting payments betweene man and man.

[*271.]

Order to regu-
late swyne.

*Whereas there is a lawe respecting the regulateing of swyne in all townships, to prevent harmes donne by them, yett inasmuch as there is a necessitje of a more p̄ticullar order respecting such townes wherein great noumbers of swyne are kept, whereby many children are exposed to great daingers of losse of life or ljmbe through the ravenousnese of swyne, and elder persons to no smale inconvenjencjes, beside the sad consequences it may be off to the whole countrje in tjmes of sickness through their infection, it is therefore ordered by this Court & authoritje thereof, that the selectmen in the severall townes wthin this jurisdiction shall henceforth haue power to make such orders in referrence to swyne as may prevent all manner of damage; & ffurther, it is ordered, that if any person or persons appointed to see to the execution of such orders shall neglect the trust comitted to them, or refuse to accept of such service, he shall forfeite for euery such neglect the some of five pounds, the one halfe to the toune, the other half to the partje that holds the place and performes this duty therein.

Whereas in the lawe made in the yeare 1648 respecting troopers, amongst other priviledges graunted vnto them, they were ferry free from and to the place of exercise, this Court, on a motion made from & wth the consent of severall of the troopers, thinke meete to repeale that clawse of the lawe, and they to pay for theirre fferriage as others doe.

1658.

19 May.
Troopers ferri-
ages taken off.

Whereas it is aprehended that there is a great wrong to the countrje that the lawe enjoyning all vintno^{rs} and taverno^{rs} to pay after the rate of ffifty shillings a butt or pipe to the vse of the countrje is not duly observed, according to the intent of the sajd lawe, notwthstanding the advantage to the sajd taverno^{rs} and vintno^{rs} is to the ffull if not more then a meete allowance for such impost, this Court doth therefore order, that if any taverno^r or vintno^r allowed to retayle wines shall not, according to the lawe, wthin three dajes after the buying of any vessell of wines, enter the same wth the countrje Tresurer, or such as he shall appointe to be his deputje, he shall forfeite the sajd wines, or the ffull worth thereof, the one halfe to the vse of the countrje, and the other halfe to be divided, the one halfe to the Tresurer, the other halfe to the informer. And it is further ordered, that the sajd impost shall, from tjme to tjme, be pajd in wjnes at merchants price, or other æquivalent marchantable and good pay, to the content of the Tresurer, and that the Tresurer take speciall care for collecting the sajd impost, who is also hereby impowred to substitute such deputjes vnder him as he shall see meete in the seuerall tounes ffor his helpe and ffortherance heerein; ffor all which pajnes and care he shallbe allowed two shillings in the pound of all such imposts as he shall bring into his annuall account wth the countrje; provided alwajes, that if any vintno^r or taverno^r, retayler of wjnes, shall give an accompt to the Tresurer of any pte of any wjnes, entered as abouesajd, that he hath sold away againe by wholesale, being no lesse in quantitje then a quarter caske, to one person at one tjme, and shall truly certify the persons who had it, & tjme when such person or persons, shall be abated of theirre impost in proportion to what they haue so sold.

Impost of
wjnes relating
to vintno^{rs} &
taverno^{rs} set-
tled.

For the avoyding of all future differences betweene the respective countjes, by the drawing of fines and other dues from persons that live in one county vnto the treasury of another countje, it is ordered by this Court and the authoritje thereof, that all fines arising in any County Court, or by order of one magistrate or comissioners impowred in crjminall cases, shall, from tjme to tjme, be pajd into the treasury of that countje where such delinquent party do dwell, excepting only where any person shall be taken in y^e manner, and imēdjately censured by y^e authoritje in any other county where such offence is comitted.

Order regulat-
ing fines to
each county,
&c.

*Whereas there is much inconvenjence to divers sorts of people by the

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19 May.
March's liberty
to sell strong
waters, wine, &
cidar by retayle
not less then 3
gallons, strong
waters not
above one qrt.

lawe that prohibitts any to sell wine vnder a quarter caske, excepting only such as had license thereto, as also to retayle strong waters, or cydar, it being the mjnde of the Court only to prevent abuses, and not to debarre the lawfull sale and vse thereof, either for payments of debts or svpply of persons necessitjes, itt is therefore ordered by this Court and the authoritje thereof, that henceforth it shall be lawfull for any wholesale merchant of wines, or the present stillers of strong waters, being of masters of familjes, or such as receive the same from forraigne parts in cases, botles, &c, or makers of cydars, to sell by retayle, provided the quantitje of wine & cydar be not lesse then three gallons at a tyme to one person, nor strong waters lesse then one quart, and that it be only to masters of familjes of good & honest report, or persons going to sea, and that they suffer not any person to drinke the same in their houses, cellars, or yards.

Expenc of
tyme about y^e
Indians
comended to
y^e considera-
cion of y^e
comissioners.

Itt being found by long experience that a great part of tyme, if not the greatest, which is spent by our honored comissioner of the Vnited Colonjes at their annuall meetings is about affajres relating to the Indians, the charge of which hath hitherto binn put vpon the account of the English, notwithstanding the litle or no benefitt accrewing to vs thereby, which this Court considering of, doe heereby order it be comended to the consideratjon of the comissioners at their next meeting by the honored comissioners of this colony, that some proportionable allowance maybe made, from tyme to tyme, for & towards the charge of the Indian buisnes, as in their wisdomes they shall judge most meete.

Constables
office & pow^r.

The office & power of a counstable, collected out of the seuerall lawes of this collony.

1. To whipp & punish any that are to be punished, by order of authority, where there is no other appointed in that toune wherein he dwells, or to provide it to be donne. Ljb. 1, page 13.

2. To send and convey persons from connstable to connstable, altho they come from forraigne parts, vntill they be brought to the place they are sent, or before some magistrate. Ljb. 1, pag. 13.

3. To speede away all hues & crys, to effect & to signe them, where no magistrate is neere at hand, ag^t theeves, robbers, murderers, manslajers, peace-breakers, & other capitoll offenders, on pœnalty of forty shillings for neglect in capitall crimes. 1 ljb., page 14.

4. To apphend wthout warrant such as be overtaken wth drinke, swearing, Saboath breaking, lying, vagrant persons, night walkers, being taken in the manner by himself or p^sent information, and to keepe them safe in custody till they cann carry them before a magistrate. 1 ljb., p. 13; ljb. 4, p. 16.

5. To search for all such persons in any suspected or disordered place, and in houses licensed to sell beere & wine, on pœnalty of tenn shillings for eury neglect, being informed or required thereto. 1 ljb., p. 13 & 31, tit. Drunkeness.

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6. Not to apphend any person by order of any magistrate wthout warrant in writing. Ljb. 4, p. 16.

7. To warne any person to asist him, & none to refuse on pœnalty of tenn shillings; & if it appeare to be obstinately & contemptously donne, then to pay forty shillings. 1 ljb., p. 19.

*8. To carry his black staffe in the execution of his office, that none may pleade ignorance. Ljb. 1, page 13.

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9. To take notice of cõmon coasters, vnprofitable fowlers, & other idle p̄sons, & tobacco takers, & p̄nt them to the two next Asistants; Ljb. 1, p. 26; and of such as shall harbor any young people, children, servants, apprentices, students, or schollers, & not hasten them to their respective imployments, and to act therein as is provided in refference to the lawe of inkeepers. Ljb. 1, p. 27.

10. To ajd the costome masters of wines, &c, in helping them to breake open any place, cellar, &c, where the owno^r shall refuse to deljver their keyes peaceably. Ljb. 1, p. 27.

11. To levy all fines imposed by a magistrate or cõmissioner, & all rates & fines for the country & county, by order from the respective Tresurers, & y^t speedily, on pœnalty of being distrained by the Tresurer, & for that end are impowred to levy the same, although out of their office. Ljb. 1, page 46; ljb. 3, p. 2, 3.

12. To gather all toune rates cõmitted to them by the selectmen of the place where they dwell. Ljb. 4, page 26.

13. To cleare accounts wth the countrje Tresurer annually by the first of May, on pœnalty of five pounds forfeiture. Ljb. 3, p. 13.

14. Vpon information given by the finder, to enter all lost goods or strajes vnder twenty shillings vallow in a booke, & cry the same at three generall toune meetings or lectures, and if aboue twenty shillings vellow, at the next markt, or two next tounes publicke meetings where no markt is wthin tenn miles, vpon pœnalty of forfeiting one third p̄t of the vallow thereof. Ljb. 1, p. 48.

15. To present the names of such persons as shall refuse to watch & ward, or to hire a suffieient person in their roome, to the next magistrate, & to beginne the constables watch annually May 1st, & not giue ouer till the last of September, on pœnalty of five pounds, and to see that the major part of

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19 May.

the watch be sufficient able men, & not youths, & to observe the directions of the selectmen therein; ljb. 4, pag. 12, 25; ljb. 1, pag. 51; & to give watchmen their charge according to the law expressing the same. Ljb. 1, p. 16.

16. To secure, by commitment or otherwise, any inhabitant or stranger after tenne of the clocke at night, behaving themselves debaish, or that giveth not a reasonable ground to y^e constable or watchman, or shall be in drinke, till the lawe be satisfied; ljb. 4, p. 16; & the constable is to carry them before a magistrate next morning.

17. To provide & buy, at the townes charge, all weights and measures required by law for town standards; & vpon warrant from the town sealer to warne all the inhabitants to bring in their weights & measures to be tryed & sealed, & to make retourne in writting the names of all persons so summoned, on pœnalty of forty shillings. Ljb. 1, p. 51.

18. To serve all attachments directed to them in any civill case, and make retourne thereof to the Court in season. Ljb. 1, p. 55, tit. Præsident^s.

19. To warne the freemen of their town in the 2^d weeke of March annually to meete together, to give in their votes for nomination of magistrates & chojce of county Tresurers, & to acquainte the freemen wth the retourne of the names of such as be nominated. Ljb. 2, p. 10.

20. To make retourne vnder their hands of the names of the deputjes, and for w^t time chosen, on pœnalty of twenty shillings. Ljb. 3, p. 9.

21. To pay the marshall gen^l three pence out of euery attachment by them served. Ljb. 4, p. 20.

To execute all warrants from the recorder of any Court for chojce of jurymen, & to warne the persons chosen, & make retourne of their proces to the recorder. Lib. 1, p. 32.

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*22. In cass of vntimely or unnatural death of any person, to summon a jury of twelve discrete men, to enquire of the cause & manner of their death, who shall give in a true virdict thereof to the next Asistant or Court of y^t shire, on oath. Ljb. 1, p. 16.

23. To give warning vnto any inhabitants of their town, wther men or weomen, that live from their husbands or wives, to appeare at the next Court of y^t county to ans^r for their so doing, ljb. 1, p. 37, on pœnalty of twenty shillings for neglect.

24. Not to refuse the office of a constable, being orderly chosen thereto, on pœnalty of five pounds, & if in Boston, ten pounds pœnalty. Ljb. 4, p. 18.

25. In case of any servants runing from their master, or inhabitants going

privily away, wth suspition of the intention, in y^e absence of a magistrate, the connstable and two of the cheife inhabitants is to presse men, boates, & pinnaces, at the publique charge, to pursue such persons by sea or land, & bring them backe by force of armes. Ljb. 1, p. 38.

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26. To informe the Court of all new comers that settle themselves wthout ljcence, according to lawe. Ljb 1, page 39.

Itt is ordered by this Court & y^e authority thereof, that the office & power of a connstable, expressed in these twenty sixe articles, be forthwith printed, that so each connstable may vnderstand his duty.

In answer to the petition of Abraham Newell, in behalfe of John Bennet, his grandchild, the Court doth order, that the petitioner be referd to the County Court [^] reliefe, as in the petition is desired.

Ans^r to Abraham Newells petition.

In answer to the request of the select men of Boston, the Court judgeth it meete to allow vnto Boston, for and towards the chardges of their toun house, Bostons proportion of one single country rate for this yeare ensuing, provided that sufficijnt roomes in the sajd house shall be for euer free, for the keeping of all Courts, & also that the place vnderneath shall be free for all inhabitants in this jurisdiction to make vse of as a markt for euer, wthout payment of any tole or tribute whatsoever.

Courts gratuity to y^e toun house of Boston.

Itt is ordered, that the present secretary hereby is and shall be impowred to order the accomodation of the comissioners for the Vnited Collonjes at Boston this yeare, in all respects, and that whoeuer he implojes, and what bills he signes, the Treasurer shall satisfie and pay.

Secry^t power to charge bills on y^e Treasurer.

The ffarmers of the imposte of wine, producing this Courts ans^r to their request, in May, 1656, this Court declares, that it is the intent of the Court to abate the farmers of the custome howse two yeares rent, & that their bond to the Treasurer be given vp vnto them, & orders them from henceforth to be discharged therefrom.

Farmers of the impost discharge.

Itt is ordered, that Majo^r Atherton, Lef^t Roger Clap, in steede of M^r Glouer, deceased, Edward Goffe, & Edward Oakes, are appointed a comittee to lay out the way through Roxbury lotts to Boston farmes, and to judg what is meete satisfaction to the proprietors for the way, and that they haue power to impose an æquall part vpon all such of Boston or other townes as shall haue benefit of such way, according to former order of Court, dated 14th May, 1645.

High way thro Roxbury lotts, &c.

Itt is ordered, that the surveyo^r geñ shall deliuer vnto Cap^t Francis Norton what powder is due according to order of Court bearing date 15th of

Charls Toun powder allowed.

1658. October, 1650, and hath not yett binn delivered to this tyme, as this order enjoynes.

19 May.

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Connecticott
letter refferd to
y^e com̄issions.

*The Court, on pervsall of the letter of the Generall Court of Conecticott, bearing date the tenth of May, 1658, judge it meete to referr the consideration of that letter & determination of the land therein in question to the com̄issioners, whom it most properly concerns to deale in such matters.

No constant
preacher or ap-
probacon of 2
organicke
churches, &c.

Whereas it is the duty of the Christian magistrate to take care the people be fed wth wholesome & sound doctrine, & in this houre of temptation, wherein the enemy designeth to sowe corrupt scede, every company cannot be thought able or fitt to judge of those gospell quallifications required in the publicke dispenso^{rs} of the word, and all socjetjes of Christians are bound to attend order and com̄union of churches, considering also the rich blessing of God, flowing from the good agreement of the civill & church estate, and the horrible mischeifes and confusions that follow on the contrary, it is therefore ordered, that henceforth no person shall publicquely & constantly preach to any company of people, whither in church society or not, or be ordeyned to the office of a teaching elder, where any two organicke churches, councill of state, or Generall Court shall declare their dissatisfaction thereat, either in refference to doctrine or practize, the sajd offence being declared to the sajd company of people, church, or person, vntill the offence be orderly removed; and in case of ordination of any teaching elder, tyme notice thereof shall be given vnto three or fower of the neighboring organicke churches, for their approbation.

Courts ans^r to
Cap^t Cullick,
&c.

In answer to the petition of Cap^t Cullicke & M^r W^m Goodwine, in behalfe of themselves and others, the Court judgeth meete to graunt their request in reference to lands not already graunted, and further, giues them liberty to inhabitt in any part of this jurisdiction already plauted, provided they submitt themselves to a due & orderly hearing of the differences betweene themselves & the rest of their brethren.

Ans^r to Cap^t
Bonds petition.

In answer to the petition of Cap^t Thomas Bond, humbly desiring the remittment of the hundred pounds fine w^{ch} the law imposeth on him, & for which he hath given bond, for bringing in two Quakers into this jurisdiction, pleading his ignorance of the lawe, the Courte, having heard the case and spake wth Cap^t Bond, judge meete to declare that the two hundred pounds bond given into the Tresurers vse by him & his surety shall stand good against them till certifficat be retourned from Cap^t Pendleton, or some other person of knoune credit, that the sajd Cap^t Bond hath observed the lawe in keeping the sajd Quakers from conversing wth any of this jurisdiction whiles they stay

heere on board his shipp, & that he or his order hath carrjed them to England, or y^e place from whence they came, on wth certificate to the secretary, & payment of two barrells of good powder, in leiw of twenty pounds imposed on him as a fine to the country, his fine of one hundred pounds shallbe remitted, & his bond to be deliuered vp & cancelled.

1658.

19 May.

The retourne of Edmond Goodenow & Jn^o Hajme, appointed by our honored Generall Court held at Boston 18 October, 1654, to lay out vnto M^r Edmond Broune, the reuerend pastor of the church of Sudbury, twenty acres of meadow graunted vnto him by the same Court.

Wee, finding in the sajd tract of land no meadow, but lying in smale parcells, lajd out the whole, although wee judg the quantite of all lajd out by vs short of twenty acres, in manner as followeth: Imprimis, half an acre joyning vnto the south ljne of Sudbury bounds, the other part of the meadow lying wthin the bounds. Item, a long and narrow meadow lying vpon a smale brooke southward from Doe skin hill, and bounded vpon the vpper end wth a marked oake, lajd out, wee say, all this long tract of meadow, conteyning, by estimacōn, about ten acres. Item, one smale parcell of meadow, conteyning an acre & halfe, wth a parcell of fower acres lying vpon the brooke that issueth out of the former smale peece, & marked at the extremity of it. Item, one smale parcell of three acres, formerly called Indjan Willjams meadow, lying towards the falls of Chochoittuat Riuer.

M^r Brounes
land lajd out,
20 acres mead.

By vs,

EDMOND GOODENOW,
JOHN HAJMES.

In answer to the request of M^r Edmond Broune, the Court allowes and approves of this retourne.

*It is ordered, that the inhabitants of Portsmouth shall attend all military service vnder the comānd of Cap^t Brjan Pendleton, according to the lawes of this jurisdiction; and further, it is declared, that this Court doth expect that all the inhabitants of Pascataqua doe attend the observanc of our lawes, in particullar those concerning the selling of strong liquors, and good order to be kept in ordjnaryes, and that the Court comissioners and officers there take speciall care therein.

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Inhabitants of
Portsmouth to
obseru all mil-
itary service
vnder com-
mand of Cap^t.
Pendleton, &c.

In answer to the petition of James Neighbor & Jn^o Andrews, the Court declares they haue their liberty to proccede on in a course of lawe, by way of revejw or otherwise, in our Courts of judicature, to which they are refferd.

Ans^r to Neigh-
bors peti^ōn.

In ans^r to y^e petition of W^m Phillips, Robt Long, & Robt Turner, for their being released & discharged from the rents of wine, they paying the rate of

Ans^r to Left
Phillips, Long,
& Turner, who
are to pay 50^s
p butt.

1658.

19 May.
Lef^t Hudsons
rent 38^{li}, Evan
Thomas 34^{li}.

fifty shillings p butt. Lef^t W^m Hudson & Evan Thomas, according to their desires, are to continew the payment of their seuerall proportions, as in t^{imes} past, & they to give fresh bond to the Tresurer for the performance thereof, Lef^t Hudsons proportion being thirty eight pounds, & Evan Thomas his proportion thirty fower pounds.

June 3, 1657.
M^r Symonds
land confirm^d.

Memorandum, that, vpon the day & yeare abouewritten, Samuell Symonds, of Ipswich, in the shire of Essex, in New England, gent^r, did take possession of sixe hundred & forty acres of ground graunted to him by the honored Generall Court, in the presence & wth the consent of Mohermite, sagamore of those parts. The place & farme is now called the Island Falls; there is a tree close by that falls, marked wth two S S, and a little island in the riuer by the falls there douneward, conteying in length one full mile from the lower end of that little island aforesajd, vp the riuer, and halfe a mile in breadth on each side of the sajd riuer, wth riuer is called Lamper Eele Riuer. That place or part of Lamper Ele Riuer is betweene the townes of Douer and Exetur, vp into the countrje, beyond the bounds of either of those townes in that place, and about sixe miles douneward by land to the mouth of the sajd Lamper Ele Riuer, which emptjeth itself there into the great bay; and to this wee give our testimony.

The m^rke of

JOHN F GAGE,
DANIELL EPPS.

Wee also were present when the land aboue mentioned was lajd out & possession taken.

EDWARD HILTON, Señ,
EDWARD HILTON, Juñ.

This retourne being presented to the Generall Court for their allowance & confirmation, by M^r Samuell Symonds, —

This Court judgeth it meete to allow & confirme this retourne, so as the riuer herein mençoned be & remajne in comon as in t^{imes} past, & y^t th^t land be free from former graunts.

In ans^r to M^r Samuell Symonds further request y^t this Court would explajne their proviso in their graunt so as it may not extend to p^{re}judice his right & liberty in the sajd riuer for the convenjency of his mills, although in all other respects y^e sajd riuer be at liberty, the Court declares, in answer thereto, that it is not their intent to prohibitt the setting vp of a mill, so as the riuer be free in other respects.

21·3 mo., 58.



In answer to the petition of M^r John Gifford on behalfe of M^r John Becx

and Company, it is ordered, that the said Gifford be heard on the third day next, att nine of the clocke in the morning, and that the secretary graunt him forthwith sum̄ons or attachments against any person or persons, or their estates, to respond such complaints as the said John Gifford shall lay therein against one or other. Attachments was graunted & issued out accordingly, & retourne made thereof in the 25th of May, the time appointed, when also both partjes appeared, and attachment was read.

1658.

23 May.

*John Gifford, attourney to M^r Jn^o Beex & Company of vnder-takers of the iron workes, plaintiffe, ag^t Cap^t Thomas Savage, defend^t, who, in his oune name, and as assignee vnto Henry Webb, Anthony Stoddard, Jacob Sheafe, and senerall others, did implead & prosecute ag^t the estate of the said vnder-takers of the iron workes of Lynne & Braintje, in an action of the case, to value of ten thousand pounds, for wthholding the estate of the said John Beex & Company, & for damages thereby susteined according to attachment, dated 22th day of May, 1658. After the attachment was read, together wth the letter of attourney & declaration of the said John Gifford, time was given the defendant to bring in his answer, & the plaintiffe ordered to bring in also what he had further to add to his declaration, & deliuer the same into the Court or Governor, that so the defendant may haue an oppertunitje to put in his full answer, that the Court may not vnrasonably be deferred in this season, &c. The plaintiffe & defendant appeared before the Court 25, 6, 7 of May, 4 & 8 of June, and after y^e plaintiffes letter of attourney, together wth such evidences he produced, were read, together wth the evidences produced by the defendant, and all considered of, the Court, taking notice that the said Thomas Savage, in his oune behalfe, & as assignee to Henry Webb, Anthony Stoddard, &c, obtajned a judgment at a speciall Court holden at Boston the 15th of September, 1653, against the estate of John Beex and Company, by virtue whereof he was possessed of the estate of the said John Beex and Company, now sued for. The said John Gifford & Thomas Savage having produced all their pleas and testimonys, which haue binn perused and considered of by this Court, notwthstanding some circumstantiall errors in the proceedings at the said speciall Courte, yett there appeareth not from all that hath beene alleadged any sufficijent cawse, according to æquitje and justice, to reverse the said judgment, and therefore graunts the defendant costs, w^{ch}, wth the charge of hearing, is in all twenty pounds and eight pene.

[*277.]

25 May.

Jn^o Gifford ag^t
Capt. Tho.
Savage triall &
judgment.

10 4 mo, 58.

In answer to the petition of the inhabitants of Hull, a day of hearing being appointed, Cap^t Hubbard also appearing, the Court, having heard the acknowledgments of the partjes concerned in this petition, that the riuer is the bounds of the two townes, doe determine, that neither of the townes

Courts answer
to Hulls peti-
tion.

1658. may improve both sides of that riuer wthout the consent first obtajned each from other.

25 May.
Ans^r to Boz-
worths peti-
tion.

In answer to the petition of Benjamin Bozworth, humbly craving the remittment of his fine for not warning the ffrecmen of Hull on y^e right day to give in their proxies for the nomination of persons for election, &c, the Court, considering y^e reasons in his petition, & y^t he is to pay tenn shillings for entry of it, judgeth meete to remitt his fine of fforty shillings.

Roxbury mens
fines abated.

In answer to the petition of seuerall inhabitants of Roxbury, itt is ordered, that the fines of Pecter Gardiner, W^m Lincolne, John Chandler, be remitted to twenty shillings a peece, and Tobias Davis, the connstable, his fine be remitted to forty shillings.

Ans^r to S^t
Waites peti-
tion, 300 ac^{rs}
graunted.

In answer to the petition of Richard Waite, one of those y^t were first sent out against the Pecquotts, & for seuerall services, the Court judgeth it meete to graunt him three hundred acres of land.

11: 4: 58.
Courts ans^r to
M^r Bradstreets
request.

In answer to the request of M^r Symon Bradstreete, in reference to his land formerly graunted him by this Court on this side Conecticott Riuer, the Court graunts his request, i. e., to haue the first choice in the place desired, provided it hinder not a plantation.

Major Ather-
tons 500 acres
to be lajd out
at Nonotucke.
26: 3 mo, 58.

In ans^wr to the request of Major Humphrey Atherton, that the graunt made by this Court 3^o m, 1655, of five hundred acres of land, to be lajd out at Nonotucke, beyond Springfield, the bill of it by some accident being lost, it might by the order & favor of this Court be recorded, & lajd out to him in the place aboue mentioned, according to lawe, the Court graunts his request.

[*278.]
Courts ans^r to
Belchar.

*The Court, hauing heard the allegations of M^r Edward Belchar, laying clajme to nere halfe an acre of land by him passed away to the late Elder Jacob Elljot, as also to two acres of land which the late Elder Elljot purchased of Thomas Marrett, attourney to Richard Crainewell, the Court, on hearing of all partjes, sees no cause to graunt the sajd Belchars request.

By the Generall Court.

Arnolds comis-
sion.

Comission & power is hereby given to yow, Willjam Arnold, Benedict Arnold, Willjam Carpenter, Richard Casmore, Christopher Hawkesworth, & Stephen Arnold, and to all and euery of yow, to asphend the bodjes of John Greene, & his sonne John, Richard Waterman, & Nicholas Power, and bring them to Boston before the Governo^r, or some other of the Magistrates, to be proceeded wth according to justice; and if neede or occasion be, yow may take ajde of any other English, or of those Indians which are vnder our jurisdiction, and that yow seize all such catle of the sajd John Greenes, which cannot now be found, as yow may heereafter find, and either send them to vs, or keepe

them safe till wee can send for them ; for all which this shall be yo^r suffieyent discharge. Boston, the 20th of the eighth m^o, 1643.

1658.

26 May.

P Curj

INCREASE NOWELL, Secret^r.

The comission above written being a true copie of what was presented by the above named W^m Arnold, vnder the name of M^r Increase Nowell, the Court, on pervsall thereof, doe oune it to be the hand writing of the sajd Increase Nowell, formerly secretary to the Generall Court of the Massachusetts colony, in New England, as also an act of the Generall Court.

In answer to the petition of Willjam Arnold & Willjam Carpenter, in the behaife of themselves & all the inhabitants of Patuxit, for a full discharge from their submission to this jurisdiction, wth their lands & estates there, the Court judgeth it meete to graunt the petitioners request, so as the sajd Arnold be engaged to giue an account of what he hath donne by virtue of this Courts comission, and that any of the Greens, or other concerned thereby, haue liberty to prosecute against him in any of our Courts for any injury by them pretended by him to be donn to them, and also giue securitje to the Court to make good what is herein affirmed by him.

Ans^r to Arnolds petition.

The Court, vpon hearing and due consideration of the case betwixt Andouer & Billirikey, judge meete to graunt, that the meadow in quæstion, lying vpon or neere Shawshim Riuer, & graunted by the toune of Andouer to some of their inhabitants, so it excede not fiveteene acres, shall belong to the toune of Andover, the linc in other respects to stand as it was lajd out by the comittec.

Courts ans^r to Andiver petition.

In answer to the petition of M^r Richard Russell, it is ordered, that Edmond Rice & Ensigne Thomas Nojes lay out the five hundred acres of land graunted to y^e s^d Richard Russell, May, 57.

Ans^r to M^r Russells petition.

In answer to the petiçon of Cap^t James Johnson & Left^t Peter Oliver, for the abatement of the fines imposed by the County Court on George Southen & Jn^o Els, their servants, the Court judgeth not meet to abate any of the fines, but referr it to the County Court, to order the servants to serve further time, so as to answer the losse & chardges their masters haue binn put vnto.

Ans^r to Cap^t Johnson & Left^t Olivers petition.

In answer to the request of Edward Michelson, M^r Thomas Danforth is appointed to lay out vnto him the three hundred acres of land formerly graunted vnto him, May, 1657.

*In answer to the request of Stephen Day, that some meete person or persons might be impowred to lay out three hundred acres of land formerly graunted him by this Court, it is ordered, that Cap^t George Dennison is heereby impowred to lay out the same.

[*279.]

Cap^t Dennison to lay out M^r Day 300 ac^{rs}.

1658.

26 May.
Capt. Dennison
to lay out Edw.
Rawsons 400
ac.

Major Atherton
power to
appoint commis-
sioners & judg
Indian causes.

Itt is further ordered, that the sajd Cap̄ George Dennison lay out unto Edward Rawson fower hundred acres, two whereof was graunted him by this Court, & the other two hundred acres was graunted to Edw̄ Burt, w^{ch} he purchased.

For the better ordering and governing the Indjans subject to vs, especialy those of Naticke and Punquapog, itt is ordered, that Major Atherton doe take care that all such Indjans liue according to our lawes as farr as they are capable ; and to that end the sajd major is hereby authorised to constitute and appointe Indian commissiōners in their seuerall plantations to heare and determine all such matters that doe arise amongst themselves, as one magistrate may doe amongst the English, w^{ch} officers to execute all comānds and warrants, as marshalls and counstables ; and further, that the sajd Major Atherton, wth the sajd commissiōners, shall haue the power of a County Court to heare & determine all cawses arising amongst them, the sajd major appointing the tyme and place of the Court, and consenting to the determination or judgment ; and all other matters beyond their cognizance shall be issued and determined by the Court of Asistants.

Way ag^t Pur-
chase.

In the case of Eliazer Way, plaintiffe, against M^r Thomas Purchase, defendant, w^{ch} was trjed at a County Court held at Boston, October, 1657, the jury bringing in a verdict w^{ch} the bench refused, came to this Court of course. The attachment and seuerall evidences being read, this Court, not being satisfied that M^r Purchase plantation sued for is in this jurisdiction, judge it not meet to make any proceeding in the case, and order, on request of the sajd Eliazer Way, that all his originall papers on file in the County Court be by the secretary deliuered vnto him againe.

Meadfeilds
brand m^rke,
MF.

Capt. Walderns
dismission.

Comittee to
lay out y^e Gov-
ern^r land.

Itt is ordered, that the marke, or letter, in the margent be the brand marke for Meadfeild.

Cap̄ Waldern, on his request, is dismiss from further attending the ser-vice of this Court.

The Court being informd that the Governo^{rs} ilnes the last yeare hath hindered the prosecution of the order by this Court, made May, 1657, ffor M^r Thomas Danforth and Robert Hale to lay out the Gouverno^{rs} fformer graunts of lands on Ipswich Riuer, is therefore, on his request, againe renewed, and they alike impowred to lay out the sajd graunts, so it be done in one yeare more only.

Left. Prentice
land lajd out.

Lajd out in the Pequod countrje vnto Lef̄ Thomas Prentice, by virtue of a graunt by him purchased of Stephen Day, three hundred acres of land, being bounded wth the Sound on the south, and wth Cap̄ Gookins land on

the west, and the colledg land north east, and the wildernes land north west. The Court allowes of this retourne, and confirms the land herein mentioned to y^e sajd Lef^t Thō Prentice & his heires.

1658.

26 May.

GEORG DENNISON.

Lajd out to M^r Edward Rawson three hundred & fifty acres of land, being bounded wth Cap^t Gookins land on y^e east, Pauquatucke Riuer towards the south, laud lajd out to M^r John Mellows towards the west, and the wildernes toward the north; the w^{ch} ljne betwixt M^r Mellows and M^r Rawson is to beginn at Pauquatuck Riuer, a mile and a halfe from Thomas Stauntons house, vp the riuer, & from there to be contjned on an east ljne; also, fifty acres of meadow of the south end of the meadow that lyeth on y^e east side of Pauquatucke Riuer, y^e w^{ch} meadow is comonly called Omeconset.

Edw. Rawsons
400 acres lajd
out.

GEORGE DENNISON.

The Court allows & confermes y^e land mentioned in this retourne to y^e s^d Edward Rawson & his heires.

*In ans^r to the petition of North Hampton, it is ordered, that their condition in relation to a minister be forthwith comended to the reuerend elders, & their help desired therein; secondly, that there shall be two Courts kept yearely by the comissioners of Springfield & North Hampton jointly, or by any fower of them, the one at Springfield on the last Twesday in the first moneth, and the other at North Hampton vpon the last Twesday in September, which Courts shall haue power to heare and determine, by jury or wthout, according to the liberty the lawe allowes in County Courts, all civill actions not exceeding twenty pounds damage, and all criminall cases not exceeding five pounds fine, or corporall punishment not exceeding tenn stripes, reserving appeales in all such cases to the County Court at Boston; and the sajd Court shall haue power to graunt ljcences for the keeping of ordinarjes, or houses of comion entertajment, selling wine, cidar, or strong licquors, according to lawe, & not otherwise, giving the oath of freedom or fidellitje to persons qualified, according to lawe, to binde to the peace or good behaviour, to comitt to prison fellons & malefactors, as the lawe allowes, & this to be during the Courts pleasure.

[*280.]

Courts ans^r to
North Hamp^a
peti^on, &c.

In answer to the petition of seuerall inhabitants of Ipswich, the Court declares, y^t the freemen w^{thin} their seuerall townes haue liberty & power, according to the last lawe or order, title Touneships, to make chojce of such inhabitants that haue taken the oath of fidellitje to be jurymen, and to haue their votes in the chojce of selectmen, and where no select men are, to haue

Courts ans^r to
Ipswich peti-
oⁿ.

1658. their votes in ordering of schooles, hearing of catle, laying out highwayes, & distributing of lands, &c, which necessarily implys the sajd freemen haue power, by virtue of the sajd lawe, to restrajne some vpon just cause.

26 May.

Repealing y^e 2
lawes, title
Tounships.

For explanation & emendation of two lawes in the printed booke, title Tounships, relating to the liberty of such as haue taken the oath of fidelitty to vote in toune affaires, w^{ch} seemes not well to consist together, the latter also repealing the former, & finding inconuenienc in the execution of that, haue therefore ordered, & be it heereby ordered & inacted, that for time to come all Englishmen that are setled inhabitants & house holders in any toune of the age of twenty fower yeares, & of honest & good conuersation, being rated at twenty pounds estate in a single countrije rate, that hath taken the oath of fidelittje to this government, & no other, except ffreemen, may be chosen jury men or conustables, and haue their vote in the chojee of the selectmen for the toune affaires, assessments of rates, & other prudentialls propper to the select men of the seuerall tounes, provided still that the major part of all companjes of select men be freemen from tyme to tyme that shall make a valjd act, as also where no selectmen are to haue their vote in ordering of schooles, hearing of catle, laying out of highwayes, & distributing of lands, any lawe, vse, or custome to the contrary notwithstanding, & the former lawes, so farre as they relate to the liberty of such as are non ffreemen, are hereby repealed.

Ans^r to Sam.
Greenes peti-
tion.

In ans^r to the petition of Samuel Greene, printer at Cambridge, the Court judgeth it meete to comēd the consideration thereof to the comīsioners of the Vnited Colonjes at their nexte meeting, that so, if they see meete, they may write to the corporation in England for the procuring of twenty pounds worth of letters for the vse of the Indian Colledg.

Ans^r to Nicco.
Nortons peti-
tion.

In ans^r to y^e petiçōn of Nicholas Norton, humbly desiring the remittment of the forfeiture of his bond for not bringing his servant to y^e last Courte of Asistants, to ans^r w^t was to be lajd to his charge, which was occasioned through his ignorance of the time of the Courts sitting, the Court judeth it meete to graunt his request, provided he bring in his servant when he shall be called therevnto.

[*281.]

M^r Tinckers
comīsion to
marry.

*Itt is ordered, that M^r John Tincker shall & is heereby impowred to marry George Bennett & Ljddia Kibby, & \wedge , who are published according to lawe.

300 ac^{es} of land
gr^{ted} to M^r
Colebron.

In answer to the petition of M^r Willjam Colebron, the Court judgeth it meete to graunt him three hundred acres of land where he can finde it, & is in referenc to twenty five pounds by him formerly paid into y^e comōn stock,

to be layd out vnto him by Left Fisher and Sarjant Jn^o Barrell, & make retourne thereof to this Courte. 1658.

In the case of Jn^o Tucker, and Anne, his wife, plaintiffe, ag^t Jn^o Ottis & Jn^o Mansfeld, defendant, the Court, on hearing of all the evidences produced in the case, they found for the defendant costs of Court, i. e., one pound nineteene shillings & fower pence. 26 May.
Courts judg-
m^t in Tuckers
case.

In ans^r to the petition of Dorothy Vpshall, humbly craving the remittment of the remajnder of the fine imposed on hir husband, Nicholas Vpshall, not yett taken, that so the innocent may not suffer wth the nocent, &c, the Court judgeth it meete to remitt the remajnder of the fine not yett taken, and setles it wholly on the sajd Dorothy & for hir advantage, so as hir husband shall haue no power to dispose of it from hir, or to any other vse. Ans^r to Doro-
thy Vpshalls
petition.

In the case of John Johnson, plaintiffe, & John Viol, defendant, the Court, having heard the evidences in the case, as a finall issue thereto, finde for the defendant costs of Court. Courts judg-
ment in John-
son & Viols
case.

In ans^r to the petition of Sannell Cole, the Court judgeth it meete to graunt the petiçoner the necke of land desired, lying wthin a mile & a half or two miles of Nacooke, beyond the toune of Chemsford; & what is wanting there to make vp the fower hundred acres formerly graunted him, he hath liberty to take vp in any other place where he cann finde it, according to lawe. Courts ans^r to
Sam. Coles
petiçon.

Itt is ordered, that Majo^r Generall Daniell Dennison dilligently pervse, examine, and weigh euery lawe, & compare them wth others of like nature, & such as are cleare, plajne, & good, free from any just exception, to stand wthout any animadversion, as approved; such as are repealed, or fitt to be repealed, to be so marked, & the reasons given; such as are obscure, contra- dictory, or seeming so, to be rectified, and the emendations prepared; where there is two or more lawes about one & the same thing, to prepare a draught of one lawe that may comphend the same, to make a plajne & easy table, & to prepare what els may present in the pervsing of them to be necessary and vsefull, & make retourne to the next sessions of this Court. Major gen. to
p^rvse the laws.

In answer to the petition of Majo^r Symon Willard, the Court judgeth it meete to graunt his request, viz., a farme of five hundred acres on the south side of the riuer that runneth from Nashaway to Merremacke, betweene Lan- caster & Groten, & is in sattisfaction of a debt of forty fower pounds Jn^o Saga- more, of Patuckett, doth owe to him, provided he make ouer all his right, title, & interest in the execution obtayned ag^t the sajd Sagamore to the countrje. W^{ch} was donne. Courts graunt
to Major Sy-
mon Willard.

In ans^r to the petition of M^{rs} Martha Coggan, the Court, remembering that much time was spent in hearing the case meutioned in this petition, & Courts ans^r to
M^{rs} Coggans
petition.

1658.

26 May.

Mr Winthrop
& Jn^o Mellows
1200 ac^s to
be lajd out.

after due consideration of what could be alleadged therein, came at last to a determination therevpon, from w^{ch} they cannot see any reason to recede, & therefore declare the petitioner should rest sattisfied therein.

In ans^r to the petiçōns of M^r Deane Winthrop & John Mellows, humbly desiring that their seuerall graunts of land of one thousand & two hundred acres formerly graunted them be lajd out by some meete persons, the Court doth order, that Cap^t George Dennison & M^r Thomas Danforth to lay out the land heerein mentioned where they cann finde it, according to their respective former graunts.

[*282.]

Courts declara-
tion referring
to Portsmouth
souldjers, &c.

*Whereas information hath beene given to this Court that seuerall of the souldjers at Portsmouth doe a^phend themselves not vnder the co^mmand of their co^mander according to the lawes of this jurisdiction, but accompt themselves at liberty so as to trajne when they please, this Court thinks meete to declare, that the souldjers of the toune aforesajd, and all others lying wthin the extent of our lyne, are subject to the same way and order of discipline wth ourselves, & ought to attend their ounc co^manders therein, and in case of any remissnes therein, to be ljable to the same fines as ourselves, in the lawe expressed.

Co^mmissioners
power to take
in y^e remajnder
of y^e easterne
parts, & keepe
Courts, &c.

Whereas some complaints haue beene brought into this Court, by the inhabitants of the oth^er side of the Riuer of Piscataq, of diuers disorders & inconueniencjes w^{ch} doe dayly arise for want of government being orderly settled to the furthest extent of our ljne in the easterne parts, itt is therefore ordered by the authority of this Courte, that M^r Samuell Symonds & Cap^t Thomas Wiggins, being joynd wth the County Court of Yorke, or any three of them, shall haue co^mission graunted vnto them, & as full power thereby given them to take the residew of the inhabitants residing wthin our ljne as hath binn graunted to former co^missioners in the like cases, to which purpose the co^missioners aforesajd are to repaire to Blacke Point, Richmonds Island, & Casco, or some such one place wthin the county of Yorke as they shall judge meete, there to take in the inhabitants thereof into our jurisdiction. And whereas further complaint haue binn exhibbited to this Court of inconueniencjes w^{ch} doe co^monly arise in Saco & some other places in the county of Yorke, through the weakenes of their toune co^missioners, for want of some person or persons to joyne wth them in co^mission for the better manngement of those affaires, itt is therefore ordered, that the aforesajd co^missioners shall haue full power as they judge meete to confirme such a person or persons as the sajd toune or townes shall present, to be asistant to the sajd toune co^missioners, from tjme to tjme, in their iudicijall affaires.

In answer to the request of the inhabitants of Meadford, itt is ordered,

that all matters of a civill nature arising wthin their peculiar [^], propper to y^e cognizance of three comissioners for ending smale cases, be heard & determined by the comissioners of Cambridge.

1658.

26 May.

Meadford cases triable by Cambridge comissioners.

In answer to the petition of Capt Edward Johnson, the Court judgeth it meete to graunt him three hundred acres of land where he can find it, according to lawe.

Courts ans^d & graunt to Capt Edw. Johnson Cap^t Clarks 300 acres of land to be lajd out.

In ans^r to the request of Capt Thomas Clarke, the Court doth order & appointe Richard Fellowes & some other meete person to lay the three hundred acres of land formerly graunted him by this Court, so it prejudice no former graunts.

Itt is ordered, on request of the inhabitants of Water Toune, that Capt Hugh Mason shall & hereby is impowred to solemnize marriages at Water Toune, for preventing of travajl & other inconveniencjes.

Cap^t Hugh Mason to solemniz marriages at Wattertoun.

*Wee, whose names are vnder written, in obedjence to the order of the honno^rd Generall Court, haue lajd out to John Stone, of Sudbury, fifty acres of vpland, joyning to Sudbury Riuer at the falls of the sajd riuer, twenty acres of the sajd fifty being southward, joyning to the lands of John Stone, which sajd lands were purchased by John Stone of the Indians, & after confirmed by the honored Generall [^]; also the other thirty acres of the sajd fifty, lying northward of the afore sajd land, purchased of the Indjans, & joyning to y^e sajd lands.

[*283.]

Stones 50 acres layd out.

EDMOND RICE,
THOMAS NOJCE.

The Court approoves of this retourne, if not found formerly graunted.

In ans^r to the petition of the inhabitants of Misticke, the Court, considering there hath been no ans^r returned from the Generall Court of Conecticott to their letter, directed to them, which gives the Court cause to imagine they are not resolved to give vp their clayme to those lands, so that the matter is likely to come to be judg^d by the comissioners, judg meete to forbear further actings therein till the meeting of the comissioners, and doe expect & require the inhabitants to carrye themselves & order their affaires peaceably & by comon agreement in the meane while, and till other provision be made in their behalfe; and further desire our comissioners to be mindfull of this buisnes, & endeavor an issue thereof at the next meeting.

Courts ans^r to y^e inhabitants of Misticke.

In ans^r to the request of the inhabitants of Billirrikey, the letter in the margent is appointed to be their brandmarke.

Billirrikeys brandmarke, Bc.

In ans^r to the request of the inhabitants of Meadford, the Court judgeth

1658.

26 May.

Meadford soul-
diers vnder
Cābridg band.
Ans^r to Mars-
tersons peti-
ōon.

it meete to graunt theire desire, i. e., liberty to lyst themselves in the trayne band of Cambridg, & be no longer compelled to travajle vnto Charls Toune.

In ans^r to the petiōon of Nathaniell Masterson, humbly desiring the remittment of the fine of five pounds imposed on him by the County Court at Ipswich, for selling beere, &c, wthout a ljcence, the Court judgeth it meete to abate him fiue shillings of the sajd fine.

Ans^r to Martin
Stebbins peti-
ōon.

In ans^r to the petition of Martyn Stebbins, humbly craving by the favor of this Court to be restored to his former liberty to keepe an house of enter-taynement, &c, the Court graunts his request, provided he haue the consent of the select men of Boston & the approbation of the County Court.

Suttons abate-
m^t of 20^s.

In ans^r to the request of M^r John Johnson in behalfe of Richard Sutton, the Court judgeth it meete to abate the sajd Sutton twenty shillings of y^e fine imposed on him by y^e County Court.

Cap^t Gookins
500 ac^s lajd
out.

Layd out according to order of the honored Generall Court of the Matta-chusett, vnto Cap^t Daniell Gookin, in the Pequot countrje, five hundred acres of land, being bounded on the west wth Poquatucke Riuer, on y^e south wth the Sound, on the east w^t Thomas Prentice, & on the north wth the wildernes.

GEORGE DENNISON.

The Court approoves of this retourne.

Courts ans^r to
Edw. Colcord.

In ans^r to the petiōon of Edward Colcord, humbly craving the favor of this Court to appoint & impower a comittee to heare the case formerly heard in this Court betweene M^r Thomas Rucke & Jaines Wall, relating to a saw mill standing on Exeter River, w^{ch} y^e sajd Colcord bought of y^e sajd Wall, & on condition had by the sajd Wall, for want of due evidence, w^{ch} the sajd Colcord cann pduce, & the s^d Rucke was ignorant of, the Court judgeth it meete to graunt the petiōon, and that Cap^t Brjan Pendleton, M^r Valt Hill, Lef^t Robt Pike, & M^r Thō Bradbury, or any three of them, shall & hereby are impowred to heare the case & to examine wittnesses vpon oath, & to make retourne of what they find in or about the s^d case to the next sessions of y^s Court, to be fully concluded on.

[*284.]

Comittee to
lay out Yorke
& Wells
bounds, &c.

*Whereas the townes of Yorke & Wells were, by comissioners from the Generall Court, appointed to lay out the bound of each toune betwixt themselves, which hitherto haue not beene donne by reason of some differences therein betweene the toune aforesajd, for the preventing of future inconven-jencjes in this respect, it is therefore ordered, that Cap^t Brjan Pendleton, Cap^t

Nicholas Shapleigh, & Nicō Frost are & shall be hereby impowred to pitch & lay out the dividing līne betweene Yorke & Wells, from that marked tree at which formerly by mutuall consent of those two townes there bounds west sett, and to make a true retourne thereof, vnder their hands, unto the next sessions of this Court.

1658.

26 May.

In ans^r to the petiōn of Cap^t Brjan Pendleton, the Court, in referenc to his service p^rformed wth other gent^u in taking in the easterne parts, &c, the Court doth graunt him two hundred acres of land on Chocheea Riuer, aboue Douer bounds, as neere to the land lajd out to M^r Edward Rawson as maybe, to be lajd out by M^r Edw^o Starbuck & Peter Coffyn.

Courts graunt
of 200 ac^r to
Cap^t Pendle-
ton.

In ans^r to the petiōn of some of the inhabitants of Ljūne & Reading & Rumly Marsh, the Court judgeth it meete to graunt them liberty to rajse a troope of horse, & choose their officers, provided they be not fferry free, nor haue fiue shillings yeerly allowed them from the country, as other troop^s haue.

Linn, Redding,
& Rumney
M^rsh, liberty to
rayse a troope,
&c.

In ans^r to the petition of Rob^t Tucke, humbly desiring the remittment of the fine of fiue pounds imposed on him by the County Court for selling beere wthout a licence, &c, the Court judgeth it meete that three pounds of his sajd fine be remitted to him.

Rob^t Tucks
fine of 5^l
remitted to 3^l.

In ans^r to the petition of the inhabitants of Newbury, &c, humbly craving that thē might haue the bennefitt of the law that no man should haue comānd of the horse & ffoote both, that Cap^t Gerrish maybe required to desert the horse & wholly attend the ffoote, or attend the horse & medle no more wth the ffoote, that so they maybe exce^r by him, vpon whom they must depend in tjme of neede, i. e., their lef^um^t allowed & approoued of by Court, the Court judgeth it meete to graunt their request.

Ans^r to sef^u
of Newburys
petiōn.

In ans^r to the petiōn of seuerall other inhabitants of Newbury, informing of disorders, &c, in y^e last petiōn of their neighbo^rs, the Court judgeth it meete to declare that the execution of what is passed in referenc to y^e former petition be suspended, and the case to be in statu quo; & it is ordered, y^t the secretary issue out his warrant ag^t the next Genmerall Court to Jn^o Emery, Jn^o Webster, & such others as are named in the papers brought into the Court, to appeare before the Generall Court in October next, to answer w^t is lajd ag^t them for their abusiue carriages in that petition, & y^t Hen^r Short, Rich^d Kent, Rich^d Knight, Nicō Nojes, & Anthony Somersby then also appeare, & make good w^t they chardge ag^t the other persons.

Courts ans^r to
Hen. Short,
Rich. Kent,
&c, petiōn.

In answer to the petition of the inhabitants of the new toune at Salisbury, humbly desiring that they might be a distinct toune of themselves, & make provision for y^e maintenance of y^e worshipp of God amongst them, after the

Courts ans^r to
y^e inhabitants
of the new
toune at Salis-
bury, &c.

1658.

26 May.

Court had heard what the inhabitants of both old toune & new of Salisbury, by their deputy & attorneys, could say, the Court judged it not meete to graunt y^e inhabitants of the new toune of Salisbury their petition, but doe declare & order ffor the present, that they shall attend the worship of God together in the old toune, & that they contribute their severall proportions for the majntenance & continuance of the same amongst them.

[*285.]

Badcocks 18th
fine abated to
6th.

*In answer to the petition of George Badcocke, humbly desiring the remittment of the eighteene pounds fine imposed on him by the County Court for selling strong waters to y^e Indians, w^{ch} he affirmed was donne by his wife wthout his consent, the Court judgeth it meete to abate him twelve pounds of the sajd fine.

Thayers fine of
19th remitted to
6th.

There being a petition pferd by Richard Thayer to the last Gen^l Court in October for y^e abatement of a fine of nineteene pounds imposed on him by y^e County Court of Boston for selling strong liquors contrary to lawe, w^{ch} was then abated to five pounds, now, forasmuch as by accident the sajd petition was lost, and so no entry of the Court order therevpon, it is therefore ordered, that the sajd act of the Generall Court is hereby confirmed & made good in all respects as before.

Courts ans^r to
Rhoda Goares
petiçon.

In ans^r to the petition of Rhoda Goare, the Court judgeth it meete to graunt hir liberty to take vp one hundred eighty eight acres of land, being hir proportion in y^e fflower thousand acres formerly graunted to Roxbury, in any place in this jurisdiction that is not already graunted, nor where it may be prejudicijall to a plantation, & Cap^t Lusher & Lef^t Fisher is appointed to lay it out.

Courts ans^r to
S^t Hoyts pe-
tiçon referring
to Phillip
Chalice.

In ans^r to a request of Sarjant Hoyte & Sarj^t Stephens, that Phillip Challice might be confirmed lef^t to y^e floote company in Salisbury, the Court judgeth it meet to referr the determination thereof to y^e next County Court of that county.

30th of shott
lent to Colo-
nell Temple.

On the motion of Cap^t Breedon in behalfe of Colonel Thō Temple, it is ordered, y^t y^e surveyor generall deliuer to the sd Colonell Thomas Temple, or his order, three hundred weight of minion shott, w^{ch} the Court lends to him on his promise to repay y^e same in like good shott.

Cap^t Hubbard
to solemnize
marriage at
Hingham.

Cap^t Joshua Hubbard, on the request of the toune of Hingham, is appointed to solemnize marriages betweene psons legally published, &c, in that toune.

Ans^r to Cap^t
Dauenports
petiō.

In ans^r to the petiçon of Cap^t Richard Davenport, it is ordered, that Lef^t Joshua Fisher, John Prescott, & Jonas Fairebancks shall & hereby is appointed to lay out sixe hundred & ffuety acres of land to him, formerly &

y^e last yeere graunted, where it shallbe free of other graunts, & make retourne to y^e next sessions of this Court. 1658.

In ans^r to the petiçōn of Cleoment Grosse, the Court judgeth it meete to restore him to his former liberty to keepe an howse of entertajment, according to lawe. 26 May.
Clement Grosse sett at liberty, &c.

In the case betweene Joseph Armitage & Thomas Willjams, after the Courts hearing & pervsing the evidences produced in the case, the Court finds for the defendant, Thō Willjams, twenty shillings costs & damage. Courts judgment in Armitage & W^ms case.

In ans^r to the petition of John Dickison, late comstable of Salisbury, the Court declares, the petitioner acted according to lawe in collecting & apprising the country rate, and therefore judge meete, if any damage be, it should be borne by the country. Courts ans^r to Dickisons petiçōn.

In ans^r to the petiçōn of Cap^t Richard Davenport, it is ordered, that the Tresurer pay him eighteene pounds seven shillings, w^{ch} he hath disbursed for the country for boats, coulo^{rs}, &c, and the Govern^r, Dep^t Govern^r, & Major Atherton are hereby impowred to give comission & direction to Cap^t Rich Davenport, & to signe bills to y^e Tresurer for the payment of such implements as from tjme to tjme shall be necessary for the place. Ans^r to Cap^t Davenports petiçōn.
Govern^r & Dep^t Gov., &c, power.

In the case betwene Jn^o Wincoll & Lewis Jones, the Court, hauing heard the evidences on both sides, doe order, as a finall issue thereof, that the sajd Lewis Jones pay vnto the sajd Jn^o Wincoll three pounds. Court judgment in Wincolls & Jones case.

*The Court returned an ans^r to his highnes letter, w^{ch} they rec^d in May, 1658, w^{ch} letter or answer is in the Courts booke of letters. [*286.]

Whereas the toune of Saco (wthin the lyne of our pattent, in or neere the bounds whereof John Bonighton ljeveth) haue generally submitted themselves & there lands to the government & jurisdiction of the Massachusetts, and whereas there are great and frequent complajnts made to this Court by seuerall credible persons that the sajd Bonighton, attending no gouernment, doth molest both his neighbo^{rs} & other that occasionally trafficque or ffish in those parts, & by his outragious carriages hath majmed some and put others in dainger of there liues, by his lawless and imperious actions, and whereas legall courses haue binn taken, & much patience haue binn vsed for his reducement into some tollerable demeano^r hitherto, not only in vajne, but instead of compljance, he hath sent contemptuous & rayling retournes to this government or authoritje heere,—wherevpon this Court, considering the pmisses, doth declare the sajd Bonighton a rebell, or comōn enemy, & intend to procede ag^t him accordingly; yett because this Court is very loath to vse extremitje, (if it may stand wth justice, our peace and honno^r, to excercise some further delay,) therefore this Court doth hereby expresse themselves willing Courts letter to his highnes.
Proclamation & order ag^t Jn^o Bonighton.

1658.

26 May.

to giue the sajd Bonnighton time till the first day of August next peaceably to render himself into the hands of the Governo^r & such other of the magistrates as shall then be in or neere Boston, that his case being duly & seasonably considered, there may be such an issue put to the same as shall be meete, which clemency thus rendered if neglected or contemned, it is resolved by this Court to proccede ag^t him as a rebell or co^mon enemy to the people of these parts of New England, & this government in spetiall, to the people in habiting neare vnto the place of his residence. And further, this Court doth impower any person that hath submitted to this government, after the 1st of August, to a^phend the sajd Bonnighton by force, & bring him, aliue or dead, to Boston, declaring & proclayming that whosocuer shall so do shall haue twenty pounds pajd him for his service to the country, out of y^e co^mon treasury, w^{ch} may be levied wth other charges vpon the s^d Bonnighton his estate.

March 23,
1657-8.
Colledge 2000
acres lajd out.

Layd out to Harvard Colledge, at Cambridge, in le^jw of a graunt made them of two thousand acres of land at a Generall Court, held at Boston, these seuerall parcells of land in manner following, viz^t: on the east side of Pequot Riuer one parcell of land, by estimation about five hundred acres of land, more or lesse, being bounded wth Wequatuequet Riuer, running by Willjam Chesebroughs houses on the east & north east thereof, & contjnuing vpon the sajd riuer vnto the head thereof, and wth a path leading from Misticke vnto Keechema^g, or the wading place ouer Pauquatucke Riuer on the south east thereof, y^e w^{ch} path is the head of W^m Chesbroughs land, & on the west with the wildernes; also one other parcell, by estimation about five hundred acres, more or lesse, lying vpon Mistick Riuer, begining about forty pole on the south side the brooke that runneth into the sajd riuer, neere to Goodman Culners house, & extending from the sajd riuer halfe a mile on each side thereof, & runⁱg vp the riuer forty poles about the north side of the swampe, lying at the north end of the plajne, and there to be in breadth on each side the riuer as before named; and the sajd l^jnes to be made streight l^jnes, & not to runne crooked as the riuer runneth; also one other parcell, by estimation about five hundred acres, more or lesse, being bounded wth a parcell of land lajd out vnto Thomas Prentice on y^e west, wth the sound on the south, on the east wth Wignapaug, & on the west wth the co^mon land.

[*287.]

*Also, on the west side of Misticke Riuer five hundred acres more, to be lajd out vpon the great plajne, about two miles, more or lesse, from Goodman Culners house; also, one hundred acres of meadow, of the neerest that may be found wth the aboue sajd farms on Misticke Riuer, the which two last parcels to be lajd out by Cap^t Georg Dennison & M^r Thomas Danforth.

In ans^r to the petiçõn of M^r Thomas Danforth, who lajd out the lands aboute mençõned, w^{ch} the Court allowes off & confiermes, and judgeth it meete to graunt vnto the sajd M^r Thomas Danforth three hundred acres of land, to be lajd out vnto him adjoining to the west side of the colledg lands y^t lyeth at the head of W^m Cheesbroughs land, & to be bounded by Capt^r George Dennison.

1658.

26 May.
Ans^r to M^r Danforths petition, & 300 acres graunted to him.

Itt is ordered, that the proclamation referring to John Bonighton be sent by the deputy of Yorke, who is hereby desired to take care for the publishing thereof in those parts, according to y^t order.

The Court judgeth it meete to allow off & confirme the deede of sale made by the widdow Elizabeth Gilbert to Charles Gott, bearing date y^e 30th March, 1658, w^{ch} is on file.

Gilberts deed confirmd to Charles Gott.

This Court being soliejt, by one of the inhabitants of Northhampton in the name of the rest, to comend their condition, wanting an able minister of the gospell to administer the things of God vnto them, to the reuerend elders, w^{ch} this Court take themselves bound to further what ljet in their power, and vnderstanding that some of the sajd inhabitants haue an eye vnto M^r Eliazer Mather as a fitt man to administer the things of God vnto them, this Court judgeth it meete to declare y^t, in case God so enlignes the harts of those who are concerned therein, y^t M^r Mather goe vnto North Hampton to minister vnto the inhabitants there in the things of God, they both approove thereof, & shall be ready at all times to encourage him in that service as there shall be occasion, in whatsoeuer may rationally & meetly be expected.

M^r Mathers encouragement to North Hampton.

This Courts adjourned to the 3^d Twesday in October next, at eight of the clocke in y^e morning.

At the second Sessions of the Generall Court, held at Boston, the 19th of October, 1658.

THE Court mett againe at the tyme appointed.

Whereas there is a pernicious sect, comonly called Quakers, lately risen, who, by word & writing, haue published & maintayned many dajnerous & horrid tennetts, and doe take vpon them to chainge and alter the received laudable customes of our nation in giving ciuill respect to æqualls or reuerence to superiors, whose actions tend to vndermine the authority of ciuill gouernment, as also to destroy the order of the churches, by denying all

Law ag^t y^e Quakers.

1658.

19 October.

established formes of worship, and by wthdrawing from the orderly church assembljes allowed & approved by all orthodox professors of the truth, and instead thereof, and in opposition therevnto, frequenting private meetings of their oune, insinuating themselves into the minds of the simpler, or such as are lesse affected to the order & government in church and co^monwealth, whereby diuerse of our inhabitants haue binn infected & seduced, and notwithstanding all former lawes made (vpon experience of their arrogant, bold obtrusions to disseminate their principles amongst vs) prohibbitting their coming into this jurisdiction, they haue not binn deterred from their impetuous attempts to vndermine our peace and hasten our ruine.

For prevention whereof, this Court doth order & enact, that euery person or persons of the cursed sect of the Quakers, who is not an inhabitant off but found wthin this jurisdiction, shall be apphended, (without warrant,) where no magistrate is at hand, by any connstable, co^missioner, or selectman, and conveyed from connstable to connstable, vntill they come before the next magistrate, who shall co^mitt the sajd person or persons to close prison, there to remajne [*288.] *without bayle vntill the next Court of Asistants, where they shall haue a legall trjall by a speciall jury, & being convicted to be of the sect of the Quakers, shall be sentenced to bannishment vpon pajne of death; and that euery inhabitant of this jurisdiction being convicted to be of the aforesajd sect, either by taking vp, publishing, & defending the horrid opinions of the Quakers, or by stirring vp mutiny, sedition, or rebelljon against the government, or by taking vp their absurd & destructiue practises, viz^t, denying civil respect & reuerence to æqualls & superiors, wthdrawing from our church assembljes, & instead thereof frequenting private meetings of their oune in opposition to church order, or by adhering to or approving of any knowne Quaker, or the tenetts & practises of the Quakers, that are opposite to the orthodoxe received opinions & practises of the godly, and endeavoring to disaffect others to ciuill government & church order, and condemning the practise & proceedings of this Court against the Quakers, manifesting thereby their compljance wth those whose designe it is to ouerthrow the order established in church and co^monwealth, euery such person, vpon examination & legall conviction before the Court of Asistants, in manner as aboue sajd, shall be co^mitted to close prison for one moneth, & then, vnlesse they choose voluntarily to depart the jurisdiction, shall giue bond for their good abbearance & appearance at the next Court of Asistants, where continuing obstinate and refusing to retract & reforme the aforesajd opinions and practises, shallbe sentenced to bannishment vpon pajne of death; and in case of the aforesajd

voluntary departure, not to remaine or againe to retourne into this jurisdiction without the allowance of the major part of the councill first had & published, on penalty of being banished vpon paine of death; and any one magistrate, vpon information giuen him of any such person, shall cause them to be apprehended, and if, vpon examination of the case, he shall, according to his best discretion, finde just ground for such complainte, he shall comitt such person to prison vntill he come to his triall, as is aboue expressed.

1658.

19 October.

Whereas by too sad experience it is observed, the sunn being sett, both euery Saturday & on the Lords day, young people & others take liberty to walke & sporte themselves in the streets or feilds in the seuerall townes of this jurisdiction, to the dishonor of God and the disturbance of others in their religious excercises, and too frequently repaire to publicque houses of entertajnement, & there sitt drincking, all which tends, not only to the hindering of due preparation for the Saboath, but asmuch as in them ljes renders the ordinances of God altogether vnprofitable, & threatnes rooting out of the power of godljnes, and procuring the wrath & judgments of God vpon vs and our posteritje, for the prevention whereof itt is ordered by this Courte & the authoritje thereof, that if any person or persons henceforth, either on the Saturday night or Lords day night after the sunne is sett, shallbe found sporting in the streets or feilds of any toune in this jurisdiction, drincking, or being in any house of entertajnement, (vnlesse straingers or sojourners, as in their lodgings,) & cannot giue a sattisfactory reason to such magistrate or comissioner in y^e seuerall townes as shall haue the cognizance thereof, euery such person so found, complained of, & prooved transgressing shall pay five shillings for euery such transgression, or suffer corporall punishment, as authoritje aforesajd shall determine.

Lawe to pvent
pfanation of
the Saboath.

This Court, finding some inconveniences arising by having so many persons nominated in the annuall chojce of magistrates, doe therefore order, that henceforth only to the nomnber of fow'teene psons shall be nominated by the freemen annuallly in the vsuall manner, and put to vote on the day *of election; & that clause of the printed lawe injoyning the nomination of twenty persons is heereby repealed till the Court see meete againe to revive it.

Law enioyning
14 p'sons only
to be putt to
vote. &c. for
magistrates.

[*289.]

This Court, taking into their serious consideration the Lords displeasure against vs in the sad diuissions in seuerall churches, the arrogance & boldnes of open opposers of the truth & wajes of the Lord, vnseasonable rajnes, & mortallitje in diuers places, and soundry other respects, doe judge meete, that the second fowerth day of the weeke in the next moneth be kept by all the people of this jurisdiction a solemne day of humilljation for intrating the Lords favorable presence yett to be contjuewed to his poore

Day of humil-
ljation.

1658.

19 October.
Prises of all
sorts of corne
to y^e countrje
rate.

people & churches in these ends of the earth, and to the rising generation after vs.

Itt is ordered by this Court & the authoritje thereof, that all sorts of corne shall be pajd in the countrje rate for this yeare ensuing at the prizes following : viz., wheate at five shillings p bushell, rye, pease, barly, & barly mault at fower shillings p bushell, & Indjan at two shillings eight pence p bushell, & all other things payd in the country rate to be valued according to the prizes of all sorts of corne aboue mentioned, or as the Tresurer & the comnstable cann agree ; provided, that no leane cattle shallbe pajd in any toune, nor aboue one third part in Indian & rye, and also that there be an addition of one quarter parte of a single rate more for the due discharge of the country engagements.

Mr Norton to
drawe a declara-
tion to diseu
y^e errors of y^e
Quakers, &c.

Whereas this Court, well vnderstanding the daingerous events of the doctrines & practises of the Quakers, hath by lawe endeavored to prevent the same, but finding that some of them doe disperse their papers, so expressing themselves therein as that they may deceive diuers of weake capacitjes, and so drawe them on to favor their opinions & wajes, — now, for the further prevention of infection, & guiding of people in the truth, in refference to such opinions, heresies, or blasphemjes by them expressed in their bookes, letters, or by words openly held forth by some of them, the Court judgeth meete, that there be a writing or declaratjon draune vp, & forthwith printed, to manifest the evill of their tenets and dainger of their practises as tending to the subvertion of religion, of church order, & civill government, and the necessitje that this gouernment is put vpon (for the preservation of religion & their oune peace & safety) to exclude such persons from amongst them, who, after due meanes of conviction, shall remajne obstinate & pertinacious ; and this worke the Court doth comēd to the care & pajnes of the Reuerend Mr John Norton speedily to effect.

Major Hath-
orn, Salem ;
Mr Rich. Rus-
sell, Charles
Toune.

Itt is ordered, that Major W^m Hawthorne for Salem, and Mr Richard Russell for Charles Toune, shall & hereby is impowred to act in the sajd townes in all crjminall cases, marriages, giving oathes in civill cases, as any one magistrate may do.

Comissioners
of Portsmouth.

Itt is ordered, that Cap^t Thomas Wiggin shall & hereby is impowred to administer the comissioners oath to Cap^t Brjan Pendleton, Henry Sherborne, & Elias Stileman for this yeare, when they repajre to him, signifying vnder the constables hand the legallity of their chojce for y^t end for the toune of Portsmouth.

Ans^r to Capt.
Gerish petiçion
referring to
Loules estate.

In ans^r to the petition of Cap^t Willjam Gerrish, one of the ouerseers of the last will & testament of Elizabeth Lowle, humbly desiring that there

might be some sure order by this Court made for the increase & preservation of that estate for the benefitt of the children, be y^t he, wth the rest of the ourseers, might be impoured & enabled to put the same forth on the best termes they may, & taking security of the brother of the children of the s^d Elizabeth Lowle, or others, as they judge meete, & that without damage to their oune estates, the Court judgeth it meete to graunt the request aboue mentioned, and doe hereby impower the sajd ourseers to lett out the aboue mentioned estate to y^e sajd brother, or others, as they shall judge best, taking such securitje by house & land for the principle & increase as they cann.

1658.

19 October.

*Itt is ordered, that the Quakers in prison at Ipswich be forthwith sent for, warrant issued out accordingly, & retourne of the warrant made. The Court convented the sajd Quakers before them, and after much endeavor to convince & reforme them, ordered, y^t Samuell Shattocke, Laurenc Southwicke, & Cassandra Southwicke, his wife, Nichō Phelps, Joshua Buffam, & Josiah Southwicke shall be enjoyned at their perrill to de^pte out of this jurisdiction before the first day of the Court of Election next, wth if they neglect or refuse to doe, they shall be then banished, vnder payne of death; and if in the meane time they shall transgresse ag^t the new lawe made this Court against Quakers, they shall be proceeded wth as the sajd lawe requires; and it is referd to the County Court of Suffolke to declare this sentence to them, and therevpon to release them out of prison.

[*290.]

Courts sentence ag^t 6 Quakers.

In ans^r to the petition of the inhabitants of Misticke, the Court, having heard what the inhabitants of Charles Toun & Misticke could say, doe determine that the inhabitants of Misticke shall haue halfe proportions wth the rest of the inhabitants of Charls Toun in the comōns lately dvided at Charls Toun, Misticke Riuer, except Charlstoun leaue the inhabitants of Misticke and their lands to Maulden, and Maulden accept them to such libertjes of comōnage wth them as other their inhabitants haue.

Ans^r to Misticke inhabitants peti^on.

In ans^r to the petition of Alexander Becke, in the behalfe & wth y^e humble desier of Elizabeth Orrice, a poore lame majd, that he might be satisfied for his keeping of hir, & she returned to hir freinds in England, the Court judgeth it meete to referr the peti^oner to y^e County Court, who are hereby impowred to order him satisfaction as they shall judg meete.

Ans^r to Alexander Beckes peti^on.

In ans^r to the peti^on of Samuell Greene, of Cambridge, printer, the Court judgeth it meete for his encouragement, &c, to graunt him three hundred acres of land where it is to be found.

Ans^r to Sam. Greenes peti^on, 300 ac^{rs} grd.

In ans^r to the request of Cap^t Thomas Clarke & Lef^t W^m Phillips, on behalf of the North Company, in Boston, humbly desiring this Courte

Tho. Lake, ensigne.

1658. confirmation of Thomas Lake in the place of ensigne to y^t company, the Court graunts theire request.

19 October.
M^r Greens
liberty to visit
his freinds.

Att the request of the secretary, leane & liberty is graunted to M^r John Greene, Señ, of Warwicke, to visite his freinds for one moneth some tjmes the next soñner, he behaving himselfe peaceably & innofficiuely.

In answer to y^e petition of John Lithermore & John Sherman, execucutors to y^e will of Thomas Hamond, late of Water Toune, deceased, humbly desiring to be impowred by this Court to make sale of the land of y^e s^d Hamonds to pay y^e remajnder of his debts & maintejne his child, the Court judgeth it meete to refer the examinatioj of this buisnes to y^e next County Court in Middlesex, who haue power to send for wittnesses & parties concerned, & to make retourne of what they finde in the case to y^e next Court of Election.

Courts judg-
ment in Wall
& Colcords
case.

The Court, on perversall of the evidences in the case betweene James Wall and Edward Colcord, doe judge that James Wall shall haue and keepe possession of the sawe mill till Edward Colcord make satisfaction for the purchase, and that on Colcords satisfaction as aboue, James Wall shall make good his whole bargaine to the s^d Colcord.

Ans^r to M^r
Symons mo^oon
to lay out 500
ac^{rs}, &c.

In ans^r to the request of M^r Samuell Symonds, humbly desiring that Capt^t George Dennison, M^r Thomas Danforth, & M^r Amos Richison might be impowred to lay out the five hundred acres of land formerly graunted him in the Pequot country, for his vse and bennefitt, the Court judgeth it meete to graunt his request.

County Courts
order for m^r of
house of cor-
rection fees
confirmed.

In ans^r to the petition of Capt^t Edward Hutchinson, this Court declares, that they doe allow & approve of the fees w^{ch} the order of the County Court, bearing date 30 July, 57, setts doune for the keeper to take till this Court takes further order.

[*291.]
Rectifying y^e
eastward ar-
rears.

*Itt is ordered by this Court and the authoritje thereof, that the com^{is}ion^s of Douer, and Portsmouth, & Yorke shall annually choose some meete persons in theire seuerall tomes to levy the summe of seventeene pounds tenn shillings, payable to the countrje Tresurer, as also for the arrears that are behind since the order was made, for the payment thereof; and that all the inhabitants to the eastward of Exiter bounds, wth M^r Hiltons plantation, shall be accounted wthin this county & for the county of Yorke, to take in all the inhabitants, except those of Scarbrough & Falmouth, who are hereby enjoyned to contribute to the payment of the aforesajd seventeene pounds tenn shillings.

Itt is ordered by this Courte & the authoritje thereof, that the booke of lawes, as they haue binn revised & corrected & put into forme by order of this Court, together wth the alteratj ons & additions heere vnder expressed, shall forthwith be printed, & be of force in one moneth after the same, and that

there shall be a perfect table made therevnto what remaines yett to be donne, to be prepared for the presse by our hounored major gen^l, and that in the meane tyme the lawes stand in force as now they be.

1658.

19 October.

1 quæs. Whether any appeales in civill cases shall be graunted to the Generall Court, it was voted by the Generall Court to be according to the new copie.

Addicōn to y^e
lawes & orders
for prenting,
&c.

2. Whither any appeale shall be graunted in capitall cases, except in case where two of five, or three of seven, shall dissent. Resolved on the negative.

3. Whither actions of trespasse vnder forty shillings may come to County Courts. Resolved in the negative.

4. Whither Boston comissioners may graunt warrant against any pson wthout the lymitts of their toun, and that the comissioners power shall reach the whole bounds of the toun, both which was resolved in the affirmative.

5. Whither it shall be in the power of the major part of any toun to order the supply of their ministers, with a house by purchase, hire, or some of money in lew thereof, at their pleasure. Resolved in the affirmative, provided it extend not to those which haue houses already.

6 q. Whither there be any ferrjes free. Resolved in the affirmative for magistrates & deputjes & others, when they are vpon countrie service.

7. Concerning executions, the new draught is voted to stand, provided be added thereto, vnder the pœnalty of double damages.

Itt is ordered, y^t when the present copy of y^e lawes is ffinished by the major generall, that they be sent to the Tresurer, who shall take care that they be printed as speedily as maybe; also, that the preface to the old lawe booke, wth such alterations as shall be judged meete by the Gouverno^r & major generall be added therevnto, and presented to the Generall Court to be approved of; and M^r Danforth is appointed to ouersee the impression.

Whereas this Court in May last, on a hearing of a petition from the inhabitants of Salisbury, ordered & appointed the inhabitants of the new toun to attend the publicke worship of God on the Lords dajes at the old toun, which order this Court hath binn fully informed that Joseph Peasely, & the rest of the inhabitants there, haue generally slighted & neglected, it is therefore ordered by the authoritje of this Court, that the recorder for the county of Norfolk issue out his warrants requiring Joseph Peasely, & the rest of the inhabitants of the new toun, being masters of familjes, or at their owne dispose, to make their personall appearances before the next County Court to be held at Salisbury, to answer for their disobedjence to

Courts judg-
ment respect-
ing y^e inhabit-
ants of new
toun at Salis-
bury

1658. 19 October. authoritje in not complying wth the sajd order; and the sajd County Court is hereby impowred, authorized, & required to proceede ag^t all such of them as in their appearance shall not fully make it cleare they haue, since the sajd order, performed their duty, and repajred to the publick worshipp of God on the Lords day at the old toune, to fine them for every days absence there five shillings.

Leff Fishers
license for
strong waters.

In ans^r to y^e request of the selectmen of Dedham, desiring, in regard of their remotenes from Boston, Lef^t Joshua Fisher might haue liberty to sell some strong waters, to supply y^e necessity of such as shall stand in neede thereof in that toune, the Court graunts their request.

[*292.]
Ans^r to Tops-
feild petiçon
referring to y^r
& Salem lands.

*In ans^r to the petiçon of the inhabitants of Topsfeild, it being put to the question whither the bounds of Salem shall be accompted to runne from the meetinghouse sixe miles into the woods, and no more, alwayes provided that the particullar persons to whom lands haue bin granted by Salem, wthin Topsfeild l^jne, shall belong to the proprietors, the Court resolved this question in the affirmative.

County Courts
adjournment.

It is ordered, that the next County Court, that should beginne on Twesday next, the 26th of y^e instant October, shallbe adjourned till Twesday come three weekes, & that all warrants & attachments already served, & what heereafter shall be graunted, to be served sixe dayes before the sajd Court, according to law, shall stand good.

Maj^r Hau-
thornes letter
of attourney
nulled.

The Court, hauing considered of the letter of attourney made by M^r Jn^o Gifford to Majo^r W^m Hawthorne, in referenc to y^e case now in Court, doe judg that the sajd letter of attourney is not good in lawe.

Ans^r to Jerre.
Belchars peti-
tion.

In ans^r to the petiçon of Jerremiah Belchar, humbly craving the remittment of the fine of ffifty two pounds imposed on him by the last Ipswich Court for selling strong water, powder, & shott, the Court, considering the petitioner is poore & an honest man, not vsing any such trade, doe judg meete to abate the sajd fine to five pounds, and doe allow his petition to be accepted gratis.

Courts resolu-
tion ab^t M^{rs}
Footes thirds.

The surveyo^r generall, M^r John Johnson, attourney for M^{rs} Foote and M^r John Rodgers, referring a cawse to this Court concerning the thirds of a howse and lands in Roxbury, w^{ch} were mortgaged by M^r Foote to M^r Nathani: Rodgers, in sattisfaction of a debt due to M^r Crane, and is now in the possession of M^r Rogers children, the thirds whereof are now challenged by the sajd M^{rs} Foote, widdow, according to the law of dowrjes, the Court, hauing heard the pleas which were made, no testimony being produced on either partje, doe not find the thirds of the sajd house & lands to be due to the sajd M^{rs} Foote.

Cap^t Tho^s Sauage, M^r Jerremiah Houchin, Cap^t Tho^s Clarke, M^r Stoddard, 1658.
 M^r Nath Duncan, M^r Richard Parker, & M^r Edward Rawson, being presented
 by y^e constable of Boston as chosen by y^e freemen of Boston to y^e place of
 co^mmissioners, had theire oaths giuen them in open Generall Court, except M^r
 Parker, who was then absent.

19 October.
 Co^mmissioners
 of Boston
 sworne.

In ans^r to the peti^{ti}oⁿ of the inhabitants of Mistick & Pauketucke, the
 Court judgeth it meete to graunt that the English plantation betweene Mis-
 ticke & Paucutuke be named Souther Toune, & to belong to the county of
 Suffolke, & order that all the prudentiall affaires thereof be managed by
 Cap^t George Dennison, Robert Parkes, Willjam Cheesbrooke, Thomas Staun-
 ton, Walter Palmer, & John Minot, Seⁿ, till the Courte take further order; and
 that Cap^t George Denison, W^m Cheesbrooke, & John Minot, Seⁿ, be co^mis-
 sioners to end smale causes there, and to deale in criminall matters as one
 magistrate may doe, and that Walter Palmer be counstable, Cap^t Dennison
 clarkes of the writts; and he also is hereby impowred & authorized to solemnize
 marriages betweene such as are published according to law; y^t y^e sajd Cap^t
 Dennison, taking his oath, be impowred to give the oath to the other two,
 provided alwayes the bounds of the toune is not hereby determined.

Ans^r to Mis-
 ticke & Pau-
 kutucke peti-
 ti^on, called
 Souther Toune.

In ans^r to a peti^{ti}oⁿ of the inhabitants of Souther Toune, humbly desiring,
 for seuerall reasons, that the bounds of theire plantation may extend into the
 country westward betweene Wica Pauge & Misticke Riuer, eight miles from
 the mouth of Misticke Riuer, the Court judgeth it meete to graunt theire
 request.

Souther Toune
 bounds.

In ans^r to y^e peti^{ti}oⁿ of Richard Wajte, who had three hundred acres
 of land graunted him by this Court, 20th May, 1658, this Court doth impower
 Thomas Danforth & Andrew Belchar to lay out the sajd graunt of three hun-
 dred acres in any place wthin the ljmitts of this colony not formerly disposed
 of by this Court.

Rich. Wayts
 300 acres.

*In ans^r to the peti^{ti}oⁿ of Cap^t Edward Johnson & John Carter, Sarjant
 Edw^d Oakes, M^r Ephraim Child, & Ensigne Rob^t Hale are appointed a co^mit-
 tee, & fully impowred to take oathes of wittnesses in y^e case, if neede shall
 be, & determine and setle the bounds of the lands in controuersy, wth all costs
 & damages occasioned thereby, on hearing of all evidences betweene both
 partjes.

[*293.]
 Ans^r to Capt.
 Johnson & Jⁿ
 Carters peti-
 ti^on.

There having binn a considerable estate expended not long since in build-
 ing & repaying the Castle, and some thing yett remaynes to be donne, wthout
 which all our past expences willbe to litle purpose, this Court doth therefore
 order, that the Tresurer & the surveyor generall shall & hereby are appointed
 a co^mittee to examine the accounts about the Castle, what hath binn received

Co^mittee ab^t
 y^e Castle.

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& disbursed about the same, & what is yett remainjng, either in hand or promised, towards the effecting the worke, & make retourne thereof to the Court of Election. And it is further ordered, that the sajd survejo^r generall shall be authorized & is heereby appointed to joyne wth our honored Majo^r Atherton for the carrying an end of that worke to effect, & if neede shall so require, to charge bills vpon the Tresurer, provided it exceede not the some of fifty pounds.

Wights allowance of 20^e.

It is ordered, that the Tresurer for Suffolke discharge & pay Henry Wight, counstable, late of Dedham, the some of twenty shillings for his charges allowed him for bringing doune Goody Batchiler wth a cart, &c.

Comittees retourne abt furs.

The retourne of y^e comittee betrusted to agree wth such as p^rsented to carry along the trade of furs, including in our agreements the phibbitting them of trading comoditjes by the Court prohibited: —

1. Imp^r. Wee contracted wth y^e wo^rpp^{ll} Majo^r Willard, M^r Brenton, Ensigne Wheeler, & Tho^s Hincksman for y^e trade of ii s a
Merremacke, 025 00 00
 2. Thomas Brookes & partners for the trade of Concord, . . . 005 00 00
 3. M^r Pinchon for the trade of Springfeild & of Norwottocke for one
yeare in regard of the present comotions among the Indeans, 020 00 00
 4. John Stedman for the trade of Cambridge, 002 00 00
 5. M^r John Tincker for y^e trade of Nashaway & Groaten for y^s
yeare, 008 00 00
 6. John Parmiter for the trade of Sudbury, 002 00 00
- One put in for Jn^o Stone for Whipsufferadge, 005 00 00
- The trade to beginne from the 1st of y^e 5th m^o, 1657, to pay in beaver.

The Court approved of this retourne, & ordered it to be recorded.

W^m Parkes 600 acres to be lajd out.

There having binn formerly graunted fower thousand acres of land to the toune of Roxbury, of which M^r Willjam Parkes was to haue one hundred fower score & one acres, & on his request to the Court, there was ordered such an addition as might make vp the same three hundred acres, as by y^e Courts orde^r, anno 1653, appeares. And whereas there was also a graunt of three hundred acres lately made to the survejo^r generall, which graunt he hath sold to the sajd W^m Parkes, on his request to this Court, it is ordered, that the sajd sixe hundred acres of land be lajd out at a place called Three Brookes & Wading Riuer, vnto a great hill knoune by the name of Barr Hill, in the way leading to Seacuncke, wth what meadow that place shall affoord, or

be nere therevnto, to be layd out either by Mr Thomas Danforth or Lef^t Joshua Fisher; provided the sajd land be in our jurisdiction, & free from all other graunts.

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Vpon a motion made to this Court in the behalfe of Frauncis Vernon, the Court judgeth it meet to graunt to the sajd Vernon two hundred acres of land, where he can finde it according to lawe.

Vernons
graunt of 200
acres.

Whereas this Court, the last yeare, at the first sessions, d^e graunt the Major Generall Dennison five hundred acres of land neere Norwottocke, & at the sessions in October, on his request, gaue him liberty to take the same neere Merremacke Riuer, at his request now, (according to his purpose & intent at that time,) this Court doe giue him liberty to take the same either at Norwottucke, according to his first graunt, on either side the riuer, or at Merremacke, as in the last.

Major Denni-
sons liberty to
take vp his 500
acres.

*In ans^r to the petiçōn of Richard Smith, humbly desiring this Courts favo^r so to order it that he may not be exposed to misery, wth his wife, being denjed to haue his bargaine wth Benjā Muzzey, & by that meanes is harborlesse, &c, the Court judgeth it meete to referre the petitioners for releife to next Court in Middlesex.

[*294.]

Order ab^t Rich
Smiths settle-
ment.

In ans^r to the petition of Cap^t W^m Traske, the Court judgeth it meete to graunt him fower hundred acres of land in the Pecquot country.

Cap^t Traskes
400 acres.

Whereas Mr Thomas Starre, deceased, hauing left a desolat widdow and eight smale children, was y^e chirurgeon of one of the companjes y^t went against the Pequotts, in ans^r to the request of seuerall gen^{tl} on y^t behalfe, the Court judgeth it meete to graunt fower hundred acres of land to the sajd widow & children, & doe heereby impower y^e Tresurer & Cap^t Norton to make sale or otherwise to dispose of the sajd lands as may best conduce to y^e benefit of the widdow & children as they shall see meete.

400 acres of
land gr^{ed} to
y^e widdow
Starr & hir
children.

Whereas the honorable Colonell Thomas Temple is, by comission from his highnes the Lord Protector, constituted gouerno^r of Acady and Noua Scotia, from Mereliquish on the east, to St Georges and Musconcus, on the confines of New England, on the west, and is thereby impowred to seize and confiscatt the vessells and goods of all persons trading peltry or furs with Indians wthout his licence, as also to burne, kill, & destroy all such as shall resist him, as appeareth by the sajd comission, bearing date Sep^t 17, 1656, this Court, judging it meete to prevent all forcible contests or vnecessary losse that maybe occasioned by any exhorbitant or inconsiderat persons, as also all occasions of offence betweenc this colony and the gouerno^r aforesajd, being also desirous that loving and good correspondency may be cherrished & majnteyned, doth order, that henceforth it shall not be lawfull for any person of

Order plibbit
ing all to trade
for furs in
Colonel Tem-
p^ls territorys.

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this jurisdiction to trade for furs or peltry wth the Indjans wthin the ljmits aforesajd, wthout license from the sajd gouerno^r; and it shall be lawfull for the sajd gouerno^r, or his attourney, authorized therevnto vnder his hand, to arrest, sue, & implead any person or persons that shall be found offending herein in any Court within the ljmits of this colony in any action of the case or trespasse, and shall haue equall justice therein.

Block Island gr^{ted} to y^e Gou^{ner}, Dep^t Gou., Major Gen. Dennison, & Major Hawthorne.

This Court, in consideration of the honored Gouverno^r, Jn^o Endecott, Esq^{re}, his great service to this country, together wth the good service of Rich Bellingham, Esq^{re}, Dep^t Gouverno^r, and in respect of Major Geⁿ Daniell Dennison, his great paynes in transcribing the lawes, & in regard of Major W^m Hawthornes surrendring his seven hundred acres of land formerly graunted to him, doe relinquish their clayme, & doe graunt all their right & interest that this Court haue or might haue in Blocke Island to the aboue mentioned fower genⁿ, to each of them a quarter parte.

Capt. Clarke 500 acres lajd out.

The Court hauing allowed Richard Fellowes, wth some other fitt man, to lay out three hundred acres of land for Cap^t Thom^s Clarke, of Boston, which, at the desier of y^e sajd Clarke, wee haue lajd out a hill called Ocquebitucke, lying in the wilderness about twenty eight miles from Windsor on this side, w^{ch} conteynes five hundred acres or more by estimation, but he, conceaving the Court will allowe the overplus measure, the whole being so on a mountayne, haue not taken out any parte thereof till wee know the further miude of the Court, leaving the ffootte of the hill for the bounds thereof.

June y^e 16, 1658.Yo^r servants,

HENRY CHAPIN,
RICHARD FELLOWS.

The Court approoves of these com^{missioners} retourne.

[*295.] Courts determination when Arnolds bond is to be voyd, &c.

*Whereas Willjam Arnold, of Pautuxit, presented a petition at the last sessions of this Court, that himself & the rest of those that had submitted to our government might be disengaged from their subjection, w^{ch} this Court, in answer to his request, were very ready to graunt, provided that the sajd Arnold gaue securitje to the Court to make good what he then desired to be the desier also of the rest of our subjects there, which accordingly he hath donne to the satisfaction of the Court; and whereas the sajd Arnold stood engaged in a bond to be responsall to answer the Greenes, or any other, for what injury he had donne to them by virtue of this Courts com^{mission}, wthout reference to any time ljmited, this Court, on the request of the sajd Arnold, judges it meete, and doe therefore order, that if neither they nor any others whom it may concerne shall prosecute the sajd Arnold for the breach of his com^{mission}, as aforesajd, in one yeare, that then his sajd bond to be voyd.

17 Sep^r, 1658.

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By order of the Generall Court of the Massachusetts, lajd out vnto Jn^o Mellows, heyr of M^r Abraham Mellows, deceased, in the Pequott countrje, on the east side Pauquatuck Riuer, two hundred acres of land, being bounded wth land lajd out to M^r Rawson on the south, Pawquatuck Riuer west, and vpon the riuer lying about half a mile vp the riuer from M^r Rawsons land, & extending into the wildernes at eight score rods in breadth, so farr as makes vp the full quantitie of two hundred acres.

19 October.
Jn^o Mellows
200.

Also lajd out to M^r Deane Winthrop fine hundred acres of land adjoyn- ing to the land of Jn^o Mellows, and from thenc vp the aforesajd riuer a full mile, and from thenc by a parralell ljne to the ljne betweene John Mellows, & he extending into the wildernes so farr as makes vp the full quantity of fine hundred acres. Also layd out, for the accomodation of the sajd ffarmes, all that meadow lying vpon the sajd Pauquatuck Riuer, aboue the wading place about two miles, not exceeding twenty acres to Jn^o Mellows farme, and forty acres to M^r Deane Winthrops farme, the w^{ch} is also to be accounted as part of the number of their aforesajd quantity of acres.

M^r Dean Win-
throps 500
acres.

THO: DANFORTH,
GEORG DENNISON.

The Court approoves of this retourne, provided it hinder no former graunts.

The retourne of the comissioners of the Generall Court of the Massachusetts, being authorized and appointed to settle civill government in the easterne parts, to the vtmost extent of their ljne, as appeares by a comission graunted them bearing date the 20th of May, 1658.

Comissioners
retourne ab^t
Black Point,
Blew Point,
Spurinecke, &
Caseo Bay, &c.

In refference wherevnto the comissioners aforesajd, whose names are heere subscribed, according to order and trust therein to them comitted, did repaire vnto the easterne parts, and at Yorke did adjourne the Court vnto the house of M^r Robert Jordan, at Spurinecke, sending out su^mons to all inhabitants residing wthin the ljne proposed, there to appeare personally before them, which by the majo^r part thereof was attended, and after some serious debate of matters betwixt vs, removall of some doubts, & our tendering of some acts of favor & priviledg to them, the good hand of God aiding therein, by a joint consent wee mutually accorded, in a free & comfortable close, as doth more fully appeare by these following acts:—

Wee, the inhabitants of Black Point, Blew Point, Spurinecke, & Caseo Bay, with all the islands therevnto belonging, doe oune & acknowledg our-

1658. selves to be subject to the government of the Massachusetts Bay in New
 England, as appeareth by our particullar subscriptions, in reference to those
 19 October. *scuerall articles formerly graunted vnto Douer, Kittery, & Yorke, which are
 [*296.] now graunted vnto vs, together wth some additions, as vpon record doth
 appeare.

FRAUNCIS SMALE,
 NICH: WHITE, **W**, m^rke,
 THO: STAMFORD, **C**, his mark,
 JONAS BAYLY, **F**, his m^rk,
 ROBERT CORBYN,
 NATHANIELL WALEIJ,
 ARTHUR AUGUR:, Juñ,
 his m^rk, **A**,
 JOHN PHILLIPS,
 his m^rk, **IP**,
 m^rke
 RICII: **A** MARTYN,
 m^rk
 GEORG **E** LEUIS,
 AMBROSE BODEN,
 m^rk
 SAMUELL OAKEMAN, **G**,
 ANDREW BEAMES, m^rk, **C**,
 MICH: MADJUER, m^rk, **B**,
 THO: HAMOT, m^rke, **S**,
 GEORG TAYLOR, m^rke, **X**[†],
 HENRY JOCELYN,
 GEORG CLEAUE,
 ROBT: JORDAN,
 JN^o BONIGHTON,
 RICHARD FOXWELL,
 HENRY WATTS,
 FRAUNC: NEALE,
 ABRA: FELLEW,
 AMBROS BODEN, Señ,
 MICH: WITTEN,
 m^rke
 JN^o **X** TINNEY,
 m^rk
 NICO: **E** EDGCOMB.

Euery of the persons as aboue mentioned, which haue subscribed to this

writing, haue further, by oath taken in Court, engaged themselves to this authority of the Massachusetts, at the date heereof, July 13th, 1658. Whereas the townes of Black Point, Blew Point, Spurwincke, and Casco Bay haue acknowledged themselves subject to the gouernm^t of the Massachusetts, as by the seuerall subscriptions vnder their hands doth appeare, wee, the comissioners of the Generall Court of the Massachusetts, doe actually graunt as followeth:—

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1. In case, by an immediate power from the supremacy of England, wee are comanded, & after adresse to the same supremacy by the Massachusetts authority, it be desired, as propper to any other regulations then ours, this obligation to be nulld, wee protecting them till the determination thereof.

2. That an act of indempnity or obliuion is ffreely graunted them.

3. That all such acts & priuiledges as haue binn graunted to Douer, Strawberry Bancke, Kittery, Yorke, Wells, & Saco, are graunted vnto them.

4. That in cases of appeale to Boston, the appellant shall haue ordinary costs, but shall put in sufficijent security (not recouring) to make good treble costs to the defendant.

5. That they shall haue true transcripts of such priuiledges as haue binn graunted to the forementioned townes sent vnto them to be recorded wthall convenience.

6. That the civill priuiledges now graunted them wee doe not intend shall be forfeited vpon differences in matters of religion, but their regulations therein must be according to pœnal lawes.

7. That those places that were formerly called Blacke Pojnt, Blew Point, & Xtons Islands, thereto adjacent, shall henceforth be called by y^e name of Scarborow, the bounds of which towne on the westerne side begineth where the towne of Saco endeth, & so doth runne along on the westerne side of the Riuer of Spurwincke, eight miles back into the country.

8. That those places formerly called Spurwincke & Casco Bay, from the harbor side of Spurwincke Riuer to the Clapboard Islands, in Casco Bay, shall runne back eight miles into the country, and henceforth shall be called by the name of Falmouth.

9. That the townes of Scarborow & Falmouth shall haue comissioners Courts to try causes as high as fifty pounds.

10. That those two townes of Scarborough & Falmouth shall, by a survey, take an effectuall course to bound themselves betwixt this time & the next Court holden for this county, wherevnto they are to make their retourne, or vpon their neglect thereof the County Court shall appoint comissioners for the bounding of them.

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11. That those two townes of Scarborough & Falmouth are to send one deputy yearely to the Court of Election, & haue liberty for two deputjes, if they see cause, in Court. Given vnder our hand, July the 14, 1658.

SAMUEL SYMONDS,
THO: WIGGIN,
NICHOL: SHAPLEIGH,
EDW: RISHWORTHIL.

Whereas the county of Yorkeshire is large & very remote from Boston, the place where the Generall Courts & councill of this comonwealth of the Massachusetts doe vsually assemble, whereby it is more difficult to obtayne the presence & helpe of any of the asistants of the gouernment, as occasion from tyme to tyme doth require, wee, therefore, the comissioners of the Generall Court, considering the necessitje of a constant supply till the Generall take further *order therein, do graunt & order as followeth:—

[*297.]

Falmouth and
Scarborough.

1. That, with the consent of the inhabitants of the aforesajd townes of Scarborow and Falmouth, wee doe constitute & appointe the right trusty Henry Jocelyn, Esq̄, M^r Robert Jordan, M^r George Cleaue, M^r Henry Watts, & M^r Frauncis Neale comissioners for the yeare ensuing, invested wth full power, or any three of them, for the trjall of all cawses (wthout a jury) wthin the libertjes of Scarborough & Falmouth not exceeding the value of fifty pounds, & every one of the sajd comissioners haue graunted them magistraticall power to heare and determine smale causes as other magistrates and asistants haue, whith^r they be of a civil or criminall nature: any of the sajd comissioners may graunt warrants, so^mons, & executions, if neede require, & haue power to examine offenders, & comitt to prison, except bayle be tendered, according to lawe; also, any three of the sajd comissioners haue power to impowre military officers vnder the degree of a captaine. The sajd comissioners are required to enjoyne each toune to procure the booke of lawes; also, any of the sajd comissioners haue power to minister oathes, according to lawe, and if they judge needefull, to binde offenders to the peace & good behaviour, or to solemnize marriage, according to lawe. Any three of the comissioners haue also power to receive in all such persons living wthin our lync as betweene this present tyme & the last of September shall come in by their voluntary subscriptions: our meaning is, that they should not be barred from having the priuiledges that their neighbors enjoy by occasion of their necessary absenc at y^e Court.

2. That when County Courts are called, &, through Providence hinder-
ing, that there is none of the Asistants present at Yorke or elsewhere, that

the sajd county shall still proceed, & the acts thereof shall be valid notwithstanding, the associats of the county, or any three of them at least, being then present.

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3. Wee doe order, that the associats chosen for this county, or any three of them, shall haue full power (wthout a jury) to try any such civill actions as shall not exceed the value of sixty pounds.

4. Itt is hereby ordered for the easing of charges & trouble in this county, being so remote from the exercise of authoritje in some considerable cases, that the three com̄issioners, or more, in each toune in this county, shall haue full power to graunt letters of administration, to receave probats of wills, to order such estates as County Courts haue power to doe in the like cases; provided, when any such acts are putt forth by the three com̄issioners of Scarborough & Falmouth, M^r Henry Jocelyn or M^r Robert Jordan are to be one of the three; for Saco & Cape Porpus, Cap^t Nicholas Shapleigh to be one; for Wells, M^r Abraham Preble to be one. Wee doe likewise graunt the toune com̄issioners of Yorke and Kittery to haue the same power therein; and those particcular gen^{ts}, M^r Henry Joselyn, M^r Robert Jordan, Cap^t Nicholas Shapleigh, M^r Edward Rushworth, or M^r Abraham Preble, or either of them, shall haue magistratticall power throughout the whole county of Yorkshire for this yeare ensuing, vntill others are chosen & sworne in their places; and the County Courts from tyme to tyme haue power to graunt & renew licenses for ordinarys for selling of wine & strong water, & for keeping of houses of enter-tajment, according to lawe.

5. And whereas henceforth there will be neede of more associats for County Courts then formerly, wee doe giue power & order, that there shall be fiue chosen yereley, whereas there were but three before, and that they may keepe a County Court at Saco or Scarborough, as at Yorke, in the moneth of September yereley, provided that the day and place be agreed on vnder the hand of three of the associates at least, signified to the recorder of the county, so that he may giue due notice thereof vnto the seuerall townes sixe weekes before the sajd Court at the least.

Signed,

SAMUELL SYMONDS,
THO: WIGGIN,
EDW: RISHWORTH.

The Court, having pvsed this retourne of the com̄issioners appointed to settle y^e gouernment in y^e eastern parts, doe approve thereof, & thankfully accept their pajnes & endeavors therein, & order it shall be recorded, & the

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[*298.]

Courts judgment in Newbury case ag^t Jn^o Emerys.

bill of charges, w^{ch} is on file, & amounts to forty fower pounds fourteene shillings & eight pence, be satisfied by the Tresurer.

*The Court, having heard the case relating to the military company petiçón of Newbury, preferd by Jn^o Emory, Señ, who, wth his sonnes, John Emery, Juñ, & Jn^o Webster & Soloman Keyes, haue bin so busy & forward to disturbe the peace of the place by their actings in seuerall respect, & occasioned much trouble to this Court in refference thereto, judg it meete to order that the sajd John Emery, Señ, Jn^o Emery, Juñ, Jn^o Webster, & Solomon Keyes be generally admonished to beware of the like sinfull practizes for time to come, w^{ch} this Court will not beare; and that they pay the seuerall chardges of their neighbors the last Court & this, in coming for releife from such vnder courses. Costs allowed in all was fower pounds eight shillings, & ffees.

Courts judgment in Capt. Clarke & Mr Hutchinsons case.

In ans^r to the petiçón of Cap^t Thomas Clarke, humbly desiring that the case betweene Mr Richard Hutchinson & himself, he hauing obtayned judgment ag^t the sajd Hutelinson in the County Court of Boston, Julij last, w^{ch} judgment was reuersed by the last Court of Asistants, might be heard, &c, the Court graunts his request, and after a full hearing of the evidences produced in both Courts, together wth what the partjes could say, the Court found for the plaintiffe, Cap^t Clarke, the whole so^me mentioned in the verdict of y^e jury in the County Court.

Courts confirmation of the counells acts in referenc to y^e colledg, &c.

The Court, having pervsed & considered of seuerall letters & a comission written & signed to Mr Nathaniell Bacon, Herbert Pelham, Rich Saltonstall, Henry Ashurst, Esq^r, Mr W^m Hooke, Mr Jn^o Knowles, & Mr Thomas Allen, ministers of y^e gospell, &c, by the counsell, doe approove thereof, and ordered a letter to be wrote to Richard Saltonstall, Esq^r, from this Court, signifying their acceptanc & allowance of the counells acts, w^{ch} are in y^e counells booke at large.

Courts ans^r on Mr Elljotts petiçón refering to Mr Bradstreets farme, &c.

In ans^r to the petiçón of Mr John Elljott, on behalfe of the poore Indians at Naticke, humbly desiring that Mr Bradstreetes farme, lately lajd out to their pjudice, may be considered, & themselves relcived, and that a comittee be appointed to finish the laying out of the Indian plantaçón at Naticke bounds, — in referenc to Mr Bradstreets farme, the Court, vpon what hath bin alleadged & testified by Mr Jackson & Lef^t Fisher, judg the sajd ffarme to be orderly lajd out, and doe further order, that Major Atherton, Cap^t Lusher, Leftenn^t Clap, Deacon W^m Parks, or any two of them, be a comittee impowred to lay out convenient bounds to Naticke, out of the comon lands adjoyning, and are also desired to treat with Dedham, and compound wth them for such lands as lye adjoyning to y^e sajd place, & seemed to be neces-

sary for the Indians, and make retourne to the next Court, provided the country be put to no chardg of stocke thereby.

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19 October.

Whipsufferage, 19th June, 1658.

The com̄ittee appointed by the Generall Court to lay out a plantation of sixe thousand acres to the Indians at the aboue named place, hauing given Mr Elliott a meeting there, and duly weighed all his exceptions (in behalfe of the Indians) against what hath binn formerly acted & retourned vnto the Court, doe judg meete, in way of compljanc, that the bounds of the Indian plantation be enlardged vnto the most westerly part of the fence that now standeth on the west side of their planting hill, called Ognoinkongquamescit, and from thence to be continewed on a direct north lync vntill they haue their full quantitje of sixe thousand acres; the bounds of their plantation in all other respects wee judge meete that they stand as in our former retourne, and that their full complement of meadow by Court graunt be exactly measured out by an *artist wthin the ljmitts of the abouesajd lynes, when the Indians, or any in their behalfe, are willing to be at the chardge thereof, provided alwajes that the Indians may haue no power to make sale or alienation of all or any part of their aboue sajd graunt otherwise then by the consent & approbation of the honored Generall Court, and that when any sale shall happen, the plantaçõn of English there settled may haue the first tender thereof from the Court, the w^{ch} caution wee the rather incert because not only a considerable part of the neerest & best of the planting land is heereby taken from the English, but (also as wee are informed) this north lync will take into the Indian bound the neerest and most considerable meadow, by estimation about one hundred acres, in our place, w^{ch} tendeth greately to the p̄judice of the English plantaçõn, especially if in case to any other purpose then the ends proposed for the accomodation of the Indians, they should be deprived thereof.

Whipsufferage
plant.
Indian planta-
tion.

[*299.]

Vide pa. 225.

ELIAZER LUSHER,
EDWARD JACKSON,
EPHRAIM CHILD,
THO: DANFORTH.

This retourne is accepted & allowed of by the whole Court.

This Court is dissolved.

1659. *Att a Generall Court of Election, held at Boston, 11th of May*
1659.

11 May.

JN^o ENDECOTT, Esq̄, was chosen Govern^r, & tooke his oath.
 Rich Bellingham, Esq̄, was chosen Dep^t Govern^r, & tooke his oath.
 Mr Symon Bradstreete, & } Cōmissioner for United Collonjes.
 Mr Samuell Symonds, }
 Cap^t Thomas Wiggins, } was chosen Assistants & tooke all y^e^r oaths,
 Cap^t Daniell Gookin, } ex^t Cap^t Gookin.
 Majo^r Daniell Dennison, & } Majo^r Geñ & Cōmissioner for Vnited Col-
 Majo^r Symon Willard, } lonjes.
 Majo^r Humphrey Atherton, } in reserve.
 Mr Rich Russell, & } Tresurer.
 Mr Thō Danforth. }
 Mr Edw̄ Rawson was chosen Secretary.
 Majo^r Hawthorne in reserve for y^e collonys.

Deputjes returned from y^e severall townes to serve at this Generall Court were, —

Salem : Maj: W^m Hawthorne, M^r W^m Browne.
 Charls Toune : Cap^t Francis Norton, Lef^t Rich Sprauge.
 Dorchester : Lef^t Roger Clapp, Ensigne Hopestill Foster.
 Boston : Cap^t Thō Savage, M^r Anthony Stoddard.
 Roxbury : M^r Jn^o Johnson, M^r W^m Parks.
 Water Toune : M^r Ephraim Child, M^r Charles Chadwicke.
 Lynn : Cap^t Thō Marshall.
 Cambridg : M^r Edw̄ Collins, M^r Edward Oakes at 2^d sessions.
 Ipswich : Lef^t Jn^o Apleton, M^r Georg Giddings.
 Neubury : M^r Edward Woodman.
 Weimouth : John Rogers.
 Hingham : Cap^t Joshua Hubbard, M^r Jeremiah Houchin, & M^r Jn^o
 Beales for 2^d sessions.
 Concord : Thomas Brookes.
 Dedham : Cap^t Eliazer Lusher.
 Springfeild : Cap^t John Pinchon.
 Salisbury : Lef^t Robt Pike.
 Hampton : Lef^t Christopher Hussye.

Rowley: Maximillian Jewett.
 Braintree: M^r Samuell Basse.
 Douer: Cap^t Rich Waldern.
 Woobourne: Cap^t Edward Johnson.
 Meadfeild: Henry Addams.
 Kittery: M^r Humphrey Chadbourne.
 Scarborough: M^r Edward Rushworth.
 Saco: Robert Booth.

1659.

11 May.

Cap^t Thomas Savage was chosen Speaker for y^s sessions, & 2 sessions also.

*For the avoyding of all future inconvenjencjes referring to the setting of poore people that may neede reliefe from the place where they dwell, itt is ordered by this Court and the authoritje thereof, that where any person, wth his family, or in case he hath no family, shall be resident in any toune or peculiar of this jurisdic^on for more then three moneths wthout notice given to such person or persons by the connstable, or one of the selectmen of the sajd place, or their order, that the toune is not willing that they should remaine as an inhabitant amongst them, and in case, after such notice given, such person or persons shall notwthstanding remaine in the sajd place, if the selectmen of the sajd place shall not, by way of complaint, petition the next County Court of that shiere for reliefe in the sajd case, & the same prosecuted to effect, every such person or persons (as the case may require) shall be provided for & relieved, in case of necessity, by the inhabitants of the sajd place where he or she is so found. And it is further ordered, that each County Court shall from tyme to tyme heare & determine all complaints of this nature, and settle all poore persons, according to directions of this lawe, in any toune or peculiar wthin this colony, and every such person or persons shall accordingly be entertayned & provided for by the selectmen or connstable of the sajd place, at a toune charge; and in case any toune or peculiar shall finde themselves agreived at such dispose of the County Court, they may appeale to the next Court of Asistants; and where any person or persons cannot according to this lawe be settled in any toune or peculiar, they shall then be placed in any toune of that county wherein they are found, according as the County Court shall appointe, and their charges satisfied vnto them by the county Tresurer.

Whereas, by experience, it is found that great damage is sustejned to the estates of soundry, whose persons & estates are attached to be responsible in civill actions, by reason that execution is delayed after that judgment is

[*300.]
 Order setting
 poore.
 Goods &
 p^rsons attached
 one month af-
 ter judgm^t
 released, &c.

1659.

11 May.

graunted, — for redresse whereof, it is ordered by this Court & the authoritje thereof, that henceforth in all civill proceedings, (excepting cases where the defendant is a strainger,) where execution is not taken out and executed wthin one moneth after that judgment is graunted, all such attachments, whither on persons or estates, wth suretjes, shallbe released & voyd in lawe, any lawe, vsage, or custome to the contrary notwthstanding, vnlesse the Court that graunted the judgment shall see cause to give further tyme & respitt of execution in any particullar case.

[*301.]

Troopers pœn-
alty.

*In ans^r to the petiçõn of the officers of the seuerall troopes, it is ordered, that no trooper put off or chainge his horse wthout leaue from his comānder, vnder the pœnalty of fiue pounds; & that for non appearance on dayes of exercise the fine shallbe tenn shillings; and that no trooper, being listed, may at his pleasure disband himself wthout leaue orderly obtayned from his comānder, and returned by certifficat to the comānder of the ffoote in the toune to which they belong, vnder pœnalty of such a fine as his cheife officer shall impose, not exceeding fifty shillings.

County Tres-
urers power to
sell p^{rs}ons
fined, &c.

Whereas Daniell and Provided Southwicke, some & daughter to Lawrence Southwicke, haue binn fyned by the County Courts at Salem & Ipswich, p̄tending they haue no estates, resolving not to worke, and others likewise haue binn fyned, & more like to be fyned, for siding wth the Quakers & absenting themselves from the publicke ordinances, — in ans^r to a quæstion, what course shallbe taken for the satisfaction of the fines, the Court, on pervsall of the lawe, title Arrests, resolve, that the Tresurers of the seuerall countjes are and shall hereby be impowred to sell the sajd persons to any of the English nation at Virginia or Barbadoes.

Pouder to be
provided.

It is ordered, that the country Treasurer doe provide seven or eight barrells of pouder every yeare out of the custome of wines, or other wajes.

Pœnalty for
keeping Christ-
mas.

For p̄venting disorders arising in seuerall places wthin this iurisdicçõn, by reason of some still observing such ffestiualls as were superstitiously kept in other countrys, to the great dishonour of God & offence of others, it is therefore ordered by this Court and the authority thereof, that whosoener shall be found observing any such day as Christmas or the like, either by forbearing of labour, feasting, or any other way, vpon any such accounts as aforesajd, euery such person so offending shall pay for euery such offence fiue shillings, as a fine to the county. And whereas, not only at such tymes, but at seuerall other tymes also, it is a custome too frequent in many places to expend time in vnlawfull games, as cards, dice, &c, it is therefore further ordered, and by this Court declared, that, after publication hereof, whosoener shall be found in any place wthin this iurisdicçõn playing either at cards or at

Pœnalty for
playing at
cards & dice.

dice, contrary to this order, shall pay as a fine to the county the some of five shillings for euy such offence.

1659.

Itt is ordered, that Lawrence Southwicke, Cassandra, his wife, Samuell Shattock, Nicholas Phelps, Joshua Buffam, & Josiah Southwicke hereby are sentenced, according to the order of the Generall Court in October last, to bannishment, to depart out of this jurisdiction by the eighth of June next, on payne of death; and if any of them, after the sajd *eighth day of June next, shall be found wthin this jurisdiction, they shall \wedge apphended by any constable or other officer, there to lye till the next Court of Asistants, where they shall be trjed, & being found guilty of the breach of this lawe, shall be put to death.

11 May.
Banishment
of Quakers
of y^e jurisdic-
tion, & be co-
mitted to close
prison.

[*302.]

Vpon information given to this Court of great damage accruing both to merchants & others, by reason no meete persons are appointed to measure salt from such shipps as arrive in our seuerall harbours, this Court doth therefore order & enact, that there shall be in euery marityne toune wthin this jurisdiction one meete person appointed by the toune from tyme to tyme, who shall diligently attend this service vpon due notice given by either party concerned therein, & the same truly & faithfully to dischardg; for which he shall be allowed three halfe pence for euery hogshhead, the one halfe to be pajd by the buyer, the other halfe by the seller; & what master of shipps or other vessell, or marchant, shall faile in the observation of this order, he or they shall forfeit to the countrje two shillings for euery toune so disposed of, vlesse the partjes shall otherwise agree.

Salt to be
measured.

Whereas, in the order directing for the making of the country levy, ewes are to be valued at twenty five shillings apeece, which is farre above their true worth, it is therefore ordered & hereby declared, that henceforth all ewes shall be valued, in making the country rate, only at fifteene shillings a peece, any lawe \wedge custome to the contrary notwithstanding.

Prize of ewe
sheep to coun-
try rate.

This Court, taking into their serjous consideration the present vnsetled estate & condicōn of our brethren in our native countrje, by comōtions & great thoughts of heart, both in countrje & Parljamēt, now assembled, a good issue whereof doth wholly depend vpon the Lords favor & goodnes towards them, as also the Lords frownes vpon ourselves by the irreparable rents & diuissions in sundry churches, the great security & sensuallity vnder our present injoyments, the sad face on the rising generation, together wth threats of future evils in this present spring season, all w^{ch} are signes of the Lords displeasure for our wthdrawing from him, doe therefore comēd the 15th day of June next to be kept by all the people of this jurisdiction a solemne day of humiliation for the imploring of Gods favorable presence yett to abide wth our deare natiue

Day of humili-
ation.

1659. country, & wth vs his poore people & churches in the ends of the earth, & wth our seede after vs.

11 May.

A quæstion desired to be resolved by y^e Court in referenc to a farme.

There is a farme graunted to a particular person some yeares agon. This ffarme, after pajnes, travell, & cost, is layd out betweene two townes, ffarre off from either of them. The grauntee being encouraged by the neerest neighbors as free from either townes wherevpon the sajd farme is lajd out, & possession taken, returned into this Court, & confirmed as appeareth vpon. Now, after the neglect of twelve or sixteene yeares, this last winter one of the sajd townes caused their l^{ine}, by a compasse, to be actually marked out, it being agreed many yeares agonne by com^{missioners} vpon what points of the compasse it should runne, and by this act they haue taken into their towneship much of this farme. Now, the quæstion is, to whom the propriety belongeth of the sajd farme, whither to the toune or to the particular person. The Court resolved that the propriety of the sajd farme belongeth to the particular person.

[*303.]

Norwattucke plantation to be lajd out. 23: 3 mo., 59.

*Whereas it hath appeared to this Court, that according to a former graunt to Cap^t John Cullicke & M^r Willjam Goodwyn, in behalfe of themselves and ffreinds that desired to remoove into our colony, they haue begonne to remoove to Norwoottucke wth seuerall familjes, and made some begining on the east side the riuer in order to a planta^{cion}, and that there are many desirable psons hauing a pastor wth his church engaged to goe along wth them, wth another who may in t^{ime} be joyned to that church for their further helpe in the worke of the ministry, whereby they are enabled not only to carry on a toune, but church worke also, — this Court, being willing to remoove all obstacles out of their way, and finding the people so many and considerable that haue engaged, wth seuerall others that would engage if there might be encouragement found there for them, doe order, that these persons ffollowing, viz., Cap^t Pinchon, Lef^t Holyhoke, Deacon Chapin, Willjam Holton, & Richard Lyman, shall be a com^{mittee} fully impowered by this Court to lay out the bounds of the toune at Norwottocke, on either or both sides the riuer as they shall see cause, so as shall be most suitable for the chohabitation and full supply of those people, that this wildernes may be populated and the majne ends of our coming into these parts may be promoted. Voted by the whole Court mett together.

Vide pa. 374, 723.

Boston corporation.

In ans^r to the request of the toune of Boston, referring to a corporation, the Court judgeth it meete to graunt them liberty to consult and advise amongst themselves what may be necessary for such an end, and the same to drawe vp into a forme, & present the same to the next session, to be allowed if they shall see cause.

In ans^r to the petiçõn of Edmond Rice, the Court judgeth it meete to graunt his request, viz., a parcell of meadow about thirty acres, & a parcell of vpland about fifty acres, both parcells not exceeding eighty acres, as it lyeth on the south side of the path that leadeth from Sudbury to Conecticot, about six miles from Sudbury, & order Ensigne Nojes & John Stone to lay it out vnto him.

1659.

28 May.
Ans^r to Ed-
mõd Rice his
petiçõn.

In ans^r to the petiçõn of W^m Russell, humbly desiring the remittment of those fines the law imposeth on him for his selling strong waters & trading for furs, the Court, being informed of the ingenuitje of the offender in his ready acknowledgment of his offenc, & that he did ignorantly, judge meete to remitt the fines imposed to sixe pounds, & order the strong waters to be re-
turned to the petiçõner, & the beaver to the Indian.

Ans^r to W^m
Russells peti-
çõn.

The Court, being satisfied of the reality of the sale of a parcell of land mentioned in a draught of a bill of sale presented to this Court, & is on file, doe judge meete to impower Mary Glouer, the administratrix & relict of M^r Nath Glouer, to make & signe a legal deede & conveyance of the sajd land vnto Thomas Dauenport, his heires & assignes.

Ans^r to Tho.
Davenport
petiçõn.

In ans^r to the request of y^e troopers lately raised in y^e countys of Essex, Suffolke, & Midlesex, for y^e Courts confirmation of their officers, the Court judgeth it meete to allowe & confirme Edward Hutchinson to be their captajne.

Edw. Hutchin-
son capt. of a
troope of horse.

In ans^r to the petiçõn of Thomas Brakett, of Salem, humbly acknowledg-
ing his being drawne away by those called Quakers from the good ordinances of God here established, & to too often to meete & joyn wth those ill affected persons, to y^e dishonor of God, troubled this coimonwealth, & wound & greife to his wife, family, & conscienc, for w^{ch} he desires to be humbled, the Court, on his request, judgeth it meete to abate the petiçõner the one halfe of his fine, & referr the other halfe to the consideration of the next County Court at Salem.

Ans^r to Brock-
etts petiçõn.

*The buisnes respecting M^r Edward Lane & M^{rs} Anna Keayne, Señ, being referd to the consideration of a coõmittee, to be indifferently chosen by themselves, w^{ch} M^{rs} Keayne, Señ, not consenting to, the Court judged it meete to proceede to nominate the sajd coõmittee, & doe appoint M^r Richard Russell, M^r Edward Collins, Cap^t Eliazer Lusher, Cap^t Thomas Clarke, & Cap^t W^m DAVIS a coõmittee to act in the case, according to the Courts order & instrucçõns, w^{ch} is as folt: Instructions from the Generall Court to the gen^l appointed to act as a coõmittee in the case depending betweene M^r Edward Lane & M^{rs} Anna Keayne, Señ, of Boston, as follows: Yow, or the major part of yow, are hereby authorized and impowered by this Court to assemble y^rselves together

[*304.]

Coõmitte ab^t
M^r Lane & M^{rs}
Keayne.

1659.

28 May.

at Boston the twentieth day of July next, then & there to consider of all such things as shall be necessary for the discharge of the trust committed to you by the Court, referring to the case above mentioned, viz^t, to call for Cap^t Robert Keaynes will & inventory, together wth what writings, contracts, evidences, &c, haue from tyme to tyme bin made betweene the partjes aforesajd, as also by warrant, if neede *if neede* be, to call for both parties, & such wittnesses as cann testify in the case, & the sajd wittnesses to examine, vpon oath, in any thing w^{ch} you shall see necessary herein, & to yo^r vttermost power & endeavours to make a loving & amicable agreement, if it may be, to mutual satisfaction of the sajd M^r Lane & M^{rs} Anna Keajne, thereby to prevent further trouble to this Court, or, if otherwise, to prepare the case, so farre as you cann, for a further hearing, & to make a true representation of the same to y^e next session of this Court.

Decem^b, 1658.

Marshall
Wajtes 300
acs layd out.

Layd out vnto Richard Wajte, marshall, three hundred acres of land in the wilderness, betweene Chochittuate & Nipnop, in manner following, viz^t, there being a necke of land about two hundred & twenty acres, more or lesse, & is surrounded wth Sudbury Riuer, a great pond, & a smale brooke that runneth from the sajd pond into the riuer, & from the southerly end of the sajd pond, ruining to the riuer againe by a westerly lye, according to marked trees, & on the westerly side of Sudbury Riuer to extend his bounds from the sajd riuer, twenty pole in breadth, so farre in length as his land ljethe against the sajd riuer; also, on the northerly & north east of the sajd brooke & pond he hath fve patches of meadow, conteyning about twenty acres, more or lesse, being all surrounded with wilderness land; also, on the north east side of Washakam Ponds he hath sixty acres, being bounded wth the sajd pond on the southwest, and an Indian bridge on the east, & elsewhere, by marked trees, the wilderness surrounding. By order of the General Court, held at Boston, October 20th, 1658.

THOMAS DANFORTH,
ANDREW BELCHAR.

The Court alloweth & approweth of this retourne.

The 6th of May, 1659.

M^r Russells
500 ac^s layd
out.

Layd out vnto M^r Richard Russell, Tresurer, fve hundred acres of land, lying in the wilderness, vpon both sides of the path that leadeth from Sudbury toward Nipnop, & is bounded on the north east wth Washakam Pond and a swampe adjoining thereto, and on the west by a marked tree, & the west side of an ashen swampe, and on the south with the vpland adjoining to the

southerly or southwest point of that meadow w^{ch} lyeth on the westerly side of the aforesajd meadow, and on the north, extending on the north side of the aforesajd path, and is surrounded wth the wilderness.

1659.

28 May.

EDMOND RICE,
THO: NOJES.

The Court allowes & approoves of this retourne.

*In ans^r to the petiçōn of Samuell Goffe, the Court judgeth it meete to referre the examination of the case, according to lawe, to the next County Court, to be held in Middlesex, that dew notice be given for that end to the partjes concerned. [*305.]
Ans^r to Sam.
Goffes petiçōn.

Whereas the Generall Court, in October last, for the reasons mentioned in the order then made, for the preventing of those evils which the cursed Quakers in their principles & practises are apt to produce in those places where they come, did order, y^t all such persons (not being of the inhabitants of this jurisdicçōn) that are of the cursed sect of the Quakers, who haue at any time suffered what the lawes of this jurisdicçōn from tyme to tyme haue provided ag^t such persons againe ariving in any parte of this jurisdicçōn, should be seized on & comitted to close prison, there to continew till the next Court of Asistants, when he or they shall be sentenced to banishment, on pajne of death. And whereas W^m Brend, a knoune Quaker, that hath formerly suffered the lawe, hath, notwithstanding the aboue mentioned lawes, come into this jurisdicçōn, being sent to prison & appearing before the Court, acknowledged himself to be one of those the world, in scorne, called Quakers, this Court doth therefore order, that the sajd W^m Brend be comitted to prison, there to remajue till the sixteenth of this instant May, & then be discharged the prison, & shall depart this jurisdicçōn, on pajne of death, and that if after the eighteenth of this instant May he shall be found wthin any part of this jurisdicçōn, he shall be apphended & comitted to prison till he be proceeded wth according to lawe. Brends censure
of banishment.

In ans^r to the petition of Robert Locke, humbly crauing the remittment of a fine of tenn pounds imposed on him by the County Court at Boston for throwing ballast ouer board in the channell, w^{ch} was donne by his men contrary to his comānd, &c, the Court, finding that allegations of the petiçōner is reall, as appeares by prooffe, judge meete to abat the petiçōner eight pounds of his sajd fine. Ans^r to Mr
Locks petiç.

In ans^r to the petition of Benjamin Gillham, humbly craving the favor of this Court that his wife might be borne wthall respecting hir absenting hir self from y^e publicke assemblys, &c, being otherwise peaceable, &c, the Court Ans^r to Benj.
Gillams peti-
çōn.

1659.

28 May.

judgeth it not meete to graunt his request, but doe order, y^t for tyme to come whenever the petiçõner shall make it evident by good prooffe y^t by weaknes of body, or other suffieient reasons, to the County Court, that his wife could not come to the ordjnances, the County Court, they doubt not, are & will be ready (w^{ch} is the minde of this Court they should so farre) to free the petitioner from mulets in such kind & case.

Ans^r to Sherman & Win-colls petiçõn.

In answer to the petiçõn of John Sherman & John Wincoll, guardians to John Fleming, the Court judgeth it not meete to alter the act of the County Court in referenc to the divission of the sajd Flemings fathers estate.

Courts ans^r to Northampton petiçõns.

In ans^r to the petiçõns of the inhabitants of Northampton, this Court doth order, that Willjam Holton, Arthur Willjams, & Richard Lyman to end smale causes there for a yeare, and that Joseph Parsons & Thomas Roote, joyned wth them, be theire select men, and that James Bridgman be connstable ; and for that part of theire petition desiring the encouragement of M^r Mather, the Court declares themselves ready to consider of what they shall pppound ; and in relation to theire carrying on the duty of the Saboath in M^r Mathers absenc, wherein thẽ doe so much disagree, that though in some cases private men may excercise theire guifts, where there are such as are knoune, able, approved, & Orthodoxe, yet for present, as things as are circumstanced wth them, the Court judgeth it theire best, safest, & most peaceable way, in the absence of theire minister, to assemble all at one place, & to spend the Saboath together, besides praying & singing, in reading & repeating of knoune godly, Orthodoxe bookes & sermons.

[*306.]

*The bounds of Richard Davenporte his farme.

Cap^t Davenports farme lajd out.

Lajd out in the yeare sixteene hundred fifty & eight, according to the order & graunt of the Generall Court of the Massachusetts in America, being measured in the presence of the comittee, John Prescot & Jonas Fairebancks, in manner following: First, begining at a great white oake, being in the south ljne of Lancaster bounds, w^{ch} sajd oake being three quarters of one mile & forty perches to the eastward of Lancaster, southwest angle, ruñing, wee say, vpon a west northwest poiute, one hundred & seventy rods, then making an angle ruñing vpon a west & be north point one mile one quarter and seventy five rods, there making a right angle, passing ouer the riuer, ruñing a ljne fifty rods in length, there making an angle & ruñing south east & by south one mile & one hundred & twenty rod, there making an angle at a great pine tree, & ruñing from thence north east & be east one mile & eighty rods, w^{ch} ljne periods at the white oake where wee first beganne, all w^{ch} ljnes so draune out conteines sixe hundred acres ; and also layd out fifty acres more,

w^{ch} sajd fifty acres is part of the farme graunted to Cap^t Davenport, & lyeth a mile distant from the northwest angle of the afore^sd farme.

1659.

28 May.

JOHN PRESCOTT,
JONAS FAIREBANCKS.

The Court approves of this retourne.

Whereas retourne was made to this Court by M^r Ephraim Child, M^r Edw^o Oake, & Robert Hale, in relation to y^e composing y^e differenc at Woborne betweene Cap^t Edw^o Johnson, Ensigne Carter, Th^o Dutton, &c, ab^t land w^{ch} is on file, this Court, on p^{er}vysall thereof, judge mee^te [^] the determination of that buisnes, together wth the chardges, to the com^{it}tee againe.

Courts mind about Cap^t Johnson & Ensign Carter

In ans^r to the peti^{ti}on of John Cheekly, attourney to Thomas Ancor, & James Neighbor, & John Andrews, coop^{rs}, assignes vnto George Palmer, humbly craving, that having obtajned senerall judgments ag^t the estate of the late Walter Merry, which being extended on a house, the sajd house may be equally valued or sold at an out^rje, that so they may haue their due debts, the Court judgeth it mee^te, that the peti^{ti}oners doe attend a legall proceeding for the issue of their respective cases men^{ti}oned in their petition.

Ans^r to Cheekly & Neighbors peti^{ti}on.

Layd out vnto the honored Go^uno^r, John Endecott, Esq^r, five hundred & fifty acres of land on Ipswich Riuer, and is bounded wth a brooke anent Goodmā Goolds land on the east, Blind Hole on south, and the wildernes else where surrounding the sajd farme, taking into the bounds thereof the swampy meadow land that l^{ie}th on the south side of the riuer.

25 (2), 1659. Go^uners farme lajd out & allowed. The plat is on y^e file of plats of lands.

By order of the Generall Court.

THO: DANFORTH,
ROBERT HALE.

The Court approves of the retourne of these com^{is}sioners.

Itt is ordered, that Cap^t Thomas Sauage, Cap^t Frauncis Norton, & M^r Anthony Stoddard be & hereby are appointed a com^{it}tee to take the Tresurers acco^t sometjmes betweene this & the next session of this Court, & to make their retourne to this Court in October next.

Com^{it}tee to take y^e Tresurers acco^t.

Wee, whose names are vnder written, being appointed by y^e Generall Court to pitch & lay out the dividing l^{ie}ne betweene the townes of Yorke & Wells from a marked tree formerly marked by mutuall consent of both townes, & according to our power given vs, haue determined as followeth: to say, the dividing l^{ie}ne shall runne betweene the two aforesajd townes from the abonesajd

Bounds of Yorke & Wells.

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marked tree vp into the countre, on a streight līne vnto the south west side of certajne marshes cōmonly called Totneck Marshes, directly against the a certajne rocke on the north east side of the sajd marshes, deviding the townes of Kittery & Wells. Dated y^e 27th (1) m̄, 58, 59.

NICHO: SHAPLEIGH,
BRJAN PENDLETON,
NICCOLAS ^{marke} **N** FROSTE.

The Court allows of this retourne.

[*307.]

New plantaçon
to Cap^t Hawthorne,
Sauage, &c.

*In ans^r to the petition of Cap^t W^m Hawthorne, Cap^t Thō Sauage, M^r W^m Payne, M^r W^m Broune, Cap^t Thō Clarke, Cap^t Frauncis Norton, Cap^t John Pinchon, M^r George Corwin, M^r John Richards, M^r Thō Lake, & M^r Walter Price, the Court judgeth it meete to graunt them a plantation of ten miles square, about forty or fifty miles from Springfeild to the westward, about two thirds of the way to Fort Awrania, so as they beginne it in eighteene moneths.

Ans^r to
Chelmsford
petiçon ab^t y^e
bridge.

In ans^r to the petiçon of the selectmen of Chelmsford, the Court judgeth it meete to order that the selectmen of Chelmsford, together wth those y^t couenanted to build the bridge, doe forthwith take speedy & effectuall care for repajring & finishing of the sajd bridge, and that they present a bill of chardg for the same to the next Court of y^t sheire, who are to examine the cause of the damage susteined, & levy the same according as they shall finde to be just & æquall, and to take further order in y^e case as they shall finde needfull.

Furburs bill of
costs.

W^m Furbur, plaintiffe, ag^t John Garland, defendant, in an accōn that by course of lawe came to this Court, the Magis^{ts} not agreeing to the verdict of the jury at Salisbury Court, y^e sajd Furber appearing, & Garland, being three tīmes called, not appearing, the Court graunted the sajd Furburs bill of costs, i. e., forty sixe shillings.

Godfrys bill of
costs, 3^{li} 11^s 8.

In the action brought to this Court from the County Court at Salisbury this last Aprill, betweene John Godfry, plaintiffe, and Abraham Whittacre, defendant, on the Courts persvall & consideration of the evidences produced in the case, the Court reuerced the virdict of the jury at Salisbury Courts case, & find for the plaintiffe costs of Court three pounds eleven shillings & eight pence.

Mr Webbs bill
of costs, 2^{li}.

In the action brought to this Court by Samuell Archard, John Hawthorne, & Samuel Bennet, plaintiffs, ag^t Henry Webb, defendant, the Court, on persvall & examinati^ō of the evidences produced on both sides, doe finde for the defendant costs of Court, i. e., forty shillings.

In the case betweene Mr Stoddard and Mr Symon Bradstreete, the Court, on pvsall & due consideration of all the evidences produced in the case, finds for the defendant, and order Mr Stoddard to pay as charges for y^e magis^{ts} hearing the case sixteene shillings & sixpenc, & as chardges for the deputjes oñ pounds thirteene shillings.

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28 May.
Courts judg^t
in Mr Stod-
dard & Mr
Bradstreet
case.
Rich. Smith
settled an in-
habitant of
Boston.

The Court, on hearing the case comēded to this Court by the County Court of Cambridge for the settlement of Richard Smith & his wife, on a full hearing of the case, order, that Maulden beare the chardg of Richard Smith & his wife for the tjme past, and that the sajd Smith and his wife belong to Boston.

In ans^r to the petiçōn of the inhabitants of the Isle of Shoales, the Court doe not judge the persons petitioning to be in a capacity at present to make a towneshipp.

Ans^r to Isle of
Shoales peti-
çōn.

In ans^r to the petiçōn of Cap^t Thomas Sauage, Lef^t Peter Oliuer, Cap^t James Oliuer, Cap^t Jamés Johnson, Lef^t W^m Hudson, Mr Jeremiah Houchin, and Ensigne John Euered, humbly desiring the favor of this Court to graunt vnto them meete ffarmes, the Court judgeth it meete to graunt the petiçōners two hundred & fifty acres of land a peece, on condition that they observe the order propounded for the regulating in the laying out of all future graunts, that so places fitt for towneshipp be not vtterly spoyled, to the great damage of this comōn-wealth.

Courts graunt
of lands to Cap^t
Sauage, L.
Oliu, Cap^t
Oliu, John-
son, Hudson,
Houchiu, &c.

The Court also judgeth it meete to grannt to Cap^t W^m Davis, Cap^t Eliazer Lusher, Cap^t Frauncis Norton, & Cap^t Isack Johnson two hundred and fifty acres apeece, on the same termes as was graunted to Cap^t Sauage, Oliuer, &c.

Courts grannt
to Cap^t Davis,
Norton, Lush-
er, & Johnson.

*In answer to the request of the inhabitants of Saco, that those comissioners w^{ch} are appointed to lay out the dividing lynne betweene Saco & Scarborough may also haue power to runne the west lynne betwixt Saco & Cape Porpus, & to lay out the head ljne of Saco, as they shall see most convenjent, & make retourne thereof to the next Generall Court, the Court graunts thaire request.

[*308.]

Comittee to lay
out y^e head ljne
of Saco, &c.

In ans^r to the request of the toune of Salem, the Court doe judge it meete to impower Major W^m Hawthorne in the toune where he dwells to act in all criminall cases, binding ouer offendo^rs, giving oathes in ciuill cases, & solemnizing marriages, as any one magistrate may doe, and this power to continew vntill the next Court of Election.

Major Hau-
thornes power
to act in all
criminall cases,
&c.

In ans^r to the motion of Richard Bellingham, Esq^ꝑ, in reference to a farme of seven hundred acres, graunted him neere twenty yeares agon, and lajd out, as he aphen^d, by Major Hawthorne & Cap^t Dauenport, & returned

Mr Danforth to
runne Salem
lynne referring
to y^e Dep.
Gov. Belling-
hams meadow.

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on record, since w^{ch} time the toune of Salem haue taken a parcell of meadow w^{ch} was in p̄ticular belonging to the same farme, pretending the sajd meadow to be wthin sixe miles of Salem meeting house, north west from Salem, this Court judgeth it meete to appointe & desire M^r Thomas Danforth to measure the sajd sixe miles, giving notice to the connstables of Salem, & to make re-tourne to y^s Court.

Major Gen. Dennisons power to lay out his farme, &c.

Itt is ordered, that the Deputy Gouverno^r shall procure M^r Danforths & Majo^r Hawthorne, Cap^t Dauenport, or any two of them, to lay out his farme of seven hundred acres on the head of Salem bounds before the end of the fowerth moneth next, w^{ch} if he shall omitt to doe, it shall be lawfull for the majo^r generall to lay out his farme wthout any further dependance vpon the laying out of the deputys farme.

Andrew Belchar & Jn^e Stone to lay out P^side^t Chaunceys 500 acres.

In ans^r to the request of M^r Charles Chauncey, the Court judgeth it meete to order & impower Andrew Belchar & John Stone to lay out five hundred acres of land only, as relates to y^e Courts graunts to y^e sajd M^r Chauncey.

Frauncis Smith fined 2^l.

Frauncis Smith, for his contemptuous & false speech in the Generall Court, is sentenced to be sett in the stockes by y^e marshall for one whole hower. The Court, on consideration of Frauncis Smiths humble acknowledgem^t of his sinfull carriage, judge meet, in steed of the punishment of the stockes, to order y^t twenty shillings be taken as a fine, &c.

Courts order relative to Ensigne Sherman, &c.

In referenc to y^e retourne of y^e County Court at Cambridg, relating to Ensigne Shermans petiçōn, formerly presented to this Court, this Court judgeth it meete to enable the County Court at Charles Toune next to bring the case to a full issue & determination.

M^r Tho. Danforth & Andrew Belchar to lay out M^r Pelhams 400 acres.

M^r Thomas Danforth & Andrew Belchar are appointed to lay out fower hundred acres of land, formerly graunted to M^r Herbert Pelham for his & M^r Walgraues putting in one hundred pounds in y^e coñon stocke on adventure, in any free place betweene Nipnop & Sudbury.

Ans^r to inhabitants of Basse River petiçōn.

In ans^r to the petiçōn of the inhabitants of y^t p̄t of Salem on the north side the ferry going to Ipswich, humbly desiring to be a towneship of themselves, &c, the Court doe judge, that the petitioners should make their addresse to the toune of Salem in reference to their requests, and they agreeing to mutuall satisfaction, this Court will be ready to ans^r their just desires in their petiçōn, & orders the toune of Salem to giue the petiçōners a speedy meeting to effect the same.

[*309.]

Courts ans^r to Braintry petiçōn.

*In ans^r to the petiçōn of the toune of Braintrje, humbly desiring some releife relating to seū^{ll} persons brought in by the owners of the iron works y^t are likely to be chargeable to them, especially in relation to Jn^e Frauncis, his

poore condition calling for present releife, &c, this Court refers this part of their petition to the next County Court in Suffolke, where all partjes concerned may haue liberty to present their respective pleas & evidenc; and in referenc to their desire of a new plantation, the Court judgeth it meete to graunt them liberty to seeke out a place & presente their desires, wth the names of such persons as will engage to carry on such a worke, vnto the next sessions of this Court.

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In ans^r to the petition of Samuel Basse, the toune of Braintrje hauing petitioned for a new plantation, it is ordered, that the petitioner, wth his sonnes, may haue liberty to joyne wth those of his neighbors w^{ch} will carry on such a worke, wth allowance of one hundred & fifty acres, wthin the bounds of the said plantation, more then his just proportion wth the rest of his neighbours.

Ans^r to Sam.
Bass petition.

Wee, whose names are heerevnder written, haue, according to the order of Court, da^t 24 May, 1655, lajd out for M^r Thomas Wiggin two hundred acres of land, that is to say, fower score acres of marish, and the rest in vpland against it, all of it lying neare the heade of the little riuer called the Back Riuer. Wittnes our hands this 28th of Aprill, 1659.

Courts confir-
mation of 200
acres lajd out
to Cap^t Tho.
Wiggin.

EDWARD STARBUCKE,
HATEEVILLE NUTTER.

The whole Court mett together allowes & approoues of this retourne.

In ans^r to the petition of Thomas Brigden, humbly desiring the favor of this Court, that whereas Michaell Carthricke, late of Ipswich, by his last will gaue vnto John, his sonne, all his houses & lands, to enjoy to him & his heires foreuer, as in the said will appeares, the said John dying after he had attained the age of twenty yeares, that in right of Mildred, his wife, only sister to the said John, by whom the said Brigden hath children, he might haue due & just releife, the Court judgeth it meete to order, that Mildred, the only daughter of the said Michael Carthrick, & sister & heire to said John Carthricke, shall haue & enjoy to hir & hir heires for euer all those houses & lands w^{ch} were by the said Michaell Carthricks will giuen & bequeathed to the said John, so as the said Thomas Brigden, & Mildred, & his wife, pay the widow of the late Carthricke tenn pounds.

Ans^r to Brig-
dens petition.

In ans^r to the petition of Left^t Francis Johnson, humbly craving the remittment of a fine imposed on him by the County Court at Salem for selling strong liquors, the Court judgeth it meete to remitt the petitioner tenn pounds of his fine, but doe not think it meete to graunt him liberty to sell strong

Ans^r to Fran-
cis Johnsons
petition.
10^{li} remitted.

1659.

28 May.

Ans^r to Bel-
chars petiçõn,
300 acres grd on
condiçon.

waters, & do declare, that if he shall offend in the like manner any more, he must expect no favo^r.

In ans^r to y^e petiçõn of Jerremiah Belchar, the Court judgeth it meete to graunt the petiçõner three hundred acres of land, to be lajd out as it be no p^judice to any place that is otherwise fitt for a plantaçõn, but adjoining to some plantaçõn or other.

M^r Joyliffes
liberty to land
mault, &c.

Whereas the last ship y^t came into this harbo^r was consigned to M^r John Joyliffe, w^{ch} brought twenty seven quarters of mault, on his request, this Court judgeth it meet to allow the sajd John Joyliffe to land tenn quarters of the sajd mault, for the shipp's provission, & also, on his giving security to double value of the other seventeene q^rters & one half of mault, that he will not sell the same, or any parte thereof, in any part of this jurisdiction, on giving of w^{ch} security to the Tresurer he hath also liberty to land the sajd seventeene q^rters one halfe of mault to aire, &c, and to shipp it away to Monhatoes or elsewhere out of y^s jurisdicçõn wthin this three moneth.

[*310.]

Ans^r to M^{rs}
Coggans peti-
çõn.

*In ans^r to the petition of M^{rs} Martha Coggan, humbly craving the establishment of the agreement in all respects betweene hir late husband, M^r John Coggan, & himself before hir intermarriage wth him, as it is signed by M^r Nowell, M^r Hibbins, & M^r Ting, as it is to the petiçõn annexed, and that shee might be impowred, as executrix only to y^e last will of hir late husband, Coggan, out of the remainder of his estate to sell some housing for payment of his just debts, and for the estate y^t remajnes, it may, by order of this Court, be settled as neere as may be according to his will, the Court, on pervsall of the comittees retournè, that gaue optunity to such as were concerned to appeare & make there due objections, judge meete to graunt hir requests in the sajd petiçõn in the severall parts thereof, provided that the house w^{ch} Richard Wooddey alleadgeth is mortgaged be not sold before cleared, if it be not already donne, but other houses or lands that is convenient to be sould may be sold according to the discretion of the executrix.

Ans^r to Salis-
bury new
tounes peti-
çõn.

In ans^r to the petition of the inhabitants of the new toun of Salisbury, so called, the Court judgeth it meete to order, that the proposall signed by M^r W^m Worcester, tendring his going vp euery foweth Lords day to help them, & y^t due p^vition be made according to the sajd proposalls, w^{ch} are on file, be attended by the church of Salisbury for the supply both of the old and new toun, as the case may require, and that the one halfe of the fines lajd on the petiçõners for non attendance on the publicke ordinances at the old toun be respitted vntill the next Generall Court.

In ans^r to the petition of the inhabitants of Springfield, itt is ordered,

that Cap^t John Pinchon, Lef^t Elitzur Holjocke, and M^r Samuëll Chapin, for the yeare ensuing, and vntill the Court shall take further order, shall haue full power & authoritje to gouerne the inhabitants of Springfield, and to heare and determine all cases & offences, both civill and criminall, that reach not life, ljmbe, or banishment, according to the lawes here established; provided, it shall & maybe lawfull for any party to appeale to the Court of Asistants at Boston, so as they prosecute the same according to the order of this Courte; provided also, that theire trjalls maybe by the oathes of sixe men, if twelve cannot be had for that service, and that Northampton be referred to Springfield in referenc to County Courts, w^{ch} Courts shall be kept, one on the last Twesday in the first moneth, & the other on the last Twesday in September, yearely, at Springfield, vnlesse the com^{is}sioners aforesajd shall see just cawse to keepe one of them at North Hampton; and the two Courts to be kept at Springfield or at North Hampton, as aforesajd, shall in all respects haue the power and priuiledges of any County Courte till this Court shall see cause otherwise to determine; provided, they shall not warne aboue fower jurymen from Northampton to Springfield or from Springfield to Northampton; and all fines as well as entry of acc^ōns shall goe towards the defraying of chardges of Courts; and out of Court the com^{is}sioners, or any two of them, agreeing, may act in all respects as any one magistrate may doe, either at Springfield or Northampton; and the com^{is}sion graunted last yeere respecting Northampton is hereby repealed.

1659.

28 May.
Springfeild
Courts &
com^{is}sion.

*In ans^r to y^e peti^ōn of diuerse y^e souldiery of Springfield, the Court judgeth it meete to graunt liberty to the com^{is}sion officers of the floote company at Springfield to allow off & appoint seven or eight persons to serve wth their horse, they being compleately fitted wth horse & furnished according as the law requires of such as are troopers, & being so fitted, not to be required to excercise wth y^e company on foote, but in all other respects to be vnder the com^ānd of the com^{is}sion officers of foote.

[*311.]

Ans^r to y^e
souldiers of
Springfeild
peti^ōn.

There being a com^{is}sion graunted to Cap^t John Pinchon, Lef^t Holiocke, & M^r Samuëll Chapin, of Springfield, for the administration of justice there, allowing them the power of a County Court, &c, as by the saj^d com^{is}sion more fully appeares, it is therefore ordered, that the saj^d Captaine Pinchon, before he depart, take an oath for the faithfull dischardge of his saj^d com^{is}sion, & be impowred to giue oath to the other two com^{is}sioners, the oath to be the same w^{ch} was appointed by this Court in October, 1652; and that M^r Pinchon be impowred to solemnize marriages. Y^e saj^d M^r Pinchon tooke his oath in open Court accordingly.

Com^{is}sioners
of Springfeild
oath & power
to marry, &c.

In ans^r to the peti^ōn of the inhabitants of Meadfeild, the Court judgeth

1659.

28 May.
Addition to
Meadfeild
bounds.

it meete to graunt vnto them as an addition vnto their former bounds, & at the west ends thereof, two miles east & west, & fower miles north & south provided it intrench not vpon any former graunts, & y^t Cap^t Lusher & Lef^t Fisher are hereby appointed to lay it out according to graunt, & to make retourne thereof to the next session of Court.

Comissioners
to lay out Scar-
borough, Fal-
mouth, & Saco
bounds.

Whereas this Court is informed that the townes of Saco, Scarborough, & Falmouth are not as yett bounded by any direct l^jne running back into the countr^je betweene toune & toune, the doing whereof may conduce much to their future peaceable settling, it is hereby ordered, that Cap^t Nicholas Shapleigh, M^r Abraham Preble, M^r Edward Rishworth, & Lef^t John Saunders, or any three of them, shall haue full power to runne a diuiding l^jne betweene the aforementioned townes, to bound them as they see meete for their most convenient, the comissioners aforesajd giving each toune due warning, & appoint a meete t^jme for the doing thereof, & make their retourne vnto the next General Court.

Comittee to
draw up an
order ab^t cloth.

Itt is ordered, that Majo^r Symon Willard, M^r Ephraim Child, & Lef^t Richard Sprague shall & hereby are appointed a comittee to drawe vp an order, which may p^rvent deceit in making & dressing of cloth, and to present the same to the next sessions of this Court.

Courts encour-
agement to
Norwottocke,
& engam^t to
M^r Brad^s, M^r
Symonds, &c.

This Court having heretofore graunted to the honored M^r Bradstreet, M^r Symonds, Majo^r Geⁿll Dennison, & Majo^r Atherton, each of them a farme, w^{ch} they intended to take vpon Conecticott Riuer, aboue Springfield, but forasmuch as the taking of it there will be very p^rjudicjall to the new plantations now going on there, which this Court is very willing to encourage, this Court doth therefore desire y^e honored magistrates before mentioned to finde out some other place to take vp their farmes in; and if it shall not be to æquall satisfaction in respect of qualitt^je, this Court will be willing to make it vp in quantitt^je.

W^m Holton
sworne.

It is ordered by this Court, that Willjam Holton, who is chosen & allowed off as a comissioner at North Hampton, shall haue his oath giuen him by some of the magis^{ts} before the Court breake vp, & also be impowred to giue oath to the other two comissioners & connstable, to prevent them any further trouble about it. Y^e s^d W^m Holton tooke his oath accordingly before y^e Court.

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Ans^r to George
Halsalls peti-
tion.

*In ans^r to the petition of George Halsall, the Court, on a hearing of the case betweene the saj^d George Halsall & Joane, his late wife, doe order, that the determination of it be referd to the next sessions, & in the meane time forbidd either party to marry.

In ans^r to the petition of Anthony Eames, who affirming that himself,

wth Mr Busby & Robt Martjn, were not only appointed to runne the l^jne betwixt this pattent & Pljmouth pattent, which was pformed by them, but was promised sattisfaction for their t^jme & chardge, which he neuer received, & therefore humbly desireth that he may haue due sattisfaction for his t^jme & pajnes, or that his sonne in lawe, Michaell Pearse, may be freed of a fine w^{ch} was lajd vpon him by the County Court in June last, the Court judgeth it meete to order the country Tresurer to examine the accounts of the peti^cõner in referrence to the pmisses, & y^t payment be made of what shall be found to be his just due out of the country Tresury.

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28 May.
Ans^r to Antho.
Eames peti^cõn.

Mr Thomas Danforth is appointed to joyne wth Cap^t Thomas Wiggin to keepe the Court to y^e eastward for this yeare.

Mr Thomas
Danforth to
keepe eastern
Courts.

Itt is ordered, that the Tresurer dispose of Mr Nortons bookes now at the presse, deliuering euery member of this Court one, and to the seuerall townes in proportion to their rates, & twenty or thirty to Mr Norton, presenting this Courts thankfull acknowledgement to him for his pajnes at present, & giving e^ver^y minister one y^e like order about y^e lawes.

This Court, in ans^r to Mr John Wilsons request, doth graunt liberty to lay out the thousand acres formerly graunted him in y^e most convenient place or places at the end or ends of that graunt w^{ch} this Court graunted to y^e toune of Meadfeild as an addition to their bounds.

Mr Wilsons
1000 acres.

This Court is adjourned to y^e 18 of October next, at eight of the clocke in the morning.

Att the second Sessions of the Generall Court, held at Boston, 18th of October, 1659. 18 October.

WHEREAS, according to lawe, all cases wherein the bench & jury doe not agree in the majne issue, the Generall Court is to determine the same, which by experience being found very burdensome to the countrje, it is therefore ordered, that henceforth no action of a civill nature shall, vnder any pretence w^tsoeuer, come either i^mmediately or from the County Court to the Generall Court, but in case of disagreement betweene the bench and jury, at any County Court, the case shall be determined at the next Court of Asistants, in manner ffollowing: i. e., the attachment, wth the security for appearance at the County Court, *shall be continued to the Court of Asistants, and if the plaintiffe shall see cause further to prosecute his action, he shall then giue su^mons to the defendant as the lawe provideth, and shall also take out of the

[*313.]

1659. records of the County Court the records of the said case, wth the evidences presented by both partjes, and bring the same to the Court of Asistants, where, after the case is presented as it was at the County Court, both partjes shall haue liberty to make any new pleas or evidences before the bench and jury ; and, in case the plaintiffe shall not further prosecute his action in manner as is hereby provided, the defendant shall then haue judgment for his costs at the County Court graunted him at the next Court of that county.

18 October.
All cases
wherein y^o
bench and jury
disagree tria-
ble at the next
Court of
Asistants.

Day of thanks-
giving.

Whereas through the rich favor of God towards his poore people in these ends of the earth, notwthstanding our great securitje, declensions, & vnworthy walkings vnder such vnparalleled enjoyments, he hath hitherto continewd our peace & libertjes, both civill & ecclesiasticall, of all which wee haue had long & abundant experjence, and in speciall this last su^mer, hath favorably accepted the desires of his people to humble themselves before him wth a gracious retourne to our prajers, and hath not as yet delivered vs into the hands of Sathan and his instruments, who band themselves together, & by their horrid blasphemies against the name of our God, his tructh, ordinances, & by their seditious practises & rebelljon against the supream authoritje of this co^monwealth, doe seeke our utter ruine & destruction, but hath given pledges of his future favour in giving of his people one hart & resolvednes of spirit, through his grace & strength, (in their respective places,) to beare wittnes against them, as also in that he hath given some *come* comfortable hopes of making vp that great breach that the enemy had made amongst his pretious servants at Hartford, together with his continewed care for our provission & protection, from the begining of the yeare to the end thereof, in giving of vs fruitfull seasons, and in that the lives, peace, health, & prosperitje of his poore people are yett pretious in his eyes, all which this Court taking into their serious consideration, doe co^mend vnto their beloved brethren & neighbo^rs, the inhabitants of this colony, the eighth day of December to be kept a solemne day of thanksgiving, for the sanctifying of the name of the Lord, by a humble & thankfull acknowledgment of these & all other his great favo^rs, & rejoycing before him, as also for the further imploring of his gracious & favorable presenc yet further to be continved, not only to ourselves, but to ours after vs.

Co^missioners
in townes to
marry, &c.

There being seuerall townes wthin this jurisdiction who are not only remote from any magistrate, but also destitute of any person impowred to solemnize marriage, the want whereof is an occasion of much trouble & sometjmes disappointment, which to prevent, it is ordered, that Cap^t Johnson for Wooborne, Lef^t French for Billirrikey & Chelmsford, W^m Coudrey for Redding, Cap^t Marshall for Lynn, M^r Thomas Nojee for Sudbary, M^r Edw^od Woodman for Newbury, Lef^t Robert Pike for Salisbury, Lef^t Christopher

Hussie for Hampton, Cap^t Eliazer Lusher for Dedham, M^r Wheelocke for Meadfeild, Cap^t Joshua Hubbard for Hingham, Cap^t W^m Torrey for Weimouth, M^r Peter Brackett for Braintrje, shall & hereby are appointed & empowred to joyne in marriage such persons wthin their respective townes or lymitts as shall desire the same, being published according to lawe.

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*Itt is ordered, that W^m Robbinson, Marmaduke Stephenson, & Mary Dyer, Quakers, now in prison for their rebelljon, sedition, & presumptuous obtruding themselves vpon vs, notwithstanding their being sentenced to banishment on pajne of death, as vnderminers of this gouernment, &c, shall be brought before this Court for their trjalls, to suffer the pœnalty of the lawe, (the just reward of their transgression,) on the morrow morning, being the nineteenth of this instant.

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Order to bring y^e Quakers to triall.

W^m Robbinson, Marmaduke Stephenson, & Mary Dyer, banished this jurisdiction by the last Court of Asistants on pajne of death, being comitted by order of the Generall Court, were sent for, brought to the barre, acknowledged themselves to be the persons banished. After a full hearing of what the prisoners could say for themselves, it was put to the quæstion, whither W^m Robbinson, Marmaduke Stevenson, & Mary Dyer, the persons now in prison, who haue binn convicted for Quakers, & banished this jurisdiction on pajne of death, should be putt to death according as the lawe provides in that case. The Court resolved this question on the affirmative; and y^e Gouverno^r, in open Court, declared the sentanc to W^m Robbinson, y^t was brought to y^e barr: W^m Robbinson, yow shall goe from hence to the place from whence yow came, & from thence to the place of execution, & there hang till yow be dead. The like sentanc the Gouverno^r, in open Court, pronounced against Marmaduke Steephenson & Mary Djer, being brought to y^e barre one after another, in y^e same words.

Sentence of death ag^t W^m Robbinson, Marmaduke Stephenson, & Mary Dyer.

Whereas W^m Robbinson, Marmaduke Stephenson, & Mary Dier are sentenced by this Court to death for their rebellion, &c, it is ordered, that the secretary issue out his warrant to Edward Michelson, marshall generall, for repajring to the prison on the twenty seventh of this instant October, & take the sajd Willjam Robbinson, Marmaduke Stephenson, & Mary Dyer into his custody, & them forthwith, by the aide of Cap^t James Oliuer wth one hundred souldjers, taken out by his order proportionably out of each company in Boston, compleately armed wth pike, & musketteers, wth powder & bullett, to lead them to the place of execution, & there see them hang till they be dead, and in their going, being there, & retourne, to see all things be carjed peaceably & orderly. Warrants issued out accordingly.

Order requiring y^e secr^t to issue out warrants for y^e prisoners execution.

It is ordered, that the Reuerend M^r Zackery Simes & M^r John Norton repajre to the prison, & tender their endeavors to make the prisoners sen-

M^r Simms & M^r Norton to endeavor y^e making y^e prisoners sensible of their danger, &c.

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Mary Djer re-
preiued.

eible of theirre approaching dainger by the sentence of this Court, & prepare them for theirre approaching ends.

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Whereas Mary Dyer is condemned by the Generall Court to be executed for hir offences, on the petition of William Dier, hir sonne, it is ordered, that the sajd Mary Dyer shall haue liberty for forty eight howers after this day to depart out of this jurisdiction, after which tyme, being found therein, she is forthwith to be executed, & in the meane time that she be kept close *prisoner till hir sonne or some other be ready to carry hir away wthin the aforesajd tyme; and it is further ordered, that she shall be carrijed to the place of execution, & there to stand vpon the gallowes, with a rope about her necke, till the rest be executed, & then to retourne to the prison & remajne as aforesajd.

County Courts
adjournment.

It is ordered, that the next County Court, w^{ch} should beginne on the twenty fifth of this instant October, shall be & is hereby adjourned to the two & twentjeth of Nouember next, and that in the meane tyme it shall be lafull for any plaintiffe to serve his attachment or su^mons, as the lawe directs, & he might haue done before this adjournment, referring to y^e sixe dajes warning.

Guard for y^e
tounne.

Itt is ordered, that thirty sixe of the souldiers be ordered by Cap^t Oliuer to remajne in & about the tounne as centinells to preserve the peace of the place whiles the rest goe to the execution.

Tounne watch.

It is ordered, that the select men of Boston shall & heereby are required & impowred to presse tenn or twelve able & faithfull persons euery night during the sitting of this Court to watch with great care the tounne, especially the prison, & to allow them two shillings a peece, w^{ch} shall be allowed them out of theirre proportion of the country rate.

The Court, having considered of the seuerall declarations which haue binn presented to vindicate the justice of this Courts proceedings in refference to the Quakers, doe thankfully acknowledg themselves engaged to the gent^l that haue taken pajnes therein, & for the sattisfaction of such as may any way be doubtfull, it is ordered, that the two declarations heerevnder written shall goe forth, by the authority & order of the Generall Court, the first of them to the presse, to be printed, the other from the secretary to y^e tounnes, in writting.

Although the justice of our proceedings against W^m Robbinson, Marmaduke Stephenson, & Mary Djer, supported by the authority of this Court, the lawes of the countrje, & the lawes of God, may rather perswade vs to expect encouragement & comendation from all prudent & pious men, then convince vs of any necessity to apologize for the same, yett, forasmuch as men of

weaker parts, out of pittie & comiseration, (a comendable & Christian virtue, yet easily abused, & susceptible of sinister & daingerous impressions,) for want of full information, may be lesse sattisfied, & men of perverse principles may take occasion heereby to caluminate vs, & render vs as bloody persecutors,— to sattisfy the one, & stop the mouths of the other, wee thought it requisite to declare —

That about three yeares since, diuerse persons, professing themselves Quakers, (of whose pernicious opinions & practises wee had received intelligence from good hands,) from Barbadoes & England arived at Boston, whose persons were only secured to be sent away by the first oppertunity, without censure or punishment, although their professed tenents, turbulent & contemptuous behaviour to authoritje, would haue justified a seuerer animadversion, yet the prudence of this Court was excersised onely in making provision to secure the peace & order heere established against their attempts, whose designe (wee were well assured by our oune experjence, as well as by the example of their predecessors, in Munster) was to vndermine & ruine the same; and accordingly a lawe was made & published, prohibiting all masters of shippes to bring any Quakers into this jurisdiction, & themselves from coming in, on pœnalty of the house of correction, till they could be sent away, notwithstanding w^{ch}, by a backe doore they found entrance, & the pœnalty inflicted on themselves proving insufficient to restrajne their impudent & insolent obtrusions, was encreased by the losse of the cares of those that offended the second tyme, w^{ch} also being too weake a defence against their impetuous & fanaticke fury, necessitated vs to endeavo^r our security, & vpon serious consideration, after the former experiments of their incessant assaults, a lawe was made, that such persons should be banished, on pajne of death, according to the example of England, in their provision against Jesuits; which sentence being regularly pronounced at the last Court of Asistants against the partjes aboue named, & they, either retourning or continuing presumptuously in this jurisdiction after the tyme lymitted, were apprehended, & owning themselves to be the persons banished, were sentenced (by this Court) to death, according to y^e lawe aforesajd, *which hath bene executed vpon two of them. Mary Djer, vpon the petition of hir somme, & the mercy & clemency of this Court, had liberty to depart wthin two dajes, w^{ch} shee hath accepted of. The consideration of our graduall proceedings will vindicate vs from the clamarous accusation of seuerritje, our oune just & necessary defence calling vpon vs (other means fajling) to offer the points w^{ch} these persons haue violently & wilfully rushed vpon, & thereby are become felon^s de se, which might it haue been prevented, and the soueraigne lawe, salus populj, bene

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Courts declaration to vindicate their proceedings ag^t Quakers.

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1659. preserved, our former proceedings, as well as the sparing of Mary Dier vpon
 18 October. an inconsiderable intercession, will manifestly evince wee desire their life
 absent rather than their death present.

Many of that sect of people which are commonly called Quakers having, from forreine parts & from other colonjes, come at soundry times and in severall companjes & numbers into this jurisdiction of the Massachusetts, & those lesser punishments of the house of corrections & imprisonment for a tyme having beene inflicted on some of them, but not sufficing to deter & keepe them away, but that still they have presumed to come hither, vpon no other ground or occasion (for ought that could appeare) but to scatter their corrupt opinions & to drawe others to their way, & so to make disturbance, and the honored Generall Court having herevpon made an order & lawe, that such persons should be bannished & remooved hence, on paine of death, to be inflicted on such of them as after their bannishment should presume to returne & come hither againe, the making & execution of the aforesajd lawe may be cleered to be warrantable & just vpon such grounds & considerations as these, viz. : —

1. The doctrine of this sect of people is destructive to fundamentall trueths of religion, as the sacred Trinitje, the person of Christ, & the Holy Scriptures, as a perfect rule of faith & life, as Mr Norton hath shewed in his tractate against the Quakers; yea, that one opinion of theirs, of being perfectly pure & wthout sinne, tends to ouerthrow the whole gospell & the very vitalls of Christianitje, for they that have no sinne have no neede of Christ, or of his satisfaction, or his blood to cleanse them from their sinne; no neede of faith to beleive in Christ, for imputed righteousnes to justify them, as being perfectly just in themselves; no neede of repentance, as being righteous & wthout sinne, for repentance is only for such as have sinne; no neede of growing in grace, nor of the word & ordinances of God, that they may grow thereby, for what neede they to grow better who are already perfect? no neede of Christian watchfulnes against sinne who have no such enemy as sinne dwelling in them, as Paul had, but are free from the presence & being of sinne, & therefore Christ needs not to say to them, as sometjmes to his disciples, ‘ Watch & pray, that yee enter not into temptation: the spirit is willing, but the flesh is weake; ’ for having no such flesh or weakenesse in them, they have no such neede of watchfulnesse; they have no need to purify themselves dayly, as all Christians should, for they are perfectly pure already; no neede to put off the old man and put on the new, like the Christians to whom Paul wrote his Epistles, for what neede they to doe this when they are already wthout sinne, & so wthout all remainders of the old man? Such

fundamentals of Christianitje are ouerthrowne by this one opinion of theirs, & how much more by all their other doctrines! Now, the comāndment of God is plaine, that he that presumes to speake lyes in the name of the Lord, & turne people out of the way which the Lord hath comānded to walk in, such an one must not liue, but be put to death. Zach 13: 3; Deuť 13: 6, & 18: 20. & if the doctrine of the Quakers be not such, let the wise judge.

2. It is the comāndment of the blessed God, that Christians should obey magistrates, Tiť 3: 1; & that euery soule should be subject to the *higher powers, Roñ 13: 1; yea, be subject to euery ordinance of man for the Lords sake, 1 Peť 2: 13, & yeeld honor & reuerence or feare to such as are in authoritje, Proũ 24: 21; 1 Peť 2: 17; & forbear all cursing & reviling & evill speeches touching such persons, Exod 22: 28; Ecclesiāť 10: 20; Tiť 3: 2; Acts 23: 5; & accordingly good men haue beene wont to behaue themselves wth gestures & speeches of reuerence & honor towards superiors in place & power, as Abraham bowed doune himself to the Hittites, Genē 23: 7, 12; Jacob & his wives & children unto Esau, Genē 33: 3, 6, 7; Joseph's brethren vnto Joseph, being governor in Ægipt, Genē 42: 6; & 43: 26, 28; Joseph to his father Jacob, Gen 48: 12; Moses to his father in lawe Jethro, Exod. 18: 7; Ruth to Boaz, Ruth 2: 10; Dauid to Saul, 1 Sañ 24: 6; Abigal, Bathsheba, & the prophet Nathan to King Dauid, 1 Sañ 25: 25; 1 Kings 1: 16, 23, 31; wth others that might be added. And for reviling or contemptuous speeches, they haue binn so farre therefrom that they haue spoken to & of their superiors wth termes & expressions of much honor & reuerence, as father, 1 Sañ 19: 3; 1 Kings 19: 20; & 2: 2, 12; master, 2 Kings 6: 15; 1 Sañ 24: 6; lord, Gen 33: 13, 14; 1 Peť 3: 6; my lord, 1 Sañ 24: 8; Gen 44: 18, 19, 20; 1 Sañ 1: 15, 26; most noble Festus, Acts 26: 25; most excellent Theophilus, Luke 1: 3; and the like: that servant of Abrahams, Gen 24, doth call Abraham by the terme & title of master, a matter of twenty times, or not much lesse, in that one chapter; and on the contrary, it is noted as a brand & reproach of false teachers, that they despise dominion & are not afraid to speake evill of dignitjes, 2 Peť 2: 10; Jude 8; though the very aingells would not doe so vnto the diuill, 2 Peť 2: 11; Jude 9. Now, it is well knoune that the practize of the Quakers is but too like these false teachers whom the apostles speake of, & that they are farre from giving that honor & reuerence to magistrates which the Lord requireth, & good men haue giuen to them, but on the contrary shew contempt against them in their very outward gestures & behaviour, & (some of them at least) spare not to belch out railing & cursing speeches. Wittnes that odjous, cursing letter of Humphrey Norton; and if so, if Abishaj

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may be judge, they are worthy to dye; for so he thought of Shimej for his contemptuous carriage & cursing speeches against David, 2 Sam̄ 16 : 9, & 19 : 21. And though David at that tyme did forbear to put him to death, yet he giues chardge to Solomon, that this Shimej hauing cursed him wth such a greivous curse, he should not hold him guiltlesse, but bring doune his hoarje head to the graue wth blood, 1 Kings 2 : 8, 9; according to which direction King Solomon caused him to be put to death, Vers 44, 46.

3. Also, in this story of Solomon & Shimej, 1 Kings 2, it is recorded how Solomon confined Shimei to Jerusalem, ehardging him, vpon pajne of death, not to goe out thence, & telling him that if he did he should dye for it, which confinement when Shimej had broken, though it were three yeares after, & vpon an occasion that might seeme to haue some weight in it, viz., to fetch againe his servants that were runne away from him, yett for all this, the confinement being broken, Solomon would not spare him, but putts him to death; and if execution of death be lawfull for breach of confinement, may not the same be sajd for breach of bannishment? Confinement, of the two, may seeme to be much sleighter, because in this a man is lymited to one place & debarred from all others, whereas in bannishment a man is debarred from no place but one, all others being left to his liberty; the one debarres him from all places, saue that it giues liberty to one; the other giues liberty to all places, saue that it restraines from one; and therefore if death may be justly inflicted vpon breach of confinement, much more for returne vpon bannishment, which is these Quakers ease.

4. There is no man that is possessed of house or land, wherein he hath just title & propriety as his oune, but he would count it vnreasonably injurious that another who had no authoritje thereto should intrude & enter into his house wthout his, the ouno^rs, consent; yea, & when the ouno^r doth expressly prohibitt & forbidd the same. Wee say, when the man that so presumes to enter hath no authoritje thereto; for if it were a connstable or other officer legally authorized, such an one might indeed enter, notwthstanding the householders dissent or charge to the contrary; but for them that haue no authoritje the case is otherwise. And if such one should presume to enter into another mans house & habitation, he might justly be *impleaded as a theife or an vsurper; & if in case of such violent assault, the ouno^r should, se defendo, slay the assaylant & intruder, his blood would be vpon his oune head. And if private persons may in case shed the blood of such intruders, may not the like be graunted to them that are the publicke keepers and guardians of the co^monwealth? Haue not they as much power to take away the liues of such as, contrary to prohibition, shall iuvade & intrude into their publicke

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possessions or territorjes as private & particuler persons to deale so wth them that, wthout authoritje, shall presume to enter into their private & particuler habitations? which seemes clearly to be the present case; for who can beleive that Quakers are constables ouer this colonje, to intrude themselves, invade, & enter, whither the colonje will or no, yea, & notwthstanding their expresse prohibition to the contrary? If in such violent & bold attempt they loose their liues, they may thank themselves as the blameable cause & autho^{rs} of their oune death.

5. Who can make quæstion but that a man that hath children & family both justly may, & in duty ought to, preserve them of his chardge (as farre as he is able) from the daingerous company of persons infected wth the plague of pestilence or other contagious, noysome, & mortall diseases? and if such persons shall offer to intrude into the mans house amongst his children & servants, notwthstanding his prohibition & warning to the contrary, & thereby shall jndainger the health & liues of them of the familje, can any man doubt but that in such case the father of the family, in defence of himself & his, may wthstand the intrusion of such infected & daingerous persons, & if otherwise he can not keepe them out, may kill them? Now, in Scripture, corruption in minde & judgment is counted a great infection & defilement, yea, & one of the greatest; for the apostle, saying of some men that to them there is nothing pure, giues this as the reason of it, because euen their minde & conscience is defiled, Ti^{ti} 1: 15; as if defilement of the minde did argue the defilement of all, & that in such case there was nothing pure; euen as when leprosie was in the head, the preist must pronounce such a man vtterly vnclane, sith the plague was in his head, Levitⁱ 13: 44. And it is the Lords comānd that such corrupt persons be not receaved into house, 2 John 10, which plainly enough impljes that the householder hath power to keepe them out, & y^t it was not in their power to come in if they pleased, whither the householder would or no. And if the father of a particuler family may thus defend his children and household, may not magistrates doe the like for their subjects, they being nursing fathers & nursing mothers by the account of God in Holy Scripture? Isaj: 49: 23^d. Is it not cleare, y^t if the father in the family must keepe them out off his house, the father in the comōwealth must keepe them out of his jurisdiction? And if sheepe & lambes cannot be preserved from the dainger of woolves, but the woolves will breake in amongst them, it is easy to see what the shephard or keeper of the sheepe may lawfully doe in such a case.

6. Itt was the comāndment of the Lord Jesus Christ vnto his disciples, that when they were persecuted in one citty, they should flee into another, Math

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1659. 10: 23; & accordingly it was his oune practise so to doe many a tyme, both when he was a child, Math 13: 14, & afterwards, 12: 15; Joh 7: 1 & 8, last, & 10: 39; and so was also the practise of the saints. Wittnes what is written of Jacob, Geñ 27: 42, 43, & 28: 5; of Moses, Exod 2: 14, 15; of Eljas, 1 Kings 19: 3; of Paul, Acts 9: 24, 25, 29, 30, & 17: 13, 14; & of the apostle, Acts 14: 4, 5, & others, who, when they haue beene persecuted, haue fled away for their oune safety; and reason requires that when men haue liberty vnto it, they should not refuse so to doe, because otherwise they will be guilty of tempting God, & of incurring their oune hurt, as having a faire way open for the avoyding thereof, but they needlessly expose themselves thereto. If, therefore, that which is donne against Quakers in this jurisdiction were indeed persecution, as they account of it, (though in trueth it is not so, but the due ministration of justice; but suppose it were as they thinke it to be,) what spirit may they be thought to be acted & led by, who are in their actings so contrary to the comāndment & example of Christ & of *his saints in the case of persecusion, which these men suppose to be their case? Plaine enough it is, that if their case were the same, their actings are not the same, but quite contrary, so that Christ and his saints were led by one spirit, and those people by another; for rather then they would not shew their contempt of authoritje, and make disturbance amongst his people, they choose to goe contrary to the expresse directions of Jesus Christ, & the approved examples of his saints, although it be to the hazard & perrill of their oune liues.

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Fenc about y^e
prison & house
of correction.

Itt is ordered, that there shall be a suffieient fence erected about the comōn prison, in Boston, & house of correction, such as may debarre persons from conversing wth the prisoners, & the charge thereof to be borne half by the county of Suffolke & the other halfe by the countrie; y^t the Tresurer of the county of Suffolke see the same effected.

Warrant for y^e
y^t lodged y^e
Quakers, &c.

The Court, vnderstanding that seuerall inhabitants of this jurisdicōn haue lodged the Quakers now in prison, doe order, that the secretary issue out a warrant to the seuerall persons, & send the same by a messenger of purpose to bring them all wth speede to this Court, to ans^r for their offence therein.

Peaselys pro-
hibition.

The Court, hauing considered of & given ans^r to the petitions of the inhabitants of Salisbury, calling to minde the affront that Joseph Peasely put on this Courts judgment & order in the yeare ffifty eight, by not only continewing his preaching amongst the inhabitants of the new toune at Salisbury, notwithstanding this Courts injunction to the contrary, but refusing to come to ans^r for his contempt of the Courts order, & vnderstanding the County Court at Salisbury only fined him five shillings for his absence, weekly, as they did others, & still that he contjnews preaching there as frequently as before the

Courts order, & that also, as [^] have binn informed, against the advise of the church whereof he is a member, and that his preaching there (being very weake & vnitt for so great a worke) doth rather encrease then lessen the contentions there, doe order, that the sajd Joseph Peasely be forthwith, by order from this Court, forbidden to preach any more in any part of this jurisdiction, till he giue full satisfaction to this Court for what hath binn past.

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Itt is ordered by this Court, that the Tresurer shall & hereby is impowred to disburse out of the treasury what shall be necessary tending towards the printing of the lawes vnto Samuell Greene, referring to his paynes therein or otherwise.

Tresurer to pay
for y^e lawes.

Whereas Christopher Holder, a Quaker, hath suffered what the lawe formerly appointed, after his being sent to England, wthout punishment, presumptuously coming into this jurisdiction wthout leaue first obtajned, the Court judgeth it meete to sentence him to banishment, on pajne of death, in case he be found wthin this jurisdiction three dajes after the next shipp now bound from hence to England be departed from this harbor, & betweene this & the shippes departure, wth the keeper, at his oune chardge, he shall haue liberty one day in a weeke to goe about his buisnes; and in case he shall choose to goe out of this jurisdiction sooner, on the penalty of the sentence aforesajd, he shall, by order from the Gouverno^r or Deputy Gou^r, be dischargd the prison, so as he stay not about three dajes after his dischargd from the prison in this jurisdiction.

Holders sentenc
to banishment.

*Itt is ordered, that Cap^t Eljazar Lusher & M^r Willjam Parkes shall & hereby are impowred a co^mittee to joyne wth Cap^t Edward Johnson (who is chosen by this Court to be the survejour generall) to take the last survejour generalls account, & to present the same to the Court wthall convenient speede.

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Cap^t Edw.
Johnson sur-
vejour gen. &
co^mittee, &c.

The Court, considering that the secretary hath served the countrje for many yeeres in that place, whose tyme hath altogether binn taken vp wth the weighty occasions of the countrje, which haue beene & are incumbent on him, (the neglect whereof would be an ineuitable & great prejudice to the publique,) and himself oft times forced to hire a clarke to helpe him, which hath cost him some yeares twenty pounds p annū, and euery yeere spending of his oune estate a considerable some beyond what his estate will beare, nor is it for the honnor of the country that such an officer, so necessary, who hath also binn found faithfull & able in the dischargd of the trust co^mitted to him, should want due encouragement, doe therefore order, that the present secretary shall haue, from the eleventh of May last, the some of sixty pounds p annū for his sallery, to continew yearely vntill this Court shall order & provide some other meete recompence.

Secretarys sal-
lery 60^{li} p^r
aun.

In the case now depending betweene M^r Edward Lane and M^{rs} Anna,

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Courts judgment in Mr
Lanes case.

the late wife to Cap^t Robert Keayne, itt is ordered, that a com^{it}tee be chosen and impowred by this Court to put a finall issue, and to that end shall be authorized to examine the accompt of the sajd Lane, what hath binn by him received, and also how much he hath necessarily disbursed or expended in paying legatjes, building or repajring the houses, and how much the estate hath binn advansed by such expences, and also what els hath binn lajd out in any other way, referring to the estate, and the same to allow & approve off so farr as they shall see it just & æquall, & so farre as the sajd Lane shall be creditor to the estate, to determine and conclude not only how much he shall be allowed, but also in what it shallbe pajd, & the same to sett out, apprize, & deliner vnto him, this Court judging the sajd Edward Lane disingaged of all his bonds & obligations betweene him & the sajd M^{rs} Cole referring to his excecutorshipp, and that he is also dischardged of his excecutorshipp respecting the estate of the sajd Cap^t Keayne ; and it is left to the ouerseeres of the will to nominat such others in his roome as they shall judge meete, & shall be approved of this Court, to pay such legacjes as are yett vn^ppajd, & to take chardge of the estate, to see it be disposed of according to the will of the testator, and the chardg of this and the former com^{it}tee to be pajd out of the estate ; the com^{is}sioners to be chosen by the whole Court mett together. The whole Court mett together, by their vote, ordered, —

1. First, that Edward Lane shallbe pajd sixe hundred & fifty pounds sterling in marchantable beife, porke, pease, wheate, barley, and Indian corne, of each proportionable, or otherwajes to his satisfaction.

2^{ly}. That Edward Lane shall receive of Sarjant Eldred the two yeares rents for the farme & stocke at Rumney Marsh.

[*321.]

3^{ly}. That he shall haue all the rents of the houses in Boston *for two yeares, which will be expired the seventh of December next, the house M^{rs} Cole liues in excepted, and also that good securitje be giuen him for the payment of the sixe hundred & fifty pounds aboue expressed, and also that Samuel Eldreds securitje he hath and is to giue may be for the securitje of his rent for the two yeares rent aboue expressed ; and it is further ordered, that the aboue mentioned sixe hundred and fifty pounds be pajd M^r Lane, in such pay as is aboue mentioned, once wthin sixe moneths, & in case it be not pajd wthin y^t time, he shallbe allowed vse for y^e same to y^e end of other sixe months, & in case it be not pajd wthin twelve months, it shallbe lawfull for the sajd Edward Lane to sell two thirds in the new house, and two thirds in the old house & yards, and satisfy himself the sajd some of sixe hundred & fifty pounds as abouesajd, the sajd two thirds of the sajd houses & yards being made ouer as his securitje for the payment of the same ; and it is ordered,

that the sajd Edward Lane forthwith deliuer vp all the lands & houses, bookes of accompts, bonds, bills, & all other writtings, stocke of catle, & what else he hath in his possession belonging to the estate of the sajd Cap̃t Keayne, to the ouerseers; and it is ordered, that M^{rs} Cole forthwith bring into this Court & deliuer vp all the bonds wherein M^r Lane stood bound to the sajd M^{rs} Cole, formerly Keayne, to be cancelled; so also that the secretary bring in the bond of a thousand pounds that the sajd Edward Lane stands bound to him & Cap̃t Johnson for Anna Keaynes, Juñ, joincture.

1659.

18 October.

The Court having perused & considered the petitions presented to this Court by the inhabitants of Salisbury, and their respective pleas therein contejned, as, 1. Whereas the mjnor part pleadeth that the major part haue donn them wrong in discouraging & weakning the hands & hart of their deare pasto^r the Reuerend M^r Worcester, by voting a negative to what they had formerly voted an affirmative, & by passing a vote of thirty pounds for his half yeares due, when before they had voted him eighty p añ; and in ans^r thereto the majo^r part of the toune & church doe plead, 1. That legall notice of the meeting where such conclusion was made was not given to y^e whole; 2. That voting for thirty pounds y^e half yeere hindereth not his having eighty pounds p añum; 3. That such promise, though graunted to be legall, yet was not binding for more then a yeere; 4. That they are as willing as their brethren to giue their reũend pastor all due incouragement, only they account it vnreasonable to be forced therevnto by the irregular provocations of the mino^r part. All w^{ch} hauing bin considered, together wth the evidences presented by the mino^r parte, shewing the fullnes & freenes of y^e sajd engagement, & the mutuall receiving & rejoycing each in other therevpon, in the presenc of the Reuerend M^r Cobbett & M^r Phillips, they being instrumentall therein & much rejoyced thereat, as appears by a letter exhibbited in Court vnder M^r Cobets hand, although (in exact formallity & strictnes of lawe) not charging those who voted that they were not bound to the performance of the sajd engagement wth breach of couenant; yet neũthelesse, hauing duely considered the freenes & fullnes of the sajd engagement by so considerable a ðte of the toune, & none considerably opposing; and not only so, but also their abillity, thrõ Gods blessing, to perform the same, as also their pasto^rs necessitje of so much for y^e supply of his family wth those things that are honest, this Court doth declare that regularly the inhabitants aforesajd may not diminish any part of the sajd eighty pounds p añũ. And for the future, the inhabitants of the sajd toune hauing in their petiçõns manifested a great deale of loue & respect to their deare pasto^r, & their readines to contribute what they may, according to

Courts ans^r to
Salisbury
petition.

1659.

18 October.

[*322.]

theire abillitje, for his future encouragement still to continew wth them, (wthout respect to any pre ingagement,) this Court further declares, that they expect answerable performance in such wise as amongst *themselves they may most voluntarily & cordially agree together vpon.

2^{ly}. And whereas they doe jointly petiçion that M^r Worcester may not be enjoyned to travaile monethly to the new toune, this Court judgeth it meete to leaue it wth the church & M^r Worcester to act therein as the Lord shall guide them.

3. And whereas the one part pleadeth that the new toune may be dismissed from contributing to the ministry at the old toune, & that they may haue liberty to wthdrawe themselves from the publicque ministry of the word now dispensed amongst them, it is ordered by this Court, that vntill they be provided of an able minister, that they continew to be helpfull in the vpholding of theire present pastor, and that they constantly attend thereto, (providences of the Lord by vnseasonable weather obstructing them excepted,) forbearing to content themselves wth private helpes, whiles the Lord is pleased to continew so bright a starre in theire candlesticke, least our wantones vnder & wearynes of our present vnparraleld enjoyments doe justly provoke the Lord to deprive vs thereof.

Ans^r to Tho.
Holbrooks
petiçion.

In ans^r to the petition of Th^õ Holbrooke, humbly desiring this Courts favo^r to graunt him a smale corner of land lying on the north side of Charles Riuer, & adjoyning to a parcell of land he lately purchased there, the Court judgeth it meete to graunt his request, so as the land desired exceed not fifty acres, nor interfere wth any former graunt, nor the Indian plantation.

Courts judg-
ment in M^r
Duncans case.

In the case betweene Mahalaleells Munings & Nathaniell & Peter Duncan, coming to this Court by the Magis^{ts} refusing the verdict of y^e jury, at the County Court of Boston, in July last, the Court, on a full hearing of all the evidences in the case produced, doe find the sajd Nathaniell & Peter Duncan to be indebted to the sajd Munings on a just account the so^me of five hundred & sixty pounds twelve shillings, and doe order the same to be pajd to the sajd Munings, together wth eight^h p cent^z for eight moneth forbearance, and three pounds three shillings costs of Court; provided, that what shall appeare to be already pajd of the aforesajd so^me shallbe deducted; provided also, that what euer was deliuered to the sajd M^r Duncans wife by order from the church of Boston, or shall be found in his hands, of any other mens estate, & sufficijently proved before any County Court so to be, shall not be lizable to the execution.

M^rBradstreets,
Maj. Gen. Den-
nison, & M^r
Symonds
farmes.

Graunted to M^r Bradstreet his seven hundred acres, and to Majo^r Gen^l Denison his five hundred acres, w^{ch} were formerly graunted on this side the

Riuer of Conecticott, against Northampton, to lye on the west side of the sajd riuer, about sixe miles aboue Northampton, to beginne either at a brooke or at a walnut tree, being forked from the roote, about halfe a mile from the sajd brooke, as they shall choose before the next Generall Court in October, and from the sajd brooke or walnut tree to extend vp the Riuer of Conecticott not exceeding one miles three quarters vpon a streight ljne, and then vpon a square or right angle to runne from the riuer into the woods so many pole as shall make vp theire aforesajd graunt. It is also graunted that M^r Symonds shall haue his hundred & sixty aeres next aboue the aboue mentioned gent^h, eighty pole vp by the riuers side, and that these farmes shall belong to the new tounne there, respecting publicke chardges, referring to tounne or countrje.

1659.

18 October

*The ouerseers of Cap^t Keaynes will are heereby empowred to take the estate into theire hands, & to sell or dispose thereof, for speedy payment of the legatjes, according to the will, as they shall judge & determine, provided theire determination be approued by Major^r Atherton, M^r Russell, M^r Danforth, Major^r Hawthorne, M^r Stoddard, & Left^t Cooke, or the major^r part of them, who are appointed by this Court as a co^mittee to joyne wth the ouerseers in interpretation of the will respecting legacies to his relation; & the conclusion agreed on by the major^r parte of the ouerseers & of the sajd co^mittee shall be a finall issue of all causes or actions that haue or may arise concerning legacjes bequeathed by the sajd will.

[*323.]

12:9 mo., 59.
O^fiseers power
to dispose of
Cap^t Keaynes
estate, &c.

On the desire of M^{rs} Anne Keayne, Junio^r, the Court doth also appoint M^r Symon Bradstreet & Major^r Geⁿ Dennison to be her guardians, & M^r Edward Lane, who was formerly allowed, is hereby dischardged, and enjoyned to give an account of his acting as guardian during his contjnuance, and to retourne all papers & writings belonging vnto the sajd M^{rs} Anne Keayne in refferenc to hir ffathers will.

M^{rs} Anna
Keayne, Jun.,
guardians.

In ans^r to the peti^cion of Th^o Clarke, W^m Payne, Th^o Lake, John Richards, George Corwin, & Walker Princ, in behalfe of themselves & company, the Court judgeth it meete to order that a present clajme be made of our just rights vpon Hudsons Riuer, neere the Fort of Awrania, by a letter from this Court to the Dutch gouerno^r, desiring that free liberty be permitted, according to the custome of nations, by theire fforts, to or from such tounne or tounnes as shall be erected there wthin our jurisdiction, & order the sajd letter to be deliuered to Major^r W^m Hawthorne & M^r John Richards, whom this Court hath appointed messengers for that end from this Court, & also from the company. And itt is further graunted by this Court, that the trade wthin fiueteene miles of the sajd riuer shall be settled only on the peti^cioners & company, for

Courts ans^r to
y^e peti^cion of
Th^o. Clarke,
W^m Payne,
Th^o. Lake, &c.,
in referenc to
Hudson Riuer,
&c.

1659. twelve yeares now next ensuing, and to haue liberty to trade such cōmoditjes
 as the Dutch vsually trade, provided that any freeman of this iurisdicōn may
 come in & be admitted of that company betweene this and the next Generall
 Court by their allowance; the sajd messengers carrying the Courts letter to
 y^e Dutch gouerno^r at the s̄d companys charge. The sajd letter is in the
 Courts booke of letters.

Courts ans^r to
 Mr Cleaves,
 Bonighton,
 Foxwell, &
 Phillips peti-
 cōn.

The Court, hauing considered of the petiōns of Mr George Cleaves, Mr
 John Bonighton, Mr Richard Foxwell, & Mr Willjam Phillips, craving the
 helpe of this Court for the setling their respective interests of lands &
 possessions in the east parts of this jurisdiction, doe judge meete to order,
 that their respective cases & complaints, for a finall issue, be referred to
 Major Humphrey Atharton, Cap^t Thomas Saunge, Cap^t Edward Johnson, &
 Cap^t Thō Clarke, or any three of them, who are hereby chosen & cōmission-
 ated by this Court to heare & determine the seuerall differences of the sajd
 parties, as in their wisdome they shall judge most meete, hereby impowring
 the sajd cōmittee to appoint the time & place of their meeting, as they shall
 judge most convenient, (all persons concerned therein being hereby enjoyned
 to attend the same,) and to send for partjes & wittnesses, & examine their
 seuerall complaints according to law, provided the complajnants be at the
 chardge of procuring the attendanc, & sattsify the chardges of the cōmittee,
 & that retourne be made by the cōmittee to the next Generall Court after
 their determination.

Ans^r to Mr^s
 Coggans peti-
 cō.

In ans^r to the petition of Martha Coggan, it is ordered, the sajd Mr^s
 Martha Coggan haue liberty to sell the house mentioned in the petition, for
 the pajment of debts, as is desired, provided y^t Mr^s Coggan giue bond, wth
 security, to pay the heires of the sajd John Wooddey, i. e., his brothers or
 heires, y^e sōme of thirty five pounds after y^e death of Mr^s Robbinson, formerly
 y^e relict of Jn^o Wooddey, Mr Jn^o Coggan in his will hauing given Mr^s
 Robbinson full sattsifaction for what she might clajme to the other parts of
 the seuenty pounds.

[*324.]

Capt Lusher to
 take oathes,
 &c.

*In ans^r to y^e request of the ffreemen of Dedham, it is ordered, y^t Cap^t
 Eliazer Lusher shall & hereby is impowred to giue oaths, solemnize mar-
 riages, & take acknowledgments of deeds in Dedham.

Ans^r to Arthur
 Masons peti-
 cōn.

In ans^r to the petiōn of Arthur Mason, the Court, considering the
 grounds of his request, i. e., y^e losse of his arme, & so his inabilityity to p̄cure
 maintenance for his family, judg meete to graunt him one hundred acres of
 land, to be lajd out adjoyning to such as be already lajd out, by order of this
 Court.

In ans^r to y^e petiōn of Richard Cutter & Elijah Corlett, on his behalfe,

the Court, hauing considered the perticulars in this petiçõn, judge meete to order, that the County Court for Middlesex, who had the hearing of the petiçõners case, & are best able to judge of the demeritts thereof, shall haue liberty to make such abatement of his fines as to them shall seeme meete, any lawe or custom to the contrary notwithstanding; and also, that the petiçõner haue his request graunted for a revisall of that act whereby he is recorded for a ljar, which will tend to his clearing or to his further conviction.

1659.

12 November
Ans^r to Rich.
Cutters peti-
çõn.

Itt is ordered, that the thanks of this Court be retourned to the Reuerend Mr John Norton (by the honored Gouvernor) for his great pajnes & worthy labors in y^e tractate he drew vp, & by order of this Court hath binn printed, wherein the daingerous errors of the Quakers is fully refuted and discouered, and to acquaint him that this Court hath giuen him fve hundred acres of land, where it is to be found free from other graunts, to be lajd out in one or two places at his chojce, as a smale recompence for his pajnes therein.

Mr Jn^o Nortons
gratuity.

In ans^r to the petiçõn of Mr Edward Tyng, the Court, hauing considered of his request & his readjnes to be servicable at all tjmes to the good of this coõmonwealth, judge meete to graunt him two hundred & fifty acres of land, to be lajd out adjoyning to such lands as haue binn taken vp by order of this Court.

Ans^r to Mr
Tings petiçõn.

In ans^r to the petiçõn of Henry Neale, humbly craving releife in relation to some injury by him sustejned by the country highway being remooved, &c, the Court, being ignorant of former proceedings concerning the premisses, and of w^t ground the petiçõner hath to complajne, doe order, that the petiçõner be referred for releife to the County Court of y^t sheire, in ordinary processe of lawe.

Ans^r to Hen.
Neale petiçõn.

In ans^r to the petiçõn of John Tincker, itt is ordered, that Mr Thomas Danforth, Cap^t Edward Johnson, & Ephrajm Child shall be a coõmittee to examine the particulers mentioned in s^d petiçõn, & make retourne of what they finde to the next Court of Election.

Ans^r to Jn^o
Tinckers peti-
çõn.

In ans^r to the petiçõn of Daniell Weld & Eljjah Corlett, schoolem^{rs}, the Court, considering the vsefullnes of the petiçõners in an employment of so coõmon concernment for the good of the whole country, & the little discouragement that they haue had from their respective tounes for their service & vn-wearied pajnes in that employment, doe judge meet to graunt to each of them two hundred acres of land, to be taken vp adjoyning to such lands as haue binn already graunted & lajd out by order of this Court.

Ans^r to Mr
Welds & Mr
Corletts peti-
çõn.

In ans^r to y^e petiçõn of the inhabitants of Dorchester, the Court judgeth it meete to graunt the toun of Dorchester a thousand acres of land in lejjw of Thompsons Island, formerly sett a p^t for a free schoole in Dorchester, but by

Ans^r to Dor-
chester peti-
çõn.

1659. judgment of y^e Court given to M^r John Tompson, & y^e sajd land to be lajd out where they cann find it, & improoving it for y^e bennefitt of sajd schoole.
12 November.

[*325.] *Lajd out to M^r Richard Russell, Tresurer, one thousand & sixe hundred acres of land, on the northerne side of Merremacke Riuer, in the wilderness, begining right ouer against Wajmesicke, being bounded wth Beauer Brooke on the west, Merremacke Riuer on the south, the wilderness elsewhere surrounding, according to marked trees, as is more fully demonstrated by a plott taken of the same, w^{ch} is on file.

Tresurer Russell
sells 1600 acres
lajd out in pt.
of Robt. Salton-
stall.

By JONATHAN DANFORTH, Survejour.

The Court allowes & approoves of this retourne of land lajd out as being part of a parcell of land graunted in the yeare sixteene hundred & fifty to Robert Saltonstall, in right of S^r Riichard Saltonstall, for fower hundred pounds lajd out by him in y^e co^mon stocke, provided that M^r Russell shall & is hereby engaged to secure the countrje from any challenge w^{ch} shall or maybe made to the land herein mentioned by the heires or execucutors of y^e s^d Rob^t Saltonstall, or any other, as by any right from him.

Courts ans^r to
Gregory Belchar's
peti^on.

In ans^r to y^e peti^on of Gregory Belchar, it is ordered, that whereas at the last session of this Court there was a plantation graunted to seuerall of the inhabitants of Braintry where they could finde it vngraunted in this jurisdic^on, that the peti^oner shall be accom^odated, together wth his neighbo^{rs}, wth such a proportion of land as shall be thought meete by those y^t haue the dispose thereof.

Ans^r to Tho.
Gleasons
peti^o.

In ans^r to the peti^on of Th^o Gleason, the Court, having perused his peti^on, doe order, that the County Court for Midlsex, who had the hearing of the case, shall haue liberty to make such abatement of the peti^oners fines as to them shall seeme reasonable, any lawe or custome to y^e contrary notwithstanding.

Ans^r to Jⁿ
Prescotts
peti^o.

In ans^r to y^e peti^on of John Prescott, the Court, considering the grounds of his peti^on, doe judge it meete to graunt him one hundred acres of land, to be lajd out adjoyning to the lands that are lajd out by order of this Court to Lancaster.

Ans^r to Fan-
nings request.

In ans^r to the motion & request of Th^o Fanning, the Court, hauing heard the case, and Thomas Bronning, his servant, in open Court acknowledging y^t ab^t a moneth since he gott into y^e house of Deacon Symon Stone & stole away fifty fower shillings in money, ordered him to be whipt wth twenty stripes well lajd on, & to make double restitution.

Wee, whose names are here vnder written, being appointed by the Generall Court & impowred to lay out the deviding bounds betweene the townes of Cape Porpus, Saco, Scarborough, & Falmouth, vpon due consideration thereof, doe determine as followeth: Imp^r. That the dividing bounds betweene Cape Porpus & Saco shallbe the riuer comōny called the Little Riuer, next vnto W^m Scadlocks now dwelling house, vnto the first falls of the sajd riuer, & from thence vpon a due north west ljne into the country vntill eight miles be expired.

1659.

12 November

2^{dy}. The dividing bounds betweene Sacoe & Scarborow shallbe that riuer comōny called the Little Riuer, next vnto Scarborow, & from the mouth of the sajd riuer shall runne vpon a due northwest lyne into the country, vnto the extent of eight miles.

Cape Porpus, Saco, Scarborough, & Falmouth bounds.

3^{dy}. The dividing bounds betweene Scarborow & Falmouth shallbe from the first dividing branches of Spurwincke Riuer, from thence to runne vp into the countrje vpon a due north west ljne vntill eight miles be extended, and that the easterly bounds of Falmouth shall extend to the Clapboards Islands, and from thence shall runne vpon a west ljne into the countrje till eight miles be expired.

NICO: SHAPLEIGH,
EDW: RISHWORTH,
ABRAHAM PREBLE.

The Court approoves of the retourne of the comīssioners in reference to y^e bounds aboue exprest.

Layd out for M^r Deane Winthrop five hundred acres of land, & two hundred for Frauncis Vernon, as it abutteth vpon Meadfeild lyne, in part towards the south, & a stony ridge in part, and Boggestow Brooke in part, towards the east & south east, and vpon a pond in part towards the west, & the wast lands on all other parts. April 1, 1659.

M^r Deane Winthrops 500 acres and 200 Frauncis Vernons land lajd out.

By me, JOSHUA FISHER.

The Court approoves of this retourne.

*Lajd out to Lef^t Peter Oliuer, Cap^t James Oliuer, Cap^t James Johnson, & Ensigne John Euered one thousand acres of land in the wildernesses on the northern side of Merremake Riuer, lying ab^t Nahamkege, being bounded wth Merremake Riuer on the south and on the west, the wildernes elsewhere surrounding, according to marked trees, as by a plott taken of y^e same is demonstrated, & is on file.

[*326.]
June 7, 59.
Lef^t P. Oliuer, Cap^t James Oliuer, Cap^t Johnson, Ensigne Euered lands lajd out.

By JONATHAN DANFORTH, Surveyor.

The Court allowes & approoves of this returne.

1659.

12 November.
Cap^t Sauage,
Norton, Le^f^t
Hudon, & M^r
Houchin lands
lajd out.

Lajd out to Cap^t Thomas Sauage, Cap^t Frauncis Norton, Le^f^t W^m Hudson, & M^r Jeremiah Houchin one thousand acres of land in the wilderness on the west side of Merremak Riuer, vpon Samon Brooke, begining at Sagumskuffe, and so runing doune the riuer or brooke, one part or parcell of the same conteyning about nine hundred thirty fower acres, more or lesse; also, one part or parcell conteigning sixty six acres, more or lesse, were adjoyning there-vnto, being bounded wth the wilderness according to marked trees, as by a plott taken of y^e same is more fully demonstrated, & is on file.

By me, JONATHAN DANFORTH, Survejour.

The Court approoues of this retourne.

M^r Dummers
800 ac. layd
out.

Lajd out to M^r Richard Dummer eight hundred acres of land in the wilderness on the northerne side of Merremacke Riuer, begining at Weekasoake Brooke, being bounded therewith & Merremak Riuer on y^e west, adjoyning to farmes lately lajd out to Peter & James Oliuer, & some others, on the south, the wilderness elsewhere surrounding according to marked trees, as by a plott taken of the same is more fully demonstrated, w^{ch} is on file.

By JONATHAN DANFORTH, Surveyor.

The Court approoues of this retourne, so as it exceed not fifty acres about the some of eight hundred acres.

Ans^r to Charls
Toune &
Camb^r petiçõn,
1000 acres of
land to each.

In ans^r to the petiçõn of Charles Toune & Cambridge, the Court, hauing considered the grõunds of this petiçõn, & of how great concernment it is y^t all due encouragement be given thereto, judge meeete to graunt to each toune a thousand acres of land, vpon condiçõn y^t they foreuer appropriate it to that vse, & wthin three yeers, at farthest, lay out the same, & put it on improoement; & in case that they faile of majnetajning a grammar schoole during the sajd tjme they shall so doe, the next grammar schoole of w^t tounesoeuer shall haue the sole bennefitt thereof.

3 June, 59.
Edmond Rices
land.

Lajd out, according to the order of the honored Generall Court, May the 11th, 59, the farme of M^r Edmond Rice, of Sudbury, in y^e place appointed by y^e Court, that is, first begining at a hill leaving Conecticott path on the north or northwesterly of it, and a brooke on the south of it, & two hills & a litle peece of meadow on the east of it, wth fiue acres of meadow lying on the east side, being part of y^e same graunt; also the sajd tract of land being bounded wth the wilderness on the west, all which said tract of land conteineth

eighty acres, being survejed & measured by vs, whose names are vnder written, the day & yeere first aboue written. 1659.

12 November.

THOMAS NOJES,
JOHN STONE.

The Court approoves of y^e retourne.

In ans^r to the motion of Major Humphrey Atherton, that whereas y^e Major Athertons 700 acres
Geñll Court, in the yeeres fifty, & sixteene hundred fifty & eight, graunted him five hundred acres of land, & ordered it to be lajd out nere Norwottock, w^{ch} afterwards was app^hended to be p^judiciall to y^t plantaçõn, at the request of y^e Court, he yeilding vp his interest therein for y^e comõn good, now requesting his s^d farme, wth such addition as this Court sees meet to graunt him, may be layd out by M^r Danforth, or his order, in any place not taken vp by order of this Court, the Court graunts his request, & graunts him, as an addition thereto, two hundred acres, w^{ch} seuen hundred acres to be lajd out by M^r Danforth, or his order, as is desired.

*In ans^r to the petiçõn of Edward Hutchinson, attorney to Richard Hutchinson, humbly craung that a reveju be graunted of the case betweene him & Cap^t Thomas Clarke, concerning the eight p^t of the ship Exchange, formerly Goodfellow, or y^e some other effectuall course, whereby y^e s^d Richard Hutchinson may be releived, &c, the Court graunts his request, a hearing of the case, p^{ro}vided he put in caution to beare the chardg of the Court, according to law. The Court hauing heard what both partjes could say, the whole Court, mett together, voted that the former judgm^t of this Court, giving the shipp Goodfellow to Cap^t Clarke, is hereby reuerst, this Court judging the sajd ship to be M^r Hutchinsons, & graunted y^e sajd M^r Hutchinson, as costs for chardges of this Court, seven pounds tenn shillings, & for his oune chardges, seven pounds five shillings; in all foureteene pounds flueteene shillings. [*327.]
Ship Exchange
or Goodfellow
to belong to
M^r Hutchin-
son.

In ans^r to y^e petiçõn of George Halsall, humbly desiring that Jane, his wife, lately divorced from him by the Court of Asistants, 1656, may be returned to him, &c, the Court, on a hearing of the matter contejned in his petition, and duly considering of all the evidences by both partjes produced in the case, doe order, that the judgment of the sajd Court of Asistants in referrence thereto be voyd, and that the sajd George Halsall shall haue and enjoy the sajd Joane Halsal, his wife, againe. Courts revers-
ing Court of
Asistants
judgm^t ab^t
Joane Halsall.

In the case depending betweene Richard Brackett & Samuel Basse, of Braintrje, in behalfe of the toune, plaintiffs, against John Andrews & Benjamin Rich. Bracket
& Deacon
Basse ag^t Fri
zell, M^r An-
drews, &c.

1659. Phippeny, defendants, in an action of the case for giving John Frizell so much liquors as made him druncke, & occasioned his miserable freizing, the Court, on a hearing of the case & evidences, doe find for y^e defendants costs of Court.

12 November.

Ans^r to New-
bery peti.

In ans^r to the petiçõn of M^r Edward Woodman & other inhabitants of Neubury, humbly craving the favo^r of this Court to graunt them a new plantation on Saco Riu^er, westward of the bounds of Saco, &ç, the Court judgeth it meete to graunt the petiçõners eight miles square in the place desired, provided thē giue in their^e resolutions, as is exprest in their^e petiçõn, in one yeare ensuing this date.

M^r Coles &
Cap^t Johnsons
farmes.

Lajd out to M^r Samu^ell Cole, of Boston, fower hundred acres of land in the wilderness, on the western^e side of Merremacke Riu^er, beginning at Nacooke, one part of the same, about fifty & fiue acres lying vpon the sajd brooke, and joyning to Merremacke Riu^er, runing vp the brooke about two hundred fifty & two pole; also, one part or parcell of the same, adjoyning to the sajd riu^er, begining about three quarters of a mile about it, and so runne vp the riu^er two miles & thirty fower poles, as by the plott is demonstrated, also, three patches of meadow, lying distinct from the aforesajd lands about two miles, two of them lying at Forrest Feild Hill, the third somewhat distant from them; also, a smale parcell of meadow lying vpon a brooke, (called Litle Nacooke,) which brooke runs through the sajd ffarme. The content or superfitia of all the aforesajd parcells are fower hundred acres of land, all w^{ch} land are well & suffieiently bounded, & marked wth C. May 11, 1659.

By JONATHAN DANFORTH, Survejor.

The Court approoves of this retourne, provided that this fower hundred acres be made vp seven hundred acres backe from the riu^er, out of w^{ch} Cap^t Edw^d Johnson is to haue his three hundred acres indifferently lajd out, respecting both meadow & vpland; M^r Cole to haue the chojce, but Cap^t Johnson to bear half the charge of laying of it out, relating to what hath already binn expended or what further remaines.

Cap^t Pinchons
1000 acres

In ans^r to the petition of Cap^t John Pinchon, the Court judgeth it meete to graunt him one thousand acres of land, fower hundred acres whereof in reference to moneys disbursed by his ffather, the rest vpon other considerations, provided that it be not layd out in more then two places, and that it be not already graunted to any other, nor hinder a plantation.

[*328.]

*Whereas M^r John Wilson, Señ, hath mett with seuerall disappointments

about laying out his thousand acres of land graunted him by this Court about twenty yeares since, it is ordered, that M^r Danforth be desired & hereby impowred, by himself or his order, to lay out the sajd thousand acres in one or two places where it shall be found.

1659.

12 November.
M^r Wilsons
1000 acres.

A bill of chardges lajd out by Cap^t Richard Dauenport on the new Castle, the p^ticulars amounting to fforty pounds eight shillings & eight penc, being presented to & p^rvsed by this Court, the Court ordered the Treasurer of the country to dischardge it.

Cap^t Dauen-
ports bill of
chardges of
40 8 8^d allowed.

In ans^r to the petiçōn of John Alcocke, humbly desiring the favor of this Court to graunt him two hundred acres of land in leiw of two hundred acres he grattified y^e plantation of Whipsufferage out of his oune, the Court graunts his request, provided the inhabitants of Whipsufferage haue y^e s^d two hundred acres in their possession.

Ans^r to M^r
Aleocks
petiçōn.

In ans^r to a motion in behalfe of those that haue attended of late vpon y^e honored Couⁿ^r, referring to arreares for service donne, for ans^r wherevnto, although the Court hath by an order made already provided in this case, yett for seuerall reasons inducing, the Court judgeth it meet, relating to the tyme past, to grattify Edward Cowell wth the graunt of two hundred acres of land where he cann finde it, according to lawe, in full satisfaction of his demaund, provided that henceforth they expect payment according to order.

Edw. Cowels
200 acres for
service attend-
ing on y^e Couⁿ^r.

It is ordered, that Marshall Richard Wajte, for his great & dilligent paines to su^mon those that entertajned the Quakers to this Court, ryding both day & night, shall be allowed out of the tresury of the country the so^me of five pounds.

Marshall
Wajtes recom-
pene 5^l.

Whereas this Court is informed y^t Pasaconaways some, now in prison as surety for y^e payment of a debt of forty five pounds or thereabouts, hauing nothing to pay, but affirming that seuerall Indians now in possession of a smale island in Merremacke Riuer, about sixty acres, (the halfe whereof is broken vp,) are willing, after this next yeares vse of their sajd ground, to sell their interest in the sajd island to whomsoever will giue most for it, & so redeeme the Passaconaway some out of prison, it is ordered, that the sajd Indians shall haue liberty to sell y^e sajd island, for y^e ends aforesajd, to him y^t will giue most for it.

Indians liberty
to sell an is-
land in Merre-
maek Riuer.

Whereas the Geⁿ Court, in May, 1656, graunted some lands to Thomas Lake & p^tners, the sajd Thomas Lake humbly desiring that a co^mittee of fower persons may be impowred, or any two of them, to lay out the land graunted according to the graunt of y^e Court, it is ordered, that Lef^t Robert Pike, Lef^t Hussie, M^r Thomas Bradbury, & Robert Page be appointed a co^mittee,

Ans^r to
Thomas Lakes
petiçōn.

1659.

12 November.
Hampton
Court.

or any two of them shall & hereby is impowred to lay out the land herein mentioned, making retourne thereof to this Court.

Vpon a motion made to this Court in refferenc to the keeping of Hampton Court, it is ordered, that Major Humphrey Atherton be joynd wth M^r Russell & the rest of the magis^{ts} appointed to keepe the sajd Court at the time appointed.

Hampton
Courts ad-
jourment.

It is ordered by this Court, that Hampton Court, adjourned to y^e second Twesday after the end of this session, that the sajd Court be adjourned to the twenty ninth of this Nouember.

Ans^r to y^e Car-
ters petiçōn in
relation to y^e
orphants of
W^m Greene.

In ans^r to y^e petiçōn ^ Thomas Cartar, Joseph Carter, & Samuell Carter, the Court judgeth it meete to order that the case concerned therein be reffered to the County Court for Middlesex, who are hereby impowred to act in all the p^ticulars therein mençōned for the p^rvision of the orphants, & impowring ouerseers, & taking in the accompts of such as haue bin imployed therein, & giving dischargdes to them ^ shall seeme meete and æquall.

[*329.]

Courts ans^r to
Concord peti-
çōn ab^t bridges.

* In ans^r to the petiçōn of the inhabitants of Concord, it is ordered, that Cap^t Lusher, Lef^t Roger Clap, & Deacon W^m Parkes shall and hereby are impowred as a comittee to heare & examine their complaint, & what they shall finde their chardges expended in vpholding of such bridges as are orderly allowed for county bridges to be more then their due proportion, compared with their neighbo^r townes, shall be annually pajd them by the Tresurer of that county, any former custome or order of this Court setting the same notwithstanding.

Lef^t Fisher to
lay out 250 ac^r
for Cap^t Lush-
er.

In ans^r to the request of Cap^t Eliazer Lusher, it is ordered, that Lef^t Joshua Fisher shall & hereby is impowred to lay out two hundred and fifty acres of land to him somewhere neere Meadfeild, or elsewhere, where it may be found according to the graunt.

Custome of
strong waters
graunted to
Edward Mich-
elson.

In ans^r to the petiçōn of Edward Michelson, the Court judgeth it meete to graunt the petiçōner the custome of strong waters for his recompence of service he doth to the country, as formerly he hath had.

Lef^t Clapps 500
acres of land.

In ans^r to the petiçōn of Lef^t Roger Clapp, the Court judgeth it meete to graunt him five hundred acres of land.

M^r Winthrops
farme to be
lajd out.

Amos Richardson, Thō Goold, & Jonathan Danforth are by this Court impowred to lay out M^r Winthrops farme according to the graunt of this Court, 2 3 m, 1638.

M^r Corletts
farme to be
lajd out.

It is ordered, that Lef^t Joshua Fisher is & hereby shall be impowred to lay out M^r Corletts farme of two hundred acres, graunted him by this Court, in any place not legally taken vp.

Ans^r to Enger-
salls petiçōn.

In ans^r to the petiçōn of John Engersol, Thomas Sallowes, & Paul

Mansfield, humbly desiring the fauor of this Court to graunt them the island called Mortons Misery, the Court sees no cawse to graunt theire request. 1659.

In reference to the case brought to this Court by the Magis^{ts} non agreem^t wth the verdict of the jury at a speciall Court held at Boston the ninth of Sep^r, 1659, betweene Cap^t Thomas Clarke, plaintiffe, & Cap^t Jn^o Pearse, defendant, for an account of the eighth p^{te} of y^e shipp Exchange, the Court, on a hearing of the case, & the seuerall allegations & euidences produced on either side, the Court found for the defendant costs of Court twenty one shillings & sixepenc.

12 November.
Courts judg-
ment in Cap^t.
Clark & Cap^t.
Pearses case.

Whereas this Court graunted a former liberty to any three associates of the county of Yorke, respecting theire remotenes from magistrates & the scate of authority, to keepe a County Court in September, at Saco, yearely, if they see cause, this Court, considering that the greatest and most generall occasions of wright vsually arising at the hither part of the sajd county, it is therefore ordered, that any three of the associates for the county of Yorke are & hereby shallbe impowred to keepe one County Court yearely, either at Yorke or Kittery, in the latter end of June, or in July, as occasion doe require, provided due notice be giuen of the t^jme according to former order.

County Court
in York to be
kept by 3 asso-
ciats.

Whereas John Stone & Andrew Belchar were appointed to lay out a farme for M^r Charles Chauncey, president of Harvard Colledge, we haue gonn & looked on a plan, & there is taken vp a tract of land bounded on this manner: on the east a little swampe neare an Indjan wigwam, wth an orchard of aple trees belonging to the wigwam, a plajne joyning to the swampe, the plaine runing to a great pond, & from thence to Assebeth Riuer; and this l^jne is circuler on the north side; the south l^jne runing circuler to the south side of a peece of meadow called Jacobs Meadow, & so to continew till it reach to the sajd Assebeth Riuer. 18 8 m, 1659.

M^r Chancjes
farme lajd out.

ANDREW BELCHAR.

The Court allowes & approoves of this retourne, so as what is lajd out exceed not fiue hundred acres.

*In ans^r to the request of Elizabeth Majnard & James Johnson, administrators to the estate of John Mainard, deceased, humbly desiring liberty & authority to sell the house & garden of y^e deceased, that thereby they may be enabled to dischargd the debts, itt is ordered, that the case be referred to the hearing & determination of the County Court of that sheire, wth whom y^e inventory & accompts of debt & credit of y^t estate are vpon record.

[*330.]
Ans^r to Eliza-
beth Mainerds
peti^{con}.

1659.

12 November.
Ans^r to M^r
Whittings peti-
tion, 800 acres
to Jⁿ^e Whiting
& Rich^d West-
land.

In ans^r to the peti^on of M^r Samuell Whiting, in behalfe of his brother M^r John Whiting, & M^r Richard Westland, aldermen of Boston, for this Courts graunt of fower hundred acres of land a peece, in consideration of fifty pounds a peece long since lajd out in the com^on adventure, the Court graunts his request, i. e., fower hundred acres a peece to them, the sajd John Whiting & Richard Westland, & their heires & assigns, & that it be lajd out adjoining to such lands as are taken vp by order of this Court.

An island of
500 ac^s graunt-
ed to M^r Sy-
monds.

In ans^r to the motion of M^r Samuell Symonds, the Court judgeth it meete to graunt him any island in Casco Bay not exceeding fiew hundred acres, being wthin our lymitts & not formerly graunted, as a recompene for his great paines, losse of time in y^e cheife of su^mer, & his good service in taking in the easterne parts the last yeere.

Charls Toune
case ab^t Gold.

In the case betweene Charls Toune & Thomas Gold, itt is ordered, that M^r Danforth, Ephrajm Child, & Cap^t Johnson be impowred as a com^omittee to vejw the bounds betweene them, the land & fence in controuersy, & to make retourne of what they find to the next Court of Elecc^on.

Courts recom-
pence to John
Marshall.

Itt is ordered, that John Marshall shall haue twenty shillings pajd him by the country Tresurer for clensing the Court house, drawing of wood, making of fire, &c, for y^e last yeare.

Freemen re-
mooved from
Conectiott re-
main freemen.
Com^omissioners
power to giue
freemans oath
at Springfeild.

Whereas some yeares since seuerall gen^t & others, which were freemen of this jurisdic^on, remooved themselves from vs into the jurisdic^on of Conectiott, w^{ch} are lately returned, concerning whom this Courte thinkes meete to declare them still to be freemen, wthout taking any further oath, & for such as are non freemen in any of those plantations vpon Conectiott Riuer, it is ordered, that the com^omissioners of Springfeild shall haue power to administer the freemans oath to any that are capable by lawe to take it, as also that the new toune vpon the sajd riuer be vnder the power of Springfeild com^omissioners, in reference to County Courts, till this Court take further order.

200 ac^s to
M^r Collecott.

In ans^r to the petition of Richard Collecott, the Court, knowing the readines of the petitioner at all t^jmes to be servicable to the countrje, doe graunt him two hundred acres of land adjoining to such as be lajd out by order of this Court.

Major Ather-
ton & M^r Rus-
sell to keep
Hampton
Court.

M^r Humphrey Atharton & M^r Richard Russell is appointed by this Court to joyne wth Cap^t Wiggins in keeping the County Court at Hampton on adjournment, y^e 2^d Twesday after the end of this present sessions of the Generall Court.

The Court, hauing considered of the seuerall offences of those persons y^t entertayned the Quakers, wth the answers giuen in by them respectiuey, doe

order, that Jaunes Rawlings, being more innocent & ingenious then the rest, be only admonished by the honored Goueno^r, w^{ch} was donne. 1659.

2. That Anthony Emery pay as a fine to y^e country tenn pounds and tenn shillings for making a lye in y^e face of the Court, & be disfranchised.

12 November.

3. That Thomas Spencer pay as a fine to y^e country for his entertayning the Quakers the so^me of five pounds, & be disfranchised.

*4. That Richard Nason, for the like offence, pay five pounds also, & be disfranchised. [*331.]

Courts censure of y^e y^t entertajned y^e Quakers.

5. That Richard Swayne, for his entertayning the Quakers, shall pay as a fine the so^me of three pounds, & be disfranchised.

6. That Zacheus Gold pay as a fine for his entertajning the Quakers the so^me of three pounds.

7. That Thomas Macy pay as a fine the so^me of thirty shillings, and be admonished by the Gouverno^r.

That Edward Wharton, who accompanied the Quakers, & pilatted them from one place to another, for his bold attempts, shall haue corporall punishment, i. e., whipt wth twenty stripes, & comitted to prison, there to remajne till he bring suertjes for his good behaviour. Edward Wharton.

And that attachment issue out ag^t John Heard for his contempt, & y^t he appeare before y^e next Generall Court, & y^t Nichō Hogsden be sent for to appeare at the same time.

In ans^r to the petition of John Smith, of Charls Toune, humbly desiring this Courts confirmation of laud that Jethro, y^e Indian, tender to sell to him to satsify a debt he owes him, the Court judgeth it not meete to graunt his request. Courts ans^r to Smiths petition.

In ans^r to the peti^cōn of Cap^t W^m Torrey, this Court judgeth it meete to confirme Slatt Island to him, on y^e condi^cōns in this Courts graunt thereof, October, sixteene hundred & fifty, he having now p^fected the *the* Depn^{ts} booke of coppies of records. Ans^r to Cap^t Torreys peti^cōn.

Henry Chickering is hereby impowred to solemnize marriage betweene two or three couples, legally published, at Dedham, Cap^t Lusher being now attending y^s Court. June 20, 1659. Hen. Chickering comission to marry.

The determination of vs whose names are subscribed, impowred by order of the Generall Court to the setling of the chardges in refference to a difference betwixt Cap^t Edward Johnson, Ensigne John Carter, & Thomas Dutton, which three petitioned the Court for a determination.

Impri. Wee say, that Thomas Dutton shall pay to Ensigne Carter the charges of Charles Toune Court, the so^me of three pounds two shillings & fower pence. Comittees re-
tourne in Car-
ters case &
Cap^t Johnson.

1659.

12 November.

2^d. The chardges, at Woobourne, of the coūmittee, wth wittnesses, the soūe of sixe pounds, the w^{ch} sajd soūe of sixe pounds is to be æqually devided betwixt the three petitioners, that is, forty shillings each petitioner.

Lastly. Wee agree, that, whereas Thomas Dutton hath clamorously abused Ensigne John Carter, calling him theefe & ljar, and in saying the sajd Carter hath stolne the childrens land, he, the sajd Dutton, the next Lords day, in a full meeting, doe then and there acknowledge that he hath wrongfully abused the sajd Carter, which he refusing, wee judge meete, that he pay vnto the sajd Carter the soūe of tenn pounds starling, at or before the twentieth of the next Decembre after the date hereof. The Court, on perusall of this retourne, signed by Ephrajm Child & Edward Oakes, doe allowe & approve thereof.

Courts judgment in Whittaeres & Godfrys case.

In the case depending betweene Abraham Whittacre, plaintiffe, & John Godfrey, defendant, the Court, on a full hearing of the case & the evidences produced, doe find for the plaintiffe tenn bushells of wheate & costs of Court, i. e., thirteene pounds fower shillings & seven pence.

Oldams 500 acres confirmed to M^r Duūer by Water Toune & Court.

In ans^r to the petition of the inhabitants of Water Toune for this Court hearing & determination of a case betwene them & M^r Richard Duūer, relating to M^r Oldams graunt of five hundred acres of land wthin their ljmitts, the Court having ordered a hearing of this case, Ephrajm Child, deputy for Water Toune, in the name of the toune, decljūg a hearing, presented a vote of y^e toune of Water Toune, da^t 24th October, 1659. Voted at a publike toune meeting, that the five hundred acres of land once the land of M^r Oldam, but now lajd to M^r Duūer, in the bounds of Watertoune, doe remajne his, the sajd M^r Duūers, wthout any of the tounes opposition. Wittnessed by me in y^e name of the toune.

EPHRAJM CHILD.

The Court accepts of this retourne of the toune of Water Toune as that w^{ch} putts an end to y^e controuersy mentioned in this petition, and confirmes the land accordingly to M^r Richard Duūer.

[*332.]

*Wee, whose names are subscribed, being appointed by the Generall Court to lay out the bounds of the Indian plantation called Naticke, having considered the lands neere adjoining to the sajd place, doe finde that diuers former graunts of toune boundes & farmes doe greatly obstruct the convenient accomodation of the sajd plantation wth suitable lands, doe hereby order & determine, (not meddling wth what is still controuersall betwixt Dedham &

Naticke,) that the bounds of the sajd plantation shall extend by the riuer from Naticke present meeting house as farre as the house of Nicholas Woods, & from his house to be continewed vpon a westerly lje fower miles, and westerly the bounds thereof to extend as farre as Chochittuate Brooke at the com̄on passing place or high way that leadeth from Sudbury to Jn^o Stones house, and from thence the bounds [^] to be John Stones land & Sudbury Riuer, extending vp Sudbury Riuer fower miles, to be measured by a streight lje from the aforesajd com̄on wadeing place on Chochittuate Brooke, and from the sajd termination of fower miles to be bounded by a streight lje extending to the aforesajd termination of fower miles that leadeth from the aforesajd house of Nicholas Wood; and all the land lying wthin the sajd compasse adjoining to the bounds of Sudbury, Dedham, & Water Toune, not formerly graunted by the Generall Court to any toune or particcular persons, to be & remajne to the vse & only behooffe of the sajd plantation, provided alwayes none of the Indians or their successors shall haue power to sell, aljenate, giue, or dispose of any the sajd lands from the sajd plantation, nor shall any of the sajd lands be ljeable to any judgment or execution in any ciuil action, wthout the consent of the Generall Court first had & obtjned, but all such act or acts to be accounted illegall & voyd in lawe, whether to Indians, English, or any other nation or people whatsoever; provided that this shall not prohibitt the sale or aljenation of any the sajd lands from one Indian to *to* another, hauing the approbation of such of the honored magistrates as shall from tjme to tjme be ordered to attend y^e sajd plantation in matters of iudicature.

1659.
12 November
Naticke
bounds.

20 October,
1659.

SYMON WILLARD,
HUMPHREY ATHARTON,
THO: DANFORTH,
ROGER CLAPP,
ISACKE HEATH,
WILLJAM PARKES.

The Court, before they consented to this retourne, ordered, y^t y^e toune of Dedham should haue notice giuen them, y^t they haue liberty to send some persons to plead their tounes interest, or w^t else they haue to say in y^e case before the Court the next fowerth day, & that M^r Elliott also haue notice giuen him to be present at the time appointed.

Vpon hearing of both partjes, itt is agreed & consented to by all p̄tjes, that whereas mention is made of Naticke meeting house for a point to guide the ljes that standeth wthin Dedham lands & bounds, it is to be understood

1659. that the graunt to the Indian plantation is only of such lands that are free
 12 November. from former graunts, & haue not bin taken vp by others, by order of this
 Court, and that this giift of the Court begins where the sajd lynes doe meete
 wth Dedham lynes, and no lands formerly graunted to Dedham is included
 therein; and so the Court allowed of the retourne aboue signed wth this
 condition added thereto.

Rent of beuare
 trade to pur-
 chase powder.
 Addition to y^e
 country rate
 4 p^t.

Voted by the whole Court, that the rent for the beuar trade this yeare be
 lajd out by the Tresurer for powder for the countrys store forthwith.

It was voted also by the whole Court, that the Tresurer chardge on the
 seuerall counstables one quarter part of the annuall rate more then their
 proportions already chardged.

[*333.]
 1000 acres of
 land g^ted to
 Anna Cole &
 Anna Keayne.

*In consideration of the late Cap^t Robert Keaynes libberall giifts to the
 country in his will, the whole Court mett together voted, that M^{rs} Anna Cole,
 the late relict of the sajd Cap^t Robert Keayne, and Anna Keayne, the grand
 child, shall haue five hundred acres of land a pcece lajd out to them & their
 heires where it is to be found.

Comissioners
 of Boston
 sworne.

Cap^t Thō Sauage, M^r Edw^o Tyng, M^r Anthony Stoddard, M^r Jerremjah
 Houchin, & Edward Rawson being presented by the counstables of Boston as
 chosen by y^e sd toune comissioners for this yeare, had their oathes giuen them
 by the Gouvernor in open Court, Cap^t Thō Clarke & M^r Rich Parker not
 present.

Ans^r to Cap^t
 Clarks peti.

It was voted by the whole Court mett together, that Cap^t Thomas Clarke
 shall haue liberty to come in as a creditor to M^r Sellecks estate, & haue his
 proportion therein according to what he makes good prooffe to be due to him.

Courts order as
 to Major Gen^l
 Dennisons
 land.

The Major Generall Daniell Dennison declaring that his farme, nere the
 Dep^tys, was not lajd out, by reason of his being on y^e countrys service, at his
 request the Court mett together voted, that the land mentioned in his petition
 be no ways taken vp by any on Merremake Riuier till the next Court of
 Election.

Courts sen-
 tance of se^uill
 Quakers.

Daniell Gold, Robert Harper, Alice Couland, Mary Scott, Hope Clifton,
 W^m King, Margaret Smith, Mary Traske, Provided Southwicke, & Hannah
 Phelps being all of them apprehended & comitted to prison for adherence to
 the cursed sect of the Quakers, hauing beene called before this Court, openly
 shewing their contempt by refusing to giue any ciuil respect, & vpon the
 question put to them not disouming the same, nor their submission to the
 order here established, either in church or comonwealth, all wth being consid-
 ered, wth their disorderly practises & vagabond like life in absenting them-
 selves from their family relations and runing from place to place wthout any

just reason by them rendered, the Court doth order, that Alice Couland, Hannah Phelps, Mary Scott, & Hope Clifton be admonished; that Daniell Gold be whipt wth thirty stripes, Robert Harper wth fifteene, W^m King wth fifteene, Margaret Smith wth tenn, Mary Traske wth tenn, & Provided Southwicke wth tenn; that Daniell Gold, Robt Harper, Alice Couland, Mary Scott, & Hope Clifton shall depart this jurisdiction wthin five dayes, w^{ch} if they faile in, shallbe comitted to prison, to be proceeded wth according to the lawe; the rest to be comitted to prison, to be proceeded wth as the law directs. This was voted by the whole Court, to be declared by the Gouverno^r, Dep^{ty} Gov^r, & Magis^{ts} & Deputyes in toune on the morrow, at nine in the morning, w^{ch} was donne accordingly & executed.

1659.

12 November.

In ans^r to the petition of W^m Arnold, the Court, hauing by a comittec examined it, doe finde that the petitioner being authorized by this Court to act in behalfe of the countrje, his complaints referred to these two heads: 1. That on a ballanc of account there resteth due to him seven pounds five shillings eight pene.

Ans^r to Arnolds peti^{ti}on.

2. That such goods as he received in p^{rt} of satisfaction for what he expended by virtue of the sajd comission haue beene taken from him by the inhabitants of that place where he liueth, wth great damages acerewing to him thereby; and doe order in ans^r to the 1st complaint, that his account presented be persved by M^r Collecott, who was in comission also for that designe; and that in case it doth not appeare the sajd debt hath bin fully payd, that the ballane of the sajd account, when persved & rectified, if any error appeare, be forthwith satisfied out of the country treasury. To his second complaint, the Court, finding that the sajd Arnold hath since his comission voluntarily left the protection of this Court, & joyned himself wth the people of whom he complajnes to be thus wronged, but being honestly paid by those that comisionated him, doe judge it not equall that this Court should make him satisfaction for the wrong that his oune people hath donne him; but in case the matter be reall, and the petitioner doth a^phend his cawse to be just, he may haue liberty, by himself or his attourney, legally to seize the persons or estates of such as haue binn acto^rs therein, finding them in this colony, & bring the case to trjall in any Court of judicature.

*In obedience to the act or grant of the honored Generall Court of the Massachnsett in New England, lajd out & exactly measured, Major Symon Willards farme, conteyning five hundred acres, scittuate, lying, and being, for the most part, on the east side of Groaten Riuer, betwixt the plantation graunted to the inhabitants of Lancaster, and the now inhabitants of Groten, at the

[*334.]

Major Willards
farme of 500
acres by Groa-
ten, &c.

1659. place w^{ch} is called by the Indians Nanajcoyijcus, begining at the great riuer side, about one hundred rodde to the nortward of Nanajcoyijcus Brooke; begining, wee say, at the riuers side, runing a due east ljne ninety fower rodde, there making an angle varying forty five degrees to the southward; then runing one mile and a halfe and forty rods vpon a south east point, there making an angle varying twenty degrees from the old ljne; runing on that point sixty rodde, there making an acute angle of sixty degrees; runing on a west & by south point halfe a mile, there making an angle varying two & twenty degrees to the northward; runing on a west & by north point one mile, there making an angle varying thirty three degrees from the old ljne; runing on a north west point to the riuer, it being seven score rodde, and from thence vpon a streight line to the place where wee begann, w^{ch} last ljne doth erosse Groten Riuer twice.

12 November.

This by me, THOMAS NOJES.

The Court allowes & approoves of this returne, provided the thirtje acres lajd out ouer the north east side of the riuer be left out & taken on some other part of the ljnes, & that there be not aboue one hundred acres of meadow lajd out in this farme.

Att a County Court held at Cambridge, October 4th, 1659.

Whereas the last Generall Court held at Boston ordered, that this Court should examine the controutersy depending betweene the execcutors of the last will & testament of M^r Edward Goffe, deceased, and his sonne, Samuell Goffe, both partjes hauing had tjmely notice & liberty to present there respective pleas & evidenc in y^e case, —

The retourne of this Court vnto the honored Gennerall Court is as followeth: viz., wee find, —

Sam. Goffs
pleas.

1. That the pleas of the sajd Samuell, for the substanc thereof, may be comprised vnder these following heads: —

1. That the houses & lands of the sajd Edward Goffe (at least in reuerision after the widdowes death) doe belong vnto the sajd Samuell by virtue of a promise made by the sajd Edward for obtaining the marriage of the sajd Samuell wth Hannah Bernard, for evidenc whereof he presenteth the testimony of M^r Broune, Ensign Shearman, & y^e young womans mother, wth arguments of the æquity thereof, from his long service to his ffather, for the gayning & vpholding his fathers estate w^{thout} considerable recompence.

2. That his ffather, on the consumation of the marriage treaty, engaged

to giue him for his present supply two hundred & tenn pounds, and at his death a double portion.

1659.

12 November.

3. That he is greatly wronged by the excecutors, —

(1.) By exhibbting to this Court a doubtfull writing as the last will of his ffather ;

(2.) By not exhibbting a true inventory of the sajd estate, according to law ;

(3.) By wthholding from him his due right { 1. In quantity.
according to his fathers will, — { 2. In quallity.

2. That in ans^r to the sajd pleas the excecutors doe present to consideration, —

1. That the evidence of the sajd promise are the neere relations of the sajd Samuell by marriage with his wife.

2. That if any words of such tendency did at any time in discourse hap- pent to fall from the lips of the sajd Edward Goffe, yett neuerthelesse they could not be obliging, but at most in propposition only.

For evidences whereof the excecutors doe p^sent, —

(1.) That y^e sajd Samuell & wittnesses doe all confesse y^t y^e marriage treaty was not at this time cons^mated. Executors
ans^r.

(2.) That no mention was made of any such thing at y^e consu^mation of y^e marriage treaty by evidence presented on oath.

(3.) The sajd M^r Goffes great trouble when such a report was whispred in his life, his earnest pursuite of the author thereof, & vtter denjall of any such act to haue bin donne by him, attested on oath by diuers wittnesses.

3. The illegallity of such expressions as to y^e convejanc of an inh^{er}itance thereby, being, —

1. Repugnant to his fathers will & testament ;

2. Invalid by y^e lawes of y^e country setling inh^{er}itances.

4. The vnreasonableness of this clajme of Samuell Goffe, thereby wholly To his 1st plea. disinheriting his 4 sisters, who, by the law of God & of this co^mon wealth, & by the will of their ffather, are jointe heires wth himself, especially considering that Samuell Goffe maketh his clajme not only to the house & land vallued at six hundred and nineteene pounds, but also to two hundred and tenn pounds by couenant and promise of the sajd Edward on the consu^mation of the marriage treaty, & also, besides all this, for a double portion, whereas the whole estate of houses, lands, & chattells, reall and personall, doth not much exceed twelve hundred pounds.

*To y^e argument of Samuell Goffes deserts, they graunt it so farr for a truth ; i. e., y^t for the generall he *he* liued in his ffathers house till his marriage, [*335.]

1659. be it twenty eight yeeres of age, more or lesse, but not as a servant, as he affirmeth, but as a freeman, at least for fower yeeres & a halfe of the latter p̄te of the sajd time, he allowing his ffather for his board, & from his ffather he receiving full recompence for all he wrought, whither by the day or the great, for euidence whereof they present the sajd Edwards booke of accounts, wherein the particulars on each side are clearly & fully demonstrated.

12 November.

To his 2^a plea they graunt a promise of two hundred & tenn pounds, made by the sajd Edward, on the consumation of the marriage treaty, to be paid on condiçion then p̄mised, as also that the sajd Edward did then declare himself fully to intend the making vp of the same a double portion at his death, but wthall they doe present on oath his then denjall to be ingaged thereto.

To his 3^a plea, that he is greatly wronged by the executors, 1. For that, referring to y^e legality of the will, the executors doe present cleare & full testimony, on oath, that the will exhibbited on record in this Court by the interljnings, different votes, & hands, what they be, yet neuerthelesse the sajd Edward declared the same to be his last will & testament, such as he would alter no parte thereof, & expressly mentioning the enterljnings therein to be his oune act.

2. For the inventory, if any error be therein, they are willing to be convinced thereof, not being conscious to themselves of any fraud or deceite by them wittingly donne or intended.

Courts judgm^t
in Goffes case.

3. For wthholding his due right according to his fathers will, referring as well to quallity as quantity, the executors haue presented in a schedule hereto annexed the so^me of the whole inventory, wth their distribution thereof to the seuerall interests, & tender accordingly to the complajnant, as also their humble motion to the honored Court for the setling of the sajd estate.

Now the premisses, wth what hath bin p̄sented by either side as euidence of their respectiue pleas, having bin by this Court duely considered, the result whereof is as ffolloweth:—

1. That the will exhibbited by the executors to this Court on record is, by suffieient euidence, legally proved to be the last will & testament of the sajd Edward Goffe, deceased, & may not, by any coulorable pretence whatsoever, be violated.

2. That the clajmes of Samuell Goffe, so farre as they be repugnant to the true meaning of the testator declared in the sajd will, are illegall, & not by authority to be graunted.

3. That the ground of Samuell Goffes 1 plea are illegall, & absolutely

repugnant to the true meaning of his fathers will, and that he may not, without great injustice to the widdow and his fower sisters, be countenanced therein.

4. That the executors, according to their best light, have conscientiously & carefully attended their office of love to the deceased & his relations surviving, & have not been wanting in tending to the said Samuel Goffe his due proportion according to the said will, although, by reason of their refusal to grant his above said claim, he hath not seen meet to accept thereof.

5. That the quantity tendered was a full tender of what at the present did appear, & that it was not in full of what might afterwards appear; & for quality we see no just cause of complaints, he having his full share of all the land & household goods: he might have had more had he desired them. The house not being convenient to be parted between his mother and he, especially considering how great a temptation it would in all likelihood be to them both, either of sinning or suffering, & to leave the widdow desolate of an habitation, the executors have not thought it warrantable to make it their act, neither doth this Court see cause to disallow what they have done therein.

RI: BELLINGHAM, Dep^t Gou.,
 SYMON WILLARD,
 THOMAS DANFORTH.

The Court allows & approves of the retourn of the County Court referring to this case.

On a second hearing of the County Courts returne relating to the difference between Samuel Goffe, sonne to the late Edward Goffe, and the executors of the last will & testament of the said Edward Goffe, the Court, having fully heard what was alleaged by both parties, doe judge that the houses & lands of Edward Goffe, the father, deceased, lying in Cambridge, doth not of right belong to Samuel Goffe, after the decease of his mother, any further then according to the will of the said Edward Goffe, the father, and that the hundred fifty seven pounds thirteene shillings & eight pence charged by the executors upon Samuel Goffe, in the division of the estate, be accounted but as one hundred pounds, according to his fathers will; and doe order, that Capt^t Edward Johnson, Capt^t Eliazer Lusher, & Ensigne Hopstill Foster shall & hereby are appointed a committee to see that the estate of the said Edward Goffe be disposed of according to his will & the declaration of this Court in reference therevnto.

This Court is dissolved.

1659.

12 November

1660. **At a Gennerall Court of Election, held at Boston, 30th May, 1660.*

30 May.
[*336.]

JN^o ENDECOTT, Esq̄, was chosen Gouverno^r for y^e yeere ensuing, & tooke his oath.

Rich Bellingham, Esq̄, was chosen Dep^t Goũno^r, & tooke his oath.

Mr Symon Bradstreet,

Mr Sañ Symons,

Cap^t Thō Wiggīn,

Cap^t Danī Gookin,

Majo^r Danī Denison,

Majo^r Symon Willard,

Majo^r Humphrey Atherton,

Mr Richard Russell was

Mr Thō Danforth,

Mr Edward Rawson was chosen Secretary.

Majo^r Hawthorn was chosen 2^d Cōmissioner in reserve.

} was chosen 1 cōmission^r.

} were chosen Asistants, & tooke their
} was chosen Mj^r Geñ & cōmissiō. [oathes.

} Cōmissioner in reserve.

} chosen Tresurer.

The names of the Deputjes retourn'd to serve at y^s Gennerall Court:—

Majo^r W^m Hawthorn, Mr Heñ Bartholmew, for Salem.

Cap^t Francis Norton, Lef^t Rich Sprauge, Charles Toune.

Lef^t Roger Clap, Ensī Hopstill Foster, Dorchester.

Cap^t Thō Sauage, Mr Anthō Stoddard, Boston.

Mr W^m Parkes, Mr Jn^o Rugles, Roxbury.

Mr Ephrajm Child, Cap^t Hugh Mason, Water Toune.

Cap^t Thō Marshall, Lynn.

Mr Edw̄ Collings, Mr Edw̄ Oakes, Cambrjdge.

Mr W^m Hubbard, Mr Georg Gittings, Ipswich.

Mr Edw̄ Woodman, Newbury.

Mr Thomas Dyer, Weimouth.

Cap^t Joshua Hubbard, Hingham.

Mr Thō Brookes, Concord.

Cap^t Eliaz^r Lusher, Dedam.

Mr Edw̄ Holiock, Springfeild.

Mr Christopher Batt, Mr Thō Bradbury, Salisbury.

Lef^t Christō Hussey, Hampton.

Mr Joseph Jewett, Rouley.

Mr Peter Bracket, Brauntrye.

Cap^t Rich Waldderne, Douer.

Mr Heñ Sherborn, Portsmouth.
 Mr Edw Conuerse, Woobourne.
 Mr Humphry Chadbourne, Kittery.
 Mr Edw Rushworth, Yorke.
 Mr Rich Hitchcoke, Saco.
 Mr Heñ Jocelyn, for Scarborough & Falmouth.

1660.

30 May.

Capł Tho Sauage was chosen Speaker for y^s session.

It being the great duty of this Court to provide that all places & people wthin our gates be suppljed of an able & faithfull ministry of Gods holy word, bee it therefore ordered and enacted by this Court and the authority thereof, that the County Courts in their respective precincts doe dilligently & carefully attend the execution of such orders of this Court as concernes the majntenance of the ministry, & the purging of their townes & peculiars from such ministry & publicke preachers as shallbe found vitious in their liues or pernitionly hethrodoxe in their doctrines, and for all places destitute of an able & faithfull ministry, that they vse their best endeavor for the procuring & setling of such faithfull laborers in Gods vjneyard, and that the charge of their procuring & setlinge be levjed on the inhabitants, as the law for majntenance of ministers directs; and that, for the future, there may be no neglect hereof, the president *of each County Court shall duely from tyme to tyme give it in charge to the grand jurjes of their respective Courts, to present all abuses & neglects of this kinde, & that wth all care & dilligence the same be redressed, that so the name of the Lord our God being knoune in our dwellings & exalted in our gates, he may still delight in vs to continue his favorable presence wth vs, & our vnparraleld enjoyments, both temporall & spirituall, which, through the rich mercy of God in Christ, hitherto wee haue enjoyed, and not be provoked, thrõ our prophane slighting & despising thereof, to bereave vs & our posteritjes of such chojee merces.

[*337.]

Provision for an able ministry.

Itt is ordered, that hereafter no cottage or dwelling place shallbe admitted to the priviledg of comõnage for wood, timber, & herbage, or any other the priviledges that lye in comõn in any toune or peculiar, but such as already are in being or hereafter shallbe erected by the consent of the toune.

Townships priviledge.

This Court, taking into their serious consideration the present sad & deplorable condition of our deere native countrje, as well by reason of the great distractions in that comõnwealth as also those many provocations of the Lords displeasure by those horrid blasphemjes & wickednesses that there abound, & the many clouds houering ouer them, threatning the vtter frustrat-

Day of humiliation.

1660.

30 May.

ing of those hopefull beginings where with of late yeares the Lord was pleased to favor, not only them & vs, but also his name & cause wthall ; —

As also for our oune conditjon, althō at present his wonted favors, both temporall & spirituall, are, through his rich & vnderdeserved mercy, continewed to vs, yet great reason wee haue to be sencible of our great declensions from those primitive affections, as well to the Lord, his blessed ordinances & government, as also one to another, when thrō so much vnspeakable mercy he allured vs to follow him into this wilderness, as also the litle of his image that doth as yet appeare in the rising generation ; —

This Court doe judge meete that the one & twentjeth day of this instant moneth be sett apart by all the inhabitants of this colony, & by them kept a solemne day of humilliation for the imploring of the Lords favorable presence yet to be continewed wth our deare natiue countrije, & that the issue of all their vnsettlements & ouerturnings in church & state may be the advancement of the kingdome of the Lord Jesus, & setting vp of his throane in that land whose right it is, and for ourselves, that he would be pleased yett to continew the angell of his presence wth vs in these our wilderness travailes, & his blessing maybe vpon vs from the begining of the yeare vnto the end thereof, & in speciall that his arme & power maybe revealed to the hearts of our poore children in their attendance on the Lords holy ordinances, that so, not only wee, but ours after vs, in this wanton & deerying age, may wth full purpose of heart cleaue to the Lord & all his appointments in his house, & wee may not only haue them yet continued to ourselves, but also leaue them as a legatje from the Lord Jesus to our posterity after vs.

Charge of hues
& crjes.

For the regulating & setling the charge of prosecution of hues & crjes, it is ordered, that what shall arise by occasion of escape from the countrijes prison, or flight from authoritje, to avojde the same, shall be paid by the Tresurer of the country; and such as arise by flying from any of our county prisons, or to escape any of them, shall be defrajed by the Tresurer of that county where the occasion arise; and such persons as procure hues & crjes vpon their oune particcular occasions shall beare all the charge arising therefrom, provided due accounts be made by such as demand pay.

Free for any
to bring in
mault.

It is ordered, y^t the law prohibiting bringing in of mault from foreigne p̄tes is repealed, so farr as it respecteth y^e importation of mault.

[*338.]

Bostons power
to regulat of-
fences about
inkeeps.

*Whereas it is found by experjence, that houses licensed for entertajnement of straungers are to much frequented by the inhabitants of the same townes, wherein they are too excessiue in drinkeing, vnprofitable expence of tyme & money, & especially in the toune of Boston, w^{ch} to prevent, this Court doth order & hereby declare, that for this present yeare ensuing, the com̄is-

sioners and selectmen of the toune of Boston, or the major parte of them, shall & hereby are empowred & authorized to make such orders respecting theire oune toune to prevent the aforesajd abuses as they shall thinke meete, & to annex suitable fines or other punishments therevnto.

1660.

30 May.

Att the motion of some of Boston inhabitants, it is ordered, that the select men of that toune from tyme to tyme shall & hereby are impowred to order the improovement & feeding of theire comons wthin the necke of land by such catle as they shall judge meete, any lawe, vsage, or custome to the contrary notwthstanding.

Boston select-
mens power abt
feeding y^e
comon.

The whole Court mett together sent for Mary Dyer, who rebelljously, after sentence of death past against hir, returned into this jurisdiction. Being come before the Court, she acknouledged herself to be Mary Dyer, the person, & was condemned by this Court to death. Being asked what she had to say why y^t sentence should not be executed, she gaue no other ans^r, but y^t she denjed our lawe, came to beare witness against it, & could not choose but come & doe as formerly. The whole Court mett together voted, that the sajd Mary Dyer, for hir rebelljously returning into this jurisdiction, (notwthstanding the favor of this Court towards hir,) shall be, by y^e marshall generall, on the first day of June, about nine of the clocke in the morning, carjied to the place of execution, and, according to the sentence of the Generall Court in October last, be put to death; that the secretary issue out warrant accordingly; w^{ch} sentence y^e Goũno^r declared to hir in open Court; & warrant issued out accordingly to Edward Michelson, marshall generall, & to Cap^t James Oliuer, & his order, as forẽly.

Mary Djers
sentence.

Whereas Joseph Nicholson, & Jane, his wife, Quakers, formerly banished this jurisdiction, on paine of death, (& being, contrary to the sentence of the Court, found wthin the same,) were apprehended & comitted to prison, — this Court, hauing called the sajd Joseph, & Jane, his wife, before them, & examined them of the grounds of theire not deũture, doe judge meete so farre to declare theire further clemency, as yett to giue them respite, on pœnalty of theire former sentance, to depart this jurisdiction by the next fowerth day; and if they, or either of them, after that day shall be found in any p̄te of the same, they shall againe be aũhended by any magistrate, comissioner, constable, or other person, & brought to the prison at Boston, where they shall be kept close prisoners, & being legally convicted thereof, shall be put to death.

31 May, 60.

Courts sentenc
ag^t Joseph &
Jane Nichol-
son.

Itt is ordered, that the Quakers now in prison shall there remajne vntill the next Court of Asistants, & that then they shall be iudged by a jury, according as the law provides in that case.

Order for triall
of y^e Quakers.

1660.

31 May.

An^r to M^r
Greenlefs
petiçon.

[*339.]

M^r Websters
power.M^r Brad-
streete, M^r
Symonds, Ma-
jor Denissons
land.

In ans^r to y^e petiçon of Edmond Greenlefe, the Court, hauing pvsed his petition, doe order, that the petitioner haue a new hearing of his case betweene him & Nathaniell Boulter at y^e next Court of Asistants.

*M^r John Webster, Senio^r, of the new toune at Norwottock, is by this Court comissionated wth magistraticall power for the yeare ensuing, to act in all civill & criminall cases, as any one magistrate may doe, and that he joyne wth the comissioners in keeping the Courts at Springfield.

Whereas this Court hath heeretofore graunted to the honored M^r Bradstreet, M^r Symonds, & Majo^r Gennerrall Denison seuerall tracts of lands, which the sajd gentⁿ, vpon the earnest desire of this Court for the accomodation of the new tonne vpon Conecticott Riuer, were content to resigne vp their interest, in consideration whereof, this Court doth graunt as an adition to their former graunts, as is hereafter exprest, viz^t: To M^r Bradstreet three hundred acres, to M^r Symonds one hundred acres, and to Majo^r Denison three hundred acres; and that these gentⁿ, or any or either of them, shall haue liberty to take vp their sajd tracts of land in any place or places vpon the west side of the sajd riuer, provided that it be full sixe miles from the place now intended for Northampton meeting house, vpon a streight l^jne; or if they or either of them shall not thinke meete to accept of their land in the place aboute mentioned, that then they & either of them shall haue libertje to take it elsewhere in any place not impropriated to townes or persons wthin this iurisdiction, provided that M^r Bradstreet shall haue the first chojce, & also that neither of them take it in aboute two places.

Hadley.

Vpon a motion made in the behalfe of the toune of Salem, this Court doth order & empower Majo^r W^m Hawthorne, in the toune where he dwells, to act in all criminall cases, binding ouer offendo^rs, giving oathes in all eivill cases, & marriages, as any one magistrate may doe, & this power to continew till the next Court of Election.

None freemen
but such as are
in full comin-
ion.
Sixe trayning
days only.

This Court, hauing considered of the proposalls presented to this Court by seuerall of the inhabitants of the county of Middlesex, doe declare & order, that no man whosoeuer shall be admitted to the freedom of this body politic but such as are members of some church of Christ, and in full cofmion, w^{ch} they declare to be y^e true intent of y^t anncient lawe, page y^e 8 of y^e 2^d booke, anno g^r 1631; and doe further order, that from henceforth there shall be but sixe trayning dayes in a yeare, any lawe, vsage, or custome to the contrary notwthstanding.

M^r Knowles
land to be layd
out to M^r Hau-
thorne or his
assignes.

Itt is ordered by this Court, that Majo^r Nicolas Shapleigh & M^r Abraham Preble shall & hereby are impowred to lay out unto Majo^r W^m Hawthorne, or his assignes, that parcell of land that this Court bought of M^r Knowles,

lying in Kettery & abutting on Piscataq Riuer, formerly graunted vnto the sajd Major Hawthorne, in refferenc to twenty pounds due to him from the country, as com̄issioners, & the sajd gent^a to make returne thereof to the Court. 1660.
31 May.

*Itt is ordered, that henceforth the clarke of the writts shall demand of such as receive attachments of them three pence a peece more then formerly, in behalfe of the marshall generall, wth shall be in leiw of that three pence on attachm̄ by a former lawe he was to receive of the counstables or county marshalls, & that the counstables shall haue but twelve pence vpon an attachment, as formerly. [*340.]
Clarke of ye writts to respond the mar shall fees of 3^d attach.

In ans^r to the petiçõn of Edward Carrington, itt is ordered, that the County Court of Middlesex shall & hereby is impowred to examine how the fines imposed on Maulden were assessed, & to make such regulation therein, and impower the petitioner to gather his part according to their order, or make such abatement as in their wisdomes they shall thinke meete. Ans^r to Edward Carringtons petiçõn.

In ans^r to the petiçõn of Anne Cartar, it is ordered, that the petiçõner haue liberty to cleere hir innocency before the next County Court, in July next, at Boston, by action or otherwise. Ans^r to Anne Cartars petiçõn.

In ans^r to the petiçõn of seuerall of the inhabitants of Newbury, it is ordered, that M^r Edward Rishworth & Robert Booth shall & hereby are appointed to lay out the bounds of their graunts vpon Saco Riuer, making returne thereof to this Court, & that the petiçõners, for their encouragement in so remote a place, be exempted from all publicke rates for sixe yeares now next com̄ing, for all their estates there, provided that they haue twenty families & an able minister, such as shall be approved of by this Court, settled there in fower yeeres. Graunt of new plant. to Newbury men to be lajd out.

In ans^r to the petiçõn of seuerall the inhabitants of Ipswich, this Court judgeth it meete to graunt the petitioners sixe miles square, or so much land as shall be contejned in such a compasse, in a place nere Quobogg Ponds, provided they haue twenty families there resident wthin three yeeres, & that they haue an able minister settled there wthin the sajd terme, such as this Court shall approve, and that they make due provision in some way or other for the continuance of the ministry amongst them; and that if they shall faile in any of the particulars aboue mentioned, this graunt of the Court to be voyd & of none effect. Ipswich new plantaçõn. Vide pa. 589, 729.

In ans^r to the request of M^r John Croad, it is ordered, that the secretary deliuer him vp his bond wherein he stood bound for Edw^h Wharton. Ans^r to Jn^o Croads request.

In ans^r to the petition of y^e selectmen of Salem, humbly crauing the favor of this Court to graunt them the propriety of the ilands called the Ans^r to Salem petiçõn.

1660. Miserjes & Bakers Island, the Court judgeth it not meete to graunt their request.

31 May.
Ans^r to John
Phillips peti-
tion.

In ans^r to the petition of John Phillips, craving the confirmation of a sale of certaine lands by Frauncis Smale, w^{ch} he bought of Skittery Gussett, an Indian sagamore, & the Court doe judge meete to leaue the petiçõner to a due course of lawe for vindicating of his oune right.

[*341.]
Suffolke,
Middlesex, &
Essex.

*For the more æquall distribution of the law bookes when they shall be printed, it is ordered by this Court & the authoritje thereof, that the printer shall deliuer the sajd bookes to the country Tresurer as soone as they are past the presse, who, imēdiately vpon receaving of them, shall deliuer, or cause to be deliuered, to euery magistrate one; to euery deputy of this Gemmerall Court one; to the secretary & clarke of the deputjes one a peece for themselv; & three a peece to be kept for the Generall Courts vse; to the recorder or clarke of euery County Court three a peece, to be kept for the vse of the seuerall Courts; & the remainder of the sajd bookes the Tresurer shall send to euery county Tresurer such a proportion as is due to each county according to what chardge they beare in the country rate; and the county Tresurers are hereby enjoyned to send vnto euery toune in the respective countjes their townes proportion, according to the rule abone mentioned, & deliuer the same to some meete person implojed by each toune to receave them, engaging to satisfy the Tresurer for them according to his disbursments, y^t so no charge be put vpon the country for y^e same, as Cap^t Gooking, the Tresurer of y^e country, & Tresurer of each county shall determine, both for peice & quallitje of pay; and that provission be made for the easterne parts, it is ordered, that before the divition there be fifty bookes lajd a part for their supply, they making like payment to the country Tresurer for the same; and that Portsmouth & Doner haue twenty bookes lajd aside for them on y^e same termes; and it is further ordered, that M^r Thomas Danforth, who was to haue the ouersight of the impression, make an index to y^e sajd booke wthall convenjent speede, that so the worke may be no longer delayed.

Cap^t Edw.
Johnson, An-
tho. Stoddard,
for W^m Parks
com̄iss. survei^rs
gen. office.

It being of great concernment that the office of survejo^r gemmerall be suppljed wthout further delay, it is ordered, that Cap^t Edward Johnson, M^r Anthony Stoddard, & Deacon Willjam Parkes be com̄issioners for that service, the act of any two whereof shall be accompted legall, and that the accounts of their annuall disbursments & stocke in hand be deliuered vnder their hands, wth the place or places where such stocke doe rest, to the Tresurer of the country.

Surveyors, &c,
com̄ission.

Whereas Cap^t Edward Johnson, M^r Anthony Stoddard, & Deacon W^m Parkes are by this Court nominated & appointed a com̄ittee to officiate the office

of survejo^r generall of the countrjes amuniçõn, they, or any two of them, are by this Court impowred to take into yo^r care & possession all the countrjes armes & amunition, & the same safely keepe or dispose of according to the orders of this Court, or by speciall order from the councill of this co^monwealth; and w^t armes, amunition, or artilliry they shall so receive or hereafter shall purchase for the countrjes vse they shall annually giue an account thereof to the Court of Election; and that they keepe in a booke a true inventory, fairely written, of all the countrys a^munition; and power is hereby given vnto them, or any two of them, for the recouery of what shallbe found due to the country from any toune or person in this jurisdiction in refference to armes, a^munition, &c.

1660.

31 May.

In ans^r to the petiçõn of the inhabitants of Jefferys Creeke, it is ordered, that M^r W^m Steevens, W^m Bennet, Ensigne Howlet, M^r Henry Bartholomew, & M^r Joseph Jewet doe veiw the bounds in their petiçõn mentioned sometimes before the next Court, and on the place to veiw & make report where they conceaue it mo^t just the bounds of each place should be & lyc.

In ans^r to the petiçõn of Willjam Jefferay, making claime to Jefferays Necke, nere Ipswich, it is ordered, that the petitioner shall haue liberty to make good his plea before the whole Court, at such time as the Court shall see meete.

Ans^r to M^r Jefferays petiçõn.

In ans^r to the petiçõn of Henry Bennet, it is ordered, that the petitioner shall haue liberty to cleare his oune innocency before the whole Court, w^{ch} if he cann doe, they judge it reason that his fine be remitted, or otherwise that he be dealt wth for his impetuous spirit ag^t authoritje.

Ans^r to Hen. Bennetts petiçõn.

*Itt is ordered, that the Tresurer doe forthwith procure about twenty barrells of powder, and that annually there be the like quantitje provided out of the custome of wines & beavar, & that the same be improved for no other vse vntill such supply be made annually for the countrys vse, and that the survejors for the countrjes amunition doe joyne wth the Tresurer heerein.

[*342.]
Order for countrys store of powder.

Itt is ordered, that M^r Richard Russell, Cap^t Edward Johnson, M^r Anthony Stoddard, and Deacon Willjam Parkes shall & hereby are impowred as a co^mittee to agree wth Cap^t Francis Norton, or any other, about the custome of wines, the w^{ch} is to be improved for buying of powder, at the least tenn barrells p^a añ.

Co^mittees power to dispose of the custome of wines.

In ans^r to the petiçõn of Samuell Bemet, humbly craving the remittm^{nt} or abatement of a fine formerly imposed on him, the Court judgeth it not meet to grant his request, the Court in May, 1657, having giuen ans^r to his petiçõn in like kind.

Ans^r to Sam. Bemetts petiçõn.

In ans^r to the petiçõn of Henry Pouning, John Grouer, Willjam Halsey,

1660.

31 May.
New plantaçon
at Stony Riuer,
on Conecticott
way.

Thomas Hally, Thomas Stocker, & James Hill, humbly crauing the graunt of a sufficient quantity of land to make a plantation at a place called by y^e name of Stony Riuer, on both sides the way to Conecticott, &c, the Court judgeth it meete to graunt this petiçõn, viz^t: seven miles square, fve yeares exemp^tion from publicke rates for theire estates there, provided that in fower yceres they haue twenty familyes settled there, and an able minister; otherwise these graunts to be voyd.

The Courts
graunt of 200
acres to M^r
Simon Lynde.

Whereas M^r Symon Lynde hath binn often implojed by this Court formerly, and now also, to interprett the letters which haue binn sent from the Dutch governo^r to this Court, and this Court being likely to improve him in such respect, & his readines from tyme to tyme to attend the Court & serve them therein, as neede maybe, the Court judgeth it meete to graunt him two hundred acres of land in any place not yett disposed of, nor hindering a plantaçon.

Ans^r to Brain-
trys petiçõn.

In ans^r to the petition of the tounesmen of Braintry, the Court judgeth it meete to allow them tenn pounds for this present yeare out of their country rate, in reference to their great chardges about Frizell.

Major Denni-
sons graunt.
Hauerill se-
lectmen to be
sent for.

The place on the other side Merremacke, about sixe miles aboute Andouer, reserved till this Court, at the request of the major genell, is still reserved till the next Court. And it is further ordered, that the tounesmen of Hauerill be required by warrant from the secretary to appeare at the next sessions of this Court, to shew a reason why they haue marked bounds trees at so great a distance from their toune vp Meremacke Riuer, and also to giue an account of the bounds of their toune, and vpon what right they lay clajme to so long a tract of land.

Comittee to
runne y^e south
lyne, Major
Atherton, &c.

Itt is ordered, that Major Humphry Atherton, M^r Jn^o Pinchon, & Lef^t Roger Clap shall & hereby are impowred as a comittee for the runing of the south lyne of this colony, & the same to be continewed forty miles, more or lesse, on the south west of Hudsons Riuer, and to agree wth such artists as they may best gajne for the effecting thereof, & all their chardges to be repajd by the Tresurer of the country.

Courts graunt
to Whipsuffer-
age & M^r
Chauncey.

In ans^r to the petition of Whipsufferage planters, this Court, considering their former obstrucçõns, doe confirme their graunt & lands thereof, as it was layd out by the comittee impowred thereto by this Court, in case they proceed in planting the same, according to the intent of the Court in their first graunt, & the same accomplished wthin two yeares next ensuing. And it is ordered, that the name of the sajd plantation shall be called Marlborow, and that M^r Chauncey be by them repajd all his charges expended in laying out his farme in y^t place; & he hath liberty to lay out the same in any lands not formerly graunted by this Court.

*Itt is ordered, that if Cap^t Edward Johnson shall not in all respects observe & performe the order or graunt of this Court in October last for the laying out of his farme on the termes & in the place in that order mentioned before the next sessions of this Court, & make his retourne thereof, that then M^r Samu^ell Cole shall haue & enjoy the whole farme as it was by him lajd out & returned, any thing in the former order notwthstanding, M^r Cole giving him a cobby of this order once wthin three weekes.

1660.

31 May.

[*343.]

Courts graunt to M^r Cole in case, &c.

Itt is ordered, that the com^{it}tee formerly appointed by this Court in the case of Charles Toune & Tho^s Gold doe giue notice to both parties that they attend the issue of the case in controuersie at such time & place as they contriue best, and that if Charls Toune doe neglect the further issue thereof, that then they pay the deffendant his costs, or otherwise that the merrit of the cause be determined in the first place.

Com^{it}tee betwene Charls Toune & Tho. Gold.

Itt is ordered, that Cap^t Thomas Sauage, Cap^t Francis Norton, Cap^t Eliazer Lusher, & M^r Anthony Stoddard, they or any three of them, shall & hereby are appointed a com^{it}tee to take the accompts of the Tresurer in the behalfe of the country, & to present the same to the next sessions of this Court.

Com^{it}tee to take y^e Tresurers accompts.

In ans^r to the peti^{ti}on of the inhabitants of Portsmouth, it is ordered, y^t M^r Edward Woodman, M^r Joseph Jewett, & M^r Thomas Bradbury shall & hereby are appointed a com^{it}tee, & impowred to repaire to Portsmouth, & there to examine the ground of y^e complaint mentioned in the peti^{ti}on, & make report of what they find to the next Court of Election.

Com^{it}tee ab^t Portsmouth, &c.

In ans^r to the peti^{ti}on of the inhabitants of Oyster Riuer, it is ordered, that Majo^r Atherton joyne wth Cap^t Wiggens in keeping the next County Court at Strawbery Bancke & Yorke, and that he, wth the rest of the com^{is}sioners joyned wth him for examining & setling the respective interests & rights of M^r Foxwell, Jourdan, & Phillips, doe heare, examine, & determine the matter in difference betweene Douer & Oyster Riuer, and that all parties concerned therein doe attend the same at Strawbery Bancke at the aforesajd Court, and that any three of the com^{is}sioners, Majo^r Atherton being one, be impowred to act in all the premisses.

Ans^r to Oyster Riuer peti^{ti}on, &c.

In ans^r to the peti^{ti}on of Richard Stacy, the Court, on perusall thereof, judge meete not to graunt the same, saue only for the confirmation of the Indians sale so farr as it respecteth such lands as are his propriety, according to y^e lawe of this Court, declaring the Indians right.

Ans^r to Richard Stacys peti^{ti}on.

Wee, whose names are herevnder written, being chosen by the tounce of Cape Porpus and Wells for the laying out of the dividing l^jne of each

1660. toune, doe mutually agree that the Riuer Kennebucke shall be the bounds of Cape Porpus & Wells to the vttermost extent of both the tounes, being eight miles vp into the countrje. Wittnes our hands this 10th of May, 1660.

31 May.
Wells & Cap
Porpus
bounds.

EDMOND LITTLEFIELD,
WILLJAM HAMAN,
W^m SCADLOCK,
MORGAIN HOWELL.

The Court judgeth it meete to graunt y^e request, & allowes of y^e returne.

Order abt M^r
Fletcher, min-
ister of Wells.

Whereas some late difference seemes to appeare to vs betweene M^r Fletcher, Juñ, & part of the inhabitants of Wells as touching his unfittnes for the place of the ministrje, w^{ch} occasionally for neere two yeeres past, as is apprehended, relating both to the sanctifying of the Saboath & the performance of Gods holy worship therein, hath draume them into generall neglegts, for future prevention whereof, it is therefore ordered by the authority of this Court, that due notice be given to the inhabitants of Wells & M^r Fletcher, that they doe make theire appearances at the next County Court at Yorke, there either to justify those exceptions of vnmectnes they seeme to charge against him, or otherwise from them the sajd Fletcher maybe acquitted.

[There are no pages *344, *345.]

[*346.]
M^r Thorp to be
sent for & ex-
amined.

*Whereas complaint hath binn made to this Court ag^t M^r Thorpe, for inordinate drincking & other debojst carriages, it is ordered, that the County Court of Yorke take notice thereof, & send for him, & on what shall legally appeare against him, to proceede therein according to lawe, & that the grand jury there haue speciall chardg giuen them to attend the execution of the law concerning ministers.

Ans^r to Zac-
kens Golds
petiçon.

In ans^r to the petiçon of Zackeus Gold, itt is ordered, that Lef^t Joshua Fisher & Ensigne Thomas Nojes shall & hereby are appointed a comittee to revise the act of the comittee that lajd out the Goũ^r ffarme, as also to heare the pleas that any of the adjacent neighbo^rs cann object against the lying thereof, and to make report of w^t they finde vnto the next Court in October, provided the petitioner be at the charges that shall by reason of this revejw be expended, and that he giue timely notice to all persons concerned therein to attend the same.

Zackeus Golds
fine remitted.

The Court, on consideration of Zackeus Golds great losse he lately sustained by fire, judge meete to remitt his fine of three pounds imposed for entertayning the Quakers.

In ans^r to the petiçõn of the inhabitants of Souther Toune, the Court judgeth it meete to confirme the persons mentioned in the Generall Courts order in October, 1658, in their senerall places, graunting them hereby the same comiſſion, and in ciuill cases graunting them power to end causes to value of tenn pounds, for y^e yeare ensuing, giving them further power & liberty to sell such skinns or hides of beaſts they kill to New London. 1660.

31 May.
Ans^r to South-
erton petiçõn.

In ans^r to the petition of the inhabitants of Jefferys Creeke, itt is ordered, that M^r W^m Steevens, W^m Bennet, Ensigne Howlett, M^r Henry Bartholomew, & M^r Joseph Jewett vejw the bounds in y^e petition mentioned, sometimes before the sitting of y^e next sessions, & on the place to vjew & make returne where they conceive it most just the bounds of each place should be & lye.

Ans^r to petiçõn
of inhab.
Jefferys
Creeke.

In ans^r to the petition of W^m Salter, itt is ordered, that one third of the charges for repairing of the prison house be borne by the county of Suffolke, & that in consideration of their benëfitt from the sajd house for their county jayle, and also the bennefitt they haue by y^e master of y^e house of correction, his dwelling in the countrys house, the house of correction being built on the countrys land, respitting the ans^r to the other pte the next session.

Ans^r to W^m
Salters petiçõn.

In ans^r to the petition of M^r John Endecott, Juñ, humbly craving the confirmation of a deed of certaine lands to him giuen by Pompassenoway, aljas Old Willjam, &c, the Court doe not judge meete to confirme the Indians deed, but considering y^e many kindnesses y^t were shewne to the Indians by o^r honored Goũno^r in the infancy of these plantations, for the pacifying the Indians, tending to the comõn good of the first planters, in consideration whereof the Indians were mooved to such a gratuity vnto his sonne, doe judge meete to give y^e petitioner fower hundred acres of land, provided it be not formerly graunted, & be no prejudice to any plantaçõn, to be sett out by such a comiit-tee as this Court shall appoint.

Ans^r to M^r
John Ende-
cotts petiçõn.

John Hurd & Nicholas Hodsden apearng before the Court to giue an accompt, the first for not coming to y^e last Geñll Court, being warned, &c, professing his lamenes & vnfitnes to travajle, the other for entertayning & concealing y^e Quakers, his ans^r being y^t coming from worke, he found them at his house, not knowing them to be such till in discourse wth them, when he warned them to be gonne, &c, the Court, hauing heard w^t they could say, ordered that they should be admonished by the Goũno^r, notwthstanding y^eir answers.

Courts judgm^t
ag^t Hurd &
Hoddsden.

*In ans^r to the petition of the inhabitants of Salisbury, the Court, on a full hearing of what all partjes concerned could say, judge meete to order, that the inhabitants of Salisbury, from the twentyeth of December, sixteene hundred fifty & eight, & so forward, as long as the new toune continews & [*347.]

1660.

31 May.

belongs to them, shall satisfy & pay vnto Mr W^m Worcester, their reſend pastor, annually, the ſome of fower ſcore pounds, and that whenever the inhabitants of the new toune there haue an able miniſter of the goſpell ſetled amongſt them, wth the approbation of the church of Salisbury & this Court, and whiles ſuch a miniſter continews wth them, and provides for him, that thenceforth the inhabitants of the old toune at Salisbury ſhall pay & ſatisfy their reſend pastor the ſome of ſeventy pounds p annū, & that in good currant pay, as may procure ſuch things as his family needs; and this to continew till this Court take further order.

Naticke, May 10th, 1660.

Ans^r to Salis-
bury petition.
Natick
bounds.

The bounds of the abouesajd plantation hauing bin measured out according to the order of the Gennerall Court, & found to be in quantity farre lesse then was ſupposed by the comittee that ſtated the ſame, & not only ſo, but the moſt conſiderable lands, both of meadow & vpland, taken vp by the English before the Indians graunt, w^{ch} tendeth much to the diſcouragement of the poore natives, w^{ch} are willing to ſhroud themſelves vnder our protection from the malice of ſuch as are their & our enemyes, wee, whoſe names are ſubſcribed, conſidering the premisses, doe judge meete, that their bounds on Sudbury Riuer be continued one mile to the weſtward of Coowaſuck Brooke, w^{ch} will be an enlargement neere halfe a mile in y^t angle of their bounds; and alſo that they may haue liberty to ſeek out eighty acres of the neereſt meadowes, to be added to their plantation; & that in all other reſpects their bounds & limitts be confirmed to them as in our former returne, viz^t, taking in all the lands lying wthin the ſajd compaſſe, adjoining to the bounds of Sudbury, Dedham, & Water Toune, not formerly graunted by the Gennerall Court to any toune or perticular perſons, the weſterly l^jne is runne almoſt halfe a point to the ſouthward of the weſt.

SYMON WILLARD,
HUMPHREY ATHARTON,
THO: DANFORTH.

This Court allowes & approoves of this returne.

Courts judgm^t
in Parthmans
caſe ab^t
Coney.

In ans^r to the petition of Elias Parthman, as alſo the petition of Sarah, the wife of Robert Fuller, in relation to Hopetill Coney, a kinsman of ſajd Fullers, whom he ſould at Virginea, the Court, on a hearing of what he could ſay, judge meete to reſpitt the chancering of the ſajd Parthmans bond forfeited till the County Court in April next, & orders that he giue ſufficjent ſecurity to the Treſurer of the country to value of fifty pounds on this condition, that

he shall bring the said Hopestill Coney, whom he sold at Virginea, to Boston sometjmes before the said County Court in Aprill next, if he be alieue, or full & suffieient certifficat of his death, time when & place where he died, on returne whereof the County Court is hereby impowred to proccede to chancery his bonds as they shall see cawse.

1660.

31 May.

In ans^r to y^e petiçōn of y^e company in partnership in the iron worke at Concord, the Court judgeth it not meete to graunt their request, i. e., liberty to digg mine in any mans propriety wthout their consent; yett being willing to encourage the petitioners in so good a worke, doe graunt them free liberty to digg mine wthout molestation in any lands now in the Courts possession.

Ans^r to company petiçō at Concord.

In ans^r to the petiçōn of Frauncis Johnson, humbly craving the graunt of lands for money layd out in the coñion stocke by his vncle, M^r Christopher Coultson, the Court sees not reason to graunt his request, in regard it doth not appeare that there was any money disbursed, or if there were, yett the petitioner hath no order to receive it.

Ans^r to Frauncis Johnsons petiçōn for land on behalf of Xtopher Coultson.

In ans^r to the petition of John Mansfeild, it is ordered, y^t if the petitioner cann proove ought to be due to him, referring to his mothers estate, he shall haue his liberty in a due course of lawe to recouer it; and for ans^r to that p^t of his petiçōn relating to w^t he pretends y^e late Cap^t Keayne gaue him, he hath had so many ans^{rs} thereto that he hath nothing given to him, wth w^{ch} he ought to rest satisfied; & if euer he trouble y^s Court wth such needlesse & frivolus requests, he must expect some sharpe reproofe from the Court, that judgeth it not convenjent to be so much abused by him as to spend any more pretious time thereabouts.

Ans^r to Jn^o Mansfeilds petiçōn.

*In ans^r to the petition of Phillip Chalice & Anthony Coleby, in the behalf of the inhabitants of y^e new toune at Salisbury, to w^{ch} petiçōn a paper was annext. May 27, 1660. [*348.]

Whereas certaine articles haue bin mutually agreed on betwixt the old toune, and the one of which was to this effect, that when the new toune were at chardg to mainetejne one to performe y^e worke of the ministry amongst them, they should be free from paying to the ministry of the old toune, in refference to which article the brethren that liue at the new toune haue lately signified to the church that they were in hand with M^r Subaell Duñier for this end, desiring the churches advice and furtherance therein, the church heerevpon doe voate, that they app^hend M^r Duñier maybe a man suitable for that worke amongst them: they further declare, that if fower brethren seeke to y^e honored Geñ Court, who only haue power to make vs distinct townes, they shall not at all hinder them in their suite; and further, if the honored Gennerall Court doe free them from vs, they shall not only submitt thereto, but also further, what ljes in them, their obtaining

Ans^r to Salisbury new townes petition.

1660. of M^r Duñer or any other meete man. This is a true copie of the churches vote, w^{ch} was eleerely passed in the affirmatiue.

31 May.

P me, WILLJAM WORCESTER.

The Court judg it meet to concurre wth M^r Worcester & y^e church in the paper hereto affixed, judging that the person in nomination for the helpe of the new tounce may be a man meete for that worke.

Cap^t Gookin to keepe Norfolk County Courts.

Cap^t Daniell Gookin is appointed to joyne wth Cap^t Wiggins to keepe Norfolk County Courts for this yeere ensuing.

Ans^r to W^m Hiltons petition.

In ans^r to the petition of Willjam Hilton, humbly craving this Courts allowanc & confirmation of a deed of guift of six miles square of land lying on y^e Riuer Penniceonaquigg, being a riulet running into the Riuer Penaeooke, wth two miles of the best meadow lying on the north east side of Pennacook, giuen to his father & him in y^e yeere 1636 by Tahanto, y^e sagamore there; & the Court, hauing considered y^e contents of this petition, judg meete not to graunt the same, but considering the petitioners grounds for the approbation of the Indians graunt, doe judge meete to graunt that three hundred acres of the sajd land be sett out to the petitioner by a co^mittee chosen by this Court, so as that it may not prejudice any plantation; and this as a fuall end of all future clajmes by virtue of such graunt from the Indians.

M^r Hills graunt.

In ans^r to the peti^con of M^r Joseph Hills, the Court judged meete to graunt, that M^r Jonathan Danforth & Jn^o or James Parker be impowred to lay out vnto M^r Hill the fiue hundred acres formerly, in 1656, graunted him in any place not formerly graunted.

To all people to whom this present writing shall come to be seene or read. Whereas the honored Gennerall Court of the Massachusetts was pleased of their free beneficence & bounty to graunt vnto the Indians of Patucket a parcell of land adjoyning to the bounds of Chelmsford plantation, the seittuation whereof being by experience found to be prejudiciall vnto the mutuall peace of the sajd plantations, — now, this wittneseth that the Indian inhabitants of the abouesajd plantation, wth the consent and approbation of the Reuerend M^r John Elliott, Seⁿ, haue couenanted and agreed to make an exchange of land wth the inhabitants of Chelmsford, in manner following, viz^t: that the partition & dividing l^jne betweene the sajd English & Indian plantation shall beginn at the Great Swampe, the sajd swampe being left wthin the bounds of Chelmsford, excepting only about tenn foote in breadth, and from thence the l^jne to be continued by the marked trees, as the former co^mittee sett out the same, vntill it reacheth Merremacke Riuer; and all the *land

[*349.]

lying on the northeast side of the sajd līne, formerly belonging to Chelmsford, shall henceforth be the proper right & to the sole vse of the sajd Indian plantation; and all the lands on the southwest side of the sajd līne, excepting only what is hereafter graunted vnto James Parker, whither of the Indians old or new graunt, & euery parte thereof, shall foreuer be & remajne the proper right & to the sole use of the inhabitants of Chelmsford. And whereas there is a parcell of land lying & being at the west end of the Indians graunt, w^{ch} is not wthin the bounds (of either plantation) as aboue exprest, this wittneseth that the sajd parcell of land, be it more or lesse, is, by the free consent of both the abouesajd plantations, given, graunted, & alienated vnto James Parker, of Chelmsford, abouesajd, for and in consideration of his great pajnes and costs w^{ch} he hath necessarily expended in setling the bounds, as aboue is expressed, betweene the abouesajd plantations, to haue & to hold the sajd parcell of land, wthall the appurtenances thereof, vnto him, the sajd James Parker, his heires and assignes for euer, to his and their only proper vse & behoofe. And to the true performance of the aboue named exchange & graunt, mutually made by & betweene the sajd plantations, and also their joint graunt and giuft vnto the sajd James Parker, on condicōns & in manner aboue expressed, both the sajd plantations doe hereby respectively bind themselves, their heires, excecuto^{rs}, & administrators, each to other & jointly, to the sajd James Parker, his heires & assignes, firmly by these presents; in wittnes whereof these whose names are subscribed as the deputjes & lawfull trustees of the abouesajd plantations, haue herevnto putt their hands & seales. Aprill the third, 1660.

1660.

31 May.
Exchange of
land betwene
y^e Indians &
Chelmsford.

Signed in presence of

Willjam Simmes,

Samuell Greene,

James Converse.

JAMES PARKER, & a seale,

WILLIAM FELTHER,

THO: HINCKSMAN, & a seale,

JOHN ELLIOT, in wittness of

my approbation.

The names of y^e cheife inhabitants of Pm̄atucket, testifying their consent and satisfaction in this deed: —

The marke of ☾ PUNTAHHUN,
JOHN TOHATOWON.

The m^rke, ☿ KUSSINAUSCUT,

The marke of ☉ PANNOBOTIQUIS,

The m^rke *um* of NOMPHON,

The m^rke of *Q* PETER,

The m^rke of *Q* NONNOIT,

The m^rke of *W* WOMPANNOUN.

1660.

31 May.

Wee doe testify these markes & names were sett doune lawfully at a publicke meeting, the 14th of the 3^d, 1660.

JOHN ELIOT, Scñ,
JOHN ELIOT, Juñ.

This deed is acknowledged by W^m Fletcher, Thō Hincksman, together wth James Parker, as trustees for y^e Indians, to be their act & deed, this 5 2^m, 1660.

As attest, THO: DANFORTH.

In ans^r to the petition of the inhabitants of Chelmsford & Patuckett, the Court judgeth it meete to confirme their agreement, & orders the same to be recorded.

[*350.] **Att the second Sessions of the Generall Court, held at Boston, the 16th of Octob^r, 1660.*

The Court mett
at y^e time.
When the
lawes be in
force.

ITT being a matter of some concernment to the country rightly to vnderstand when this last impression of the lawes are to be in force and beginn to take place, this Court doth therefore order & declare, willing & requiring all persons concerned to take notice, that the sajd impression of lawes shall be of force after the expiration of thirty dajes from the day of the date of these presents, and that in the meane tyme the old bookes to stand good & to be attended to as before.

Self-murderers
denyd ordinary
buriall.

This Court, considering how farre Sathan doth prevajle vpon seuerall persons wthin this jurisdiction to make away themselves, judgeth that God calls them to beare testimony against such wicked and vnnaturall practises, that others may be deterred therefrom, doe therefore order, that from henceforth if any person, inhabitant or strainger, shall at any time be found by any jury to lay violent hands on themselves, or be wilfully guilty of their oune deaths, euery such person shall be denjed the priuledge of being burjed in the com̃on burying place of Christians, but shall be buried in some com̃on highway where the selectmen of the toune where such person did inhabit shall appoint, & a cart loade of stones layd vpon the grane, as a brand of infamy, and as a warning to others to be ware of the like damnable practises.

For explication of the lawe or lawes referring to the manner of triall of such persons as are found in this jurisdiction after bannishment on payne of

death, this Court doth judge meete to declare, that when any person or persons bannished on pajne of death shall, after the expiration of their time lymitted for departure, be found within the lymitts of this jurisdiction, all magistrates, comissioners, constables, & other officers of this jurisdiction, doe vse their best endeavors for their apprehending and conveying to safe custody; & being there secured, such person or persons shall, at the next Court of Asistants, wthither in ordinary or specially called according to direction of the lawe for calling of such Courts, have a legall triall by a jury of twelve men, & being found by evidence or their owne confession to be the person or persons formerly sentenced to banishment on pajne of death, shall accordingly be sentenced to death & executed, by warrant from the Gou^{no}r or Dep^t Gou^{erno}r, directed to the marshall generall, vnlesse he or they be regularly re-
 priued in the meane time.

1660.

16 October.
 Addition to y^e
 lawe for triall
 of Quakers
 after banish-
 ment.

Gov^r or Dep^t
 Gov^r to signe
 warrant for
 executions, &c.

There being some woemen Quakers now in prison lable to sentence of bannishment, whose husbands are innocent persons in that respect, so farre as wee know, & are inhabitants in this jurisdiction, this Court doth order, that the sajd woemen, named Marg^{rt} Smith & Mary Traske, be comitted to the house of correction, & there kept to constant labour & meane diet, according to the order of the sajd house, vntill this Court release them, and that the sentence of bannishment vpon the sajd persons be suspended, any lawe to the contrary notwithstanding, vnlesse their husbands shall choose to carry them out of this jurisdiction, & not returne wthout leaue first obtejn^d.

Order ab^t Marg^{art} Smith & Mary Traske.

*In ans^r to a motion of the Quakers now in prison that they may haue their liberty to goe for England, the Court judgeth it meete to declare, that all the Quakers now in prison shall forthwith haue their liberty to goe for England in this ship now bound thither, if they will, and for such as will not goe for England, they shall haue liberty forthwith to depart this jurisdiction wthin eight dajes, so as they solemnly engage, vnder their hands, deli^ured by them to the Gouernor or Dep^t Gou^o, that they will not returne into this jurisdiction wthout leave from the councill or Gennerall Court first by them obtained.

[*351.]

Quakers liber-
 ty in case.

Resolved on the question that by the words of the lawe, tit. Ferrjes, p. 31, new booke, freeing magistrates & deputjes from paying ferriage ouer all ferrjes that pay no rent to the country, is not intended to infringe the propriety of any person in any ferry.

Quest^d resolvd
 ab^t ferrjes.

Whereas Joseph Nicolson & Jane, his wife, being two Quakers bannished this jurisdiction vpon pajne of death, & returning some time since into this jurisdiction, were called before the Court, where manifesting their desier to goe for England, the Court graunted liberty to the aforesajd persons for three dajes to depart this jurisdiction, either for England or elsewhere, the sajd persons

Joseph & Jane
 Nicolson liber-
 ty to passe for
 England.

1660.

16 October.

accordingly repaying to the ship then bound for England, but, by reason of its fullnes of y^e ships lading, could not obtaine theire passage, & on theire returne tendering themselves to the Governour to be secured in prison vntill they may gett passage for England, another ship being bound for England, the vndertakers whereof being willing to transport the sajd persons, the Court graunts the sajd persons liberty to passe for England by the next oppertunity, and in the interim to be secured in prison, any lawe to the contrary notwithstanding.

Mr Fletcher
silenc^d.

The Court, hauing perused the severall evidences presented to this Court refering to Mr Fletcher & the toune of Wells, doe judge meete to declare to the sajd inhabitants that they haue not only liberty, but are hereby enjoyned, to procure some godly able minister to be helpfull to them, and that the sajd Fletcher is hereby enjoyned to forbear any more to preach amongst them.

Committee to
agree wth y^e
mint m^r.

It is ordered, that Cap^t Gookin & y^e Tresurer, Mr Anthony Stoddard, & Mr W^m Parks shall be a committee & are hereby impowred to treat wth the mint master for allowing such an annuall some as may be agreed vpon as a meete honorarium to the country for the yearely benefitt they receive by minting, that so the country may reape some bennefitt after so long a forbearance, hauing given them the bennefitt thereof for the tyme past, or otherwise to declare that this Court intends to agree wth some other meete person to minte the money of this country, making theire report to the next Court what they shall doe heerein.

Springfeild
County Court
power abt a
prison, &c.

It is ordered by this Court, that Springfeild County Court be & is heereby impowred to erect & improve a prison & house of correction, as other countys haue, any deficiency for want of magistrates notwithstanding, and that the comissioners for that Court, or any two of them, be impowred to act in any case concerning the same, & for the committing of offenders thereto, & releasing of them againe, as any one magistrate may doe.

Ans^r to Mr
Longs peti^{cion}.

In ans^r to the peti^{cion} of Robert Long, of Charls Toune, humbly desiring the favo^r of this Court to remitt what is due from him to y^e country, & is yett behind, in relation to impost, & that he may be freed from impost for y^e future, the Court judgeth it meete to remitt vnto the peti^{cioner} the arreares due to y^e country, not exceeding tenn pounds.

Order abt price
of corne.

It is ordered by this Court, that all sorts of corne shall be paid in the country rate, for y^e yeare ensuing, at these prizes: wheat at five shillings p bush, barley & barley mault at fower shillings sixe penc, pease & rye at fower shillings, & Indjan at three shillings p bush, & y^t all sorts of goods, except corne, paid in to the country rate, shall be paid at money prize.

[*352.]

*Wee, whose names are vnder written, being appointed by the Generall

Court, held at Boston, 18th October, 1659, for to heare & determine certain differences w^{ch} concerne Left W^m Phillips, M^r George Cleaues, M^r John Bonighton, & M^r Richard Foxwell, and to make returne thereof vnto this Court, wee accordingly, hauing attended that service, returne as followeth: That the toune of Saco shall haue belonging vnto it all the lands lying wthin the bounds hereafter mentioned, viz^t, from Winter Harbor to Saco Riuer mouth, & from thence vp along the sajd riuer toward the falls as farr as the house of Ambrose Berry, and from thence a l^jne to runne on a square towards Cape Porpus so farre as the bounds of the sajd toune of Saco goeth that way, and so downe the diuiding l^jne betwixt Cape Porpus and Saco vnto the sea, and so along the sea vnto Winter Harbor, reserving out of this tract the seawall, beginning at a pond about halfe a mile southward from the mill com^only called Duck Pond, & so running from the sajd pond to the mill, & from thence to the necke of land on which Roger Spencer liueth, wth the marshes adjoining, to the seawall, not exceeding forty rods broad from the sajd wall; also a necke of land com^only called Parkers Necke; also fifty acres of wood land adjoining to an abttement late in the possession of Goodman Lajton, betwixt M^r Hitchcocks house & Saco Riuer mouth, where Left Phillips shall make chojce of it in any land not in lease, which aforesajd tract of land so bounded shall be disposed of by the tounsmen of Saco, either for com^ons or otherwise, as they shall see cause, vnto w^{ch} disposall of the aforesajd tract Left W^m Phillips doth consent; and all contracts made (by any of the possessors of any lands wthin the l^jmitts of the pattent in Saco w^{ch} did belong vnto M^r Richard Vjnes) wth Left Phillips is to stand good, and such possessors of lands wthin the sajd l^jmitts as haue not as yett contracted for these lands that they doe possesse, are to pay the like proportion of rent w^{ch} those doe who haue already contracted, and all other land lying wthin the l^jmitts of the before mentioned pattent of M^r Vines (excepting that necke of land on w^{ch} Roger Spencer dwells, w^{ch} sajd necke is bounded wth the end of the sea wall next to it adjoining) to belong vnto Left W^m Phillips.

1660.

16 October.

Courts allow-
anc & ord^r
ab^t com^omittees
returne relat^g
to Left Phil-
lips, M^r
Cleaues, &c.

In relation to the complainte of M^r John Bonighton, we finde that his pattent is in joint to M^r Thomas Lewes and the father of Bonighton, and that seuerall of those which he complaines against had leave from the aforesajd Lewes or his successors. We therefore order that a due diuission be made betwixt them, if it be not already donne, and then those that trespasse on any of M^r Bonightons rights he may haue his remedy in a course of lawe, where we hope he may haue justice.

And as for the complaint of M^r George Cleaue, when we were at Saco, attending the Generall Courts before mentioned order, his writings and

1660.

16 October.

evidences were not present: therefore wee can make no certajne returne thereof, but judge meete the townesmen of Falmouth be ordered not to dispose of any lands w^{ch} are wthin the boundarjes of the pattente or graunts of the sajd M^r George Cleaves vntill this Court take further order therein. As for the complaint of M^r Rich Foxwell, he appeared not there for to make any prooffe thereof. Dated 25 8 m̄, 1660, & signed

P HUMPHREY ATHARTON,
THOMAS SAVAGE,
THO: CLARKE.

The Court approoves & allowes of the returne of these com̄issioners, and doe order, that it shall be a finall issue of all matters in difference betweene the partjes herein mençōned and the matters contejned therein.

[*353.]
Order ab^t M^r
Jordan.

*Whereas it appeares to this Court, by seuerall testimonjes of good repute, that M^r Robert Jordan did in July last, after excercise was ended vpon the Lords day, in the house of M^{rs} Mackworth, in the toune of Falmouth, then & there baptize three children of Nathaniell Wales, of the same toune, to the offence of the gouernment of this com̄onwealth, this Court judgeth it necessary to beare wittnes ag^t such irregular practises, doe therefore order that the secretary, by letter, in the name of this Court, require him to desist from any such practises for the future, and also that he appeare before the next Generall Court to ans^r what shall be lajd ag^t him for what he hath donne for the tjme past.

M^{rs} Hooke ag^t
Jn^o Alcocke.

In the case now depending betweene M^{rs} Elinor Hooke, relict of M^r W^m Hooke, plain^t, for hir third of dower in a house & a certaine parcell of land sold by hir s^d husband vnto M^r John Alcocke, defendant, coming from the non agreement of y^e Magistrates in y^e last Court of Asistants wth y^e jurjes virdict, the Court, after due hearing & consideration of the case, concurring wth the virdict of the jury, finde for the defendant costs of Court, fifty eight shillings & sixepence.

Ans^r to Samp-
son Shoars
petiçon.

In ans^r to the petition of Sampson Shoare, the com̄ittee appointed by this Court hauing perused & giuen both partjes full liberty to make their pleas in the case, the Court judgeth it meete to order that the petitioner, Sampson Shoare, doe forthwith giue possession of the house wthinmentioned vnto the wthin named Thomas Dier, according to the judgment of the Court of Asistants, and that, on his refusall, the marshall doe putt the sajd Dier into legall possession thereof; and that Cap^t W^m DAVIS, M^r Jn^o Wisewell, & M^r Nathaniell Willjams, or any two of them, be impowred to auditt & consider of the damage

that the sajd Djer hath sustejned for non pajment of the hundred pounds for wth the house was first mortgaged, as also all other accounts yett depending betweene the sajd Shoare & Djer, and what shall be found justly due to the sajd Djer, the same to be pajd and satisfied out of the sajd house, aswell as the hundred pounds for wth it was first mortgaged; and in case the sajd Shore shall tender the pajment of the sajd hundred pounds, wth what els shall by the sajd audito's be found due, to the sajd Djer, in corne & catle, by apprise-ment of men indifferently chosen at any time wthin eight months after the date hereof, the sajd Dier shall accept thereof; or otherwise, on refusall of such tender, shall alowe vnto the sajd Shoare what the sajd house shall be appraised at more, by men indifferently chosen, then such his just debt shall amount vnto, as before is provided, and shall deliuer possession of the sajd house againe to the sajd Shoare, his heires or assignes.

1660.

16 October

Vpon a motion made in the behalfe of the inhabitants of Salem, this Court judgeth it meete to graunt to them certaine islands knowne by the name of the Miserjes & Bakers Island, lying in the mouth of their harbor; provided, that it shallbe lawfull for any fishermen to make vse of them in making of fish, & whateuer conduceth thereto, as building houses, stages, &c, as also wood & flaking in all fishing seasons.

Islands
graunted to
Salem on con-
diçion.

Graunted to Major Geñ Daniel Dennison sixe hundred acres of land, forñly reserved beyond Merremacke Riuer, aboue old Willjams planting ground, in leiw of so much long since graunted him wthout Rouley bounds, provided the sajd farme be not wthin seven miles of the meeting house at Hauerill.

Major Deni-
sons farme of
600 acs.

*Lajd out to Edward Cowell, of Boston, two hundred acres of land in the wilderness on the western side of Merrimacke Riuer, beginning at the head of a brooke called Salmon Brooke, bounded at the head wth the great pond called by the Indians Mashepagocke, so running doune the aforesajd brooke towards the northeast, lying on both sides that brooke, one part or parcell of the same conteining one hundred & fifty acres, lyeth on the northwest side of the sajd brooke, being bounded wth the aforesajd pond, and another smale pond on the west & northwest; & on the north it is bounded wth Groaten path at the brooke; and one part or parcell of the same, conteining about fifty acres, lyeth on the southeast of the sajd brooke, adjoyning to the other, the wildernes elsewhere surrounding according to marked bound trees, as is more fully demonstrated by a plat taken of the same by Jonathan Danforth, surveior.

[*354.]

Edw. Cowells
farme lajd out.

The Court allowes & approues of this retourne of y^e land lajd out.

As a finall issue of all controüisies referring to the Goñno's farme on

1660.

16 October.
Courts final
resolution re-
lating to
Guñn^s farme.
M^r Endecotts
farme.

Ipswich Riuer, this Court doth order, that the bounds thereof shall in all points be continewed according to the platt thereof returnd by M^r Thomas Danforth & Robert Hale, excepting only what shall be found to be contened therein more then the five hundred & fifty acres ; the same to be defaulcated at the angle next vnto Zackeus Golds house ; provided alwajes, the brooke shall continew to the bounds on that side as high as the smale Grindle Swampe that parteth betweene the plajne and the rocke, and runneth into the sajd brooke ; and M^r Thomas Danforth, Major Willjam Hawthorne, & Lef^t Joshua Fisher, or any two of them, are impowred accordingly to sett out the same.

Roxbury 500
acres.

The Court judgeth it meete to graunt the towne of Roxbury five hundred acres of land towards the mainetenance of a free school.

Courts further
graunt to M^r
Hawthorn,
& c, rela^s to a
new plan^t ab^t
y^e Dutch.

Whereas this Court, in October, 59, did graunt a certaine tract of land vpon Hudsons Riuer, aboute the Fort Awrania, to Major W^m Hawthorne, Cap^t Thomas Sauage, & c, wth liberty to erect a plantaçõn & settle a trade wth the natiues, as may appeare by seuerall orders of the Court for the incouragement of so vsefull a worke, liberty & power is hereby graunted to the sajd gentⁿ to leade, conduct, or transport through this jurisdiction any convenient noumber of men as they may or shall procure, wth all necessary provission for such an vndertaking ; to plant & possesse the sajd land & settle the sajd trade. And if the sajd planters shall in their journey as aforesajd, or in their planting or possessing the sajd land, be opposed or assaulted by any Indians or others, the like liberty & power is hereby graunted them to defend themselves, estates, & possessions, and to repell all such attempts by force of armes, wherein they may expect the protection, asistance, & support of this goũment, as any other the inhabitants of this jurisdiction may or should in like cases be protected.

And for the well ordering & gouerning of the sajd plantation, being so remote, it is hereby ordered, that the Goũno^r for the time being shall giue comiission to some meete person or persons to act in the sajd plantation according to the power and authority of a magistrate, or according to the power of a County Court of this jurisdiction, till this Court take further order.

And if any of the grauntees shall neglect to asist & contribute their proportions of chardge to this vndertaking, such person shall & is hereby debarred from challengding any interest or advantage from the sajd graunts ; but it shallbe lauffull for the rest of the grauntees or vndertakers to take in other partners & carry on the worke ; provided alwajes, that the sajd grauntees or vndertakers doe, wthin the space of two yeares after the date hereof, erect

a house, & settle at least ten men vpon the said land, otherwise all graunts now or formerly made to be void & of none effect.

1660.

16 October.

[*355.]

Ans^r to Georg Carrs petiçion.

*In ans^r to the petiçion of George Carre, the Court judgeth it meete to order, that M^r Carre shall be rate free for the bridge to the country & toune rates as long as the bridg he made ou^r pt of Merremacke Riuer continews; and also graunts one hundred & fifty acres of land to enjoy during the bridg^s standing & its being meinteined.

The Court judgeth it necessary that letters of thankfulnes be sent to our honno^d ffreinds in Engld for their great respect to this collony, and referr the same to the ouerseers of the colledge, to be sent by the first opportunity.

Letters to be sent to ffreinds in Engld.

In ans^r to the petition of M^r Nathaniell Duncan, the Court, considering his present condition & former service, judge meete to graunt him five hundred acres of land.

500 acres graunted to M^r Nath. Duncan. Vide p^a 466.

In ans^r to y^e petition of W^m Hudson & Evan Thomas, the Court judgeth it meete, in regard the petitioners haue susteyned prejudice (by the law enabling merchants to sell wine not less then three gallons) in their implojment, to order that one whole yeares rent, viz., forty pounds, be allowed to W^m Hudson, & thirty pounds to Evan Thomas, as full satisfaction of all their damages.

W^m Hudson & Evan Thomas allow^d.

Vpon the motion of Leif^t W^m Hudson & Leif^t Robert Turner to this Court, craving further liberty from this Court for drauing of wine, the Court judgeth it meete to graunt them a renewing of their licenses for the space of five full yeeres imēdiately following the *the* expiration of their former licenses, for w^{ch} they are to pay fifty pounds p aⁿm, Leif^t Hudson thirty pounds, & Leif^t Turner twenty pounds p aⁿm to y^e Tresurer; provided also, that on any abuse or breach of lawes they shall be subject to the County Court or any magistrate, according to lawe.

W^m Hudson & Robert Turners licens.

In ans^r to the request of Evan Thomas, the Court judgeth it meete to renew Evan Thomas his licene also for one yeare, he paying twenty pounds for y^e same to the Tresurer, & being also subject to the censure of the County Court & magistrate as the other, according to lawe.

Evan Thomas licence.

Whereas this Court hath heeretofore allowed the vndertakers of the ironworkes at Lynne the sume of ten pounds p annū towards the payment of their country rate, w^{ch} this Court judges not meete any longer to allow, the same being now free from any such engage^{mt}.

Courts gratuity to Linn of 10^d recalled.

This Court, being much neglected for want of necessary officers and attendants, doe order, that two sargants, as formerly, shall be chosen by the Court to attend this Court in the time of their sitting, and the Gouⁿor as a guard at all publicke meetings out of Court, for w^{ch} their service they

Jonathan Negus & S^r Richard Wajte, attend^o on y^e Courts & Gou.

1660.

16 October.

are to be paid twenty pounds p annū out of the publicke treasury, and the Goūno^r, Deputy Goūno^r, and secretary, or any two of them, are appointed to nominate some fitt & honest persons for this service, to be approved of by the Court before their rising. Sarjant Richard Wajte and Jonathan Negus, being presented by the Goūno^r & secretary as meete persons for that service, was by the whole Court allowed of.

Keeper, order
for his fees,
&c. ab^t
Quakers.

Itt is ordered, that the Tresurer satisfy the keeper for the fees due to him for the Quakers for the time past, and for the tyme to come the Court will consider of some such way as the keeper shall not be discouraged.

[*356.]

Ans^r to M^r
Woodmans
petiōn.

*In ans^r to y^e petition of M^r Edward Woodman, humbly desiring the favour of this Court in granting him a parcell of land lying betweene Rouley & Newbury lynes, the Court judgeth it meete to graunt him three hundred acres there.

Ans^r to M^r
Jefferys petiō.

In ans^r to the petition of M^r W^m Jefferys, the Court judgeth it meete to graunt him five hundred acres of land, to be laid out in such place as he shall find it, on the south side of our pattent, & that to be a finall issue of all clajmes by virtue of any graunt heretofore made by any Indian whatsoever.

Ans^r to Salis-
bury petiōn
for a tract of
land.

In ans^r to the petition of the inhabitants of Salisbury, humbly craving a tract of land lying betweene their bounds & the bounds of Hampton, it is ordered, that M^r Edward Woodman, Lef^t Robt Pike, & Lef^t Hussie be a cōmittee to view the land & to make returne, both of quantitie and qualittie thereof, to the next Gennerall Court, when it may be further considered of.

Order ab^t en-
quiry of
pouder, &c.

Whereas this Court hath heretofore by severall orders enjoynd that each towne wthin this jurisdiction should be provided wth a stocke of pouder & other aṃnition, as in the said orders doth appeare, a returne whereof was to be made to the survejo^r gen^{ll}, & accordingly some townes made returnes, others did not, — in further prosecution of the said order, this Court doth heereby order & enjoyne, that the deputy or deputjes of each towne wthin this jurisdiction shall make dilligent enquiry wthin their townes what pouder & other aṃnition they haue, & make returne of the same, vnder their hands, to the next Court of Election, or to the present survejors gen^{ll}, or any one of them, and in all such townes where no deputjes are, that there the selectmen or constable shall & hereby are enjoyned to make the like returnes.

M^r Dummer sale
of Rouley mill
confirmd, &c.

In the case now depending betweene John Peirson, of Rouley, & M^r Richard Dummer, referring to the sale of a mill & certaine lands, some tymes possessed by M^r Nelson, of Rouley, deceased, & now sold by the said M^r Dummer to y^e s^d Peirson for the vse of the said M^r Nelsons children, the Court judgeth it meete to confirme the sale of the said mill & land.

Ans^r to Col.
Crounes peti-
ōn.

In ans^r to the petiōn of Colonell W^m Croune, the Court declares, that the

petitioner may bring his action ag^t the constable for neglect of his duty, or he might haue sent the marshall geñll to haue served the attachment on y^e estate of M^r Jordan, if he had seene meete. 1660.
16 October.

Whereas, at the request of this Court, M^r Thomas Danforth hath attended the service of this Court in surveying the lawes at the presse, & making an index thereto, this Court judgeth meete, as a gratuity for his pajnes, to graunt him two hundred & fifty acres of land, to be lajd out in any place not legally disposed of by this Court. 250 acres land
granted to M^r
Danforth.

Itt is ordered, that the Tresurer satisfy & pay Leff^t Robt Turner sixe pounds tenne shillings & tenn pence, expended by the Gouverno^r in the time of his late sicknes, when he was on the countrjs service on comission for y^e United Colonjes. 58. Gouernor ex-
pences to be
p^d, &c.

Itt is ordered, that Cap^t Thomas Marshall shall & is hereby impowred to solemnize marriage betweenc James Richardson & Bridget Hincksman, of Chelmsford, being published according to lawe. Cap^t Marshall
com^d to marry
p^o tempore.

In ans^r to the petition of Cap^t George Dennison, humbly desiring a graunt of lands in the Pecquod Country, the Court judgeth it meete, hauing implojed him in sef^l services for the country, to graunt him two hundred & fifty acres of land where it is to be found. 350 acres to
Cap^t Georg
Denison.

In answer to the petiçon of M^r Anthony Stoddard, the Court, hauing per- rused & considered y^e grounds of y^e petiçon, as also the readlines of y^e peti- çonner at all times to be serviceable for the good of the country, judgeth meet to graunt five hundred acres of land to be æqually divided betweenc y^e petition^r & Cap^t Welds children. 500 acres to
M^r Stoddard &
y^e children of
Cap^t Wells.

*Lajd out three hundred acres of land, in obedience vnto an order of the Generall Court, dated the 19th of the third m^o, 1658, for M^r W^m Colebron, of Boston, lyng in the wilderness bejond Meadfeild, adjoining vnto the east side of Nicholas Woods farme, and being from E to A about one hundred eighty eight rod, and from A to B about two hundred & thirty rod; from B to C about two hundred & sixty rod; from C to D two hundred & tenn rods; & from D againe vnto E about one hundred sixty five rods, as is more per- ticularly & fully marked & bounded in a plot draune in parchment by Joshua Fisher. [*357.]
M^r Colebrons
300 ac lajd out.

The Court, being satisfied, by Leff^t Fishers testimony, that this land was lajd out before Naticke bounds, judg meete to allow & confirme the same.

Whereas M^r Edward Rawson was implojed by this Court for the drauing vp of the booke of laues before it was performed by Majo^r Geñll Dennison, 250 acres to
Ed. Rauson.

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this Court, being willing to acknowledge the labors of such as are employed for your publicke behooffe, doe judge meete, as a gratuity for his paynes, to graunt him two hundred & fifty acres of land in any place not yett disposed of by this Court.

Mr Tings 250
ac's lajd out.

Lajd out to Mr Edward Ting, of Boston, two hundred & fifty acres of land in the wilderness on the northern side of Merremack River, being butted & bounded by a farme formerly lajd out to Mr Russell, Tresurer, on the south east, the wilderness elsewhere surrounding, according to marked trees, as is more fully demonstrated by a plott taken of the same.

By JONATHAN DANFORTH, Survejour.

The Court approves of this returne.

Mr Whittings
400 ac's lajd
out.

Lajd out to Mr John Whiting four hundred acres of land on the western side of Merremacke River, beginning at the mouth of Salmon Brooke, & so extending upwards one the same brooke about one mile & halfe, being butted & bounded by Merremacke River on the east, & by the vpland side on the north of the said brooke, elsewhere bounded by marked trees, according to a platt taken of the same.

The Court doth approve & confirme this returne.

Mr Wilsons
1000 ac's lajd
out.

Lajd out to Mr John Wilson, Señ, of Boston, one thousand acres of land, more or lesse, in the wilderness, on the west of Merremacke River, one part or parcell of the same, containing seven hundred acres, more or lesse, ljet vpon Sowheaganock River, at a place called by the Indians Quohquimaspaskessa-nahnoy, w^{ch} is about fiue miles by estimation from Merremacke River, lying three hundred sixty fower pole in length vpon Sowheaganuck River, fower hundred acres, more or lesse, on the north side of the river, and three hundred acres, more or lesse, on the south side, being butteld and bounded on the west wth land lately lajd out for Cap^t W^m Davis & Cap^t Isack Johnson, of Roxbury, the wilderness elsewhere surrounding, according to bounded trees, marked wth L; also, one part or parcell more, containing three hundred acres, more or lesse, ljet about one mile & halfe by estimation southward of the former farme vpon the head of Penichuck Brooke, being bounded by a great pond on the south west, called Pennichuck Pond, extending downe the brooke about two hundred & eighty pole in length, lying almost wholly on the northwest side of the said brooke, the wilderness elsewhere

surrounding, according vnto bounded trees, w^{ch} are marked wth L, all which is more fully demonstrated by a platt taken of the same.

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By JONATHAN DANFORTH, Survejo^r.

The Court allowes & approoves of the land so lajd out in this returne.

*Lajd out to Cap^t W^m DAVIS, of Boston, and to Cap^t Isacke Johnson, of Roxbury, to each of them two hundred & fifty acres of land, more or lesse, w^{ch} ljet together in one platt in the wilderness on the west of Merremack Riuer, and about six miles by estimation from Merremacke, at a place called by the Indians Quohquinnapasskessanahnoy, vpon and on both sides Sowheaganock Riuer, lying two hundred & forty pole in length vpon a streight lje doun the riuer, and extends about halfe a mile on each side the riuer, being butteld and bounded on the west wth land lately lajd out for M^{rs} Anna Lane, and on the east wth a farme lajd out for M^r John Wilson, Señ, the wilderness elsewhere surrounding, according vnto the bound marked trees, w^{ch} are suffieiently marked wth P, all which doth more fully appeare by a platt taken of the same.

[*358.]
Cap^t DAVIS
land 500.

By JONATHAN DANFORTH, Survejo^r.

The Court doth allow & approve of this returne.

Lajd out to M^{rs} Anna Cole five hundred acres, more or lesse, of land in the wildernes, on the western side of Merremacke Riuer, at Sowheaganucke, being butteld & bounded wth land lately lajd out for Charlstowne schoole on the west, Sowheaganucke Riuer on the north, lying three hundred and forty pole long by the side of the sajd riuer, th wilderness elsewhere surrounding, according to bound mark trees, w^{ch} are marked wth C, w^{ch} is more fully demonstrated by a platt taken of the same.

M^{rs} Anna
Coles 500 acres
l^a out.

By JONATHAN DANFORTH, Surveyo^r.

The Court judgeth it meete to allowe & confirme the land returned to the sajd Anna Cole, lately Keayne, hir heires & assignes foreuer.

In ans^r to the petition of Jn^o Shephard, y^t lately lost his right arme, the Court judgeth it meet to graunte him three hundred acres of land.

Jn^o Shep^{rds}
300 ac^s.

A tract of land returned in a map as lajd out by Joshua Fisher to M^r Symond Lynd according to y^e Courts graunt, conteigning in vpland & twenty acres of course meadow two hundred & sixty acres, bounded by seuerall ljes wth the letter L on marked trees by M^r Bradstreets farme line, & the farme

M^r Lynes
farme 260 ac^s
l^a out.

1660. ljne of Mr Winthrop, Naticke bounds lyne, & elsewhere wth rocky & wast
 land, as in y^e sajd mapp is sett forth, w^{ch} returne the Court allowes &
 15 October. approves of.

8 mo., 1660.
 Charls Towns
 land 1000 acs.

By virtue of an order of the Gemmerall Court, lajd out, for the vse of the
 schoole of Charles Toune, one thousand acres of land, more or lesse, in the
 wilderness, on the westerne side of Merremacke Riuer, at a place comonly
 called by the Indians Sowheaganucke, beginning at the ffoote of a great hill,
 and so extending eastward about two miles doune the sajd riuer, and bounded
 wth the riuer north, and by land lajd out for M^{rs} Anna Cole on the east, the
 wildernes elsewhere surrounding, according to marked trees, all w^{ch} are
 sufficiently bounded wth C, and is more fully demonstrated by a platt taken of
 8 mo., 1660. the same.

By JONATHAN DANFORTH, Surm^r.

The Court doth allow & approve of this returne.

Mr J^o Ende-
 cott, Jun., his
 farme of 400
 acs.

Lajd out vnto Mr John Endecott, Jun^r, fower hundred acres of land, more
 or lesse, in the wilderness on the east side of Merremacke Riuer, about six
 miles northward from Patuckitt Falls, and wthin one mile of Beavor Brook, at
 a great hill called by the Indians Masheshattuck, lying on the west of the
 forementioned brooke, and, as it were, betweene two great hills, and neare
 adjoyning to a pond on the southwest, called by the Indians Pemmemitte-
 quonnitt, and is surrounded by wildernes land, being sufficiently bounded by
 trees marked wth E, and is more fully demonstrated by a platt taken of the
 same.

By JONATHAN DANFORTH, Survejour.

The Court allowes & approves of y^e returne.

[*359.]
 1000 acres
 granted to
 Boston free
 schoole.

*In ans^r to the petition of the toune of Boston, the Court judgeth it
 meete to graunt y^e sd toune of Boston one thousand acres of land, for their
 furtheranc & helpe to dischardg y^e chardg of a free schoole there.

M^{rs} Lanes
 farme 500 acs.

Lajde out to M^{rs} Anna Lane fiue hundred acres of land, more or lesse, in
 the wilderness, on the west of Merremacke Riuer, and about seuen miles by
 estimation from Merremacke, at a place called by the Indians Quoquinna-
 passkessanahnoy, which is vpon Sowheaganocke Riuer, lying two hundred &
 eighty pole in length vpon the riuer, about two hundred acres lyeth on the
 north side, and three hundred acres on the south side, being bounded wth land

lajd out for M^r DAVIS and Cap^t Isacke Johnson on the east, wilderness land elsewhere surrounding the same, as by a plott taken of the same is more fully demonstrated.

By JONATHAN DANFORTH, Surveyo^r.

1660.

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The Court doth approve, allow, & confirme this returne.

In ans^r to the peti^cōn of the inhabitants of Braintry, i. e., Gregory Belchar, James Penneman, Thō Mekins, Moses Pajue, Edm^o Quinsey, Rob^t Twelves, & Peter Brackett, the Court judgeth it meete to encourage the petitioners to proceede in their settling themselves, & an able minister wth them, in the place desired for a new plantation, wthin their time l^{im}itted; and that those that beginne the sajd plantation may not want due encouragement in their accomodation, & yett the place preserved from vnnecessary wast, it is ordered, that Cap^t Danⁱ Gookin, M^r W^m Parkes, Lef^t Roger Clap, Ephraim Child, & W^m Stiltson, or any three of them, shall be & hereby are appointed a com^{it}tee, & hereby impowred to appoint vnto each inhabitant there, any time wthin this three yeeres, as they shall see meete, & that when a full number of persons appeare, this Court will, on the com^{it}tees information, order them due bounds. In further ans^r to sajd Braintry peti^cōn, the Court declares, that they judg meete to graunt a plautacōn of eight miles square, and that the persons named haue liberty to enter there vpon, & make a beginning thereof, and to take such persons into their society as they shall judge meete, & that Major Humphrey Atherton, Lef^t Roger Clap, Cap^t Eliazer Lusher, & Deacon Parkes, or any three of them, shall & hereby are appointed com^{is}sion^{rs}, & impowred to make a valid act there.

Ans^r Braintry
peti^cōn for a
new plantation,
afterwards
Mendon.

The Court, hauing receaued & perused the letter sent by the Dutch goũno^r, the whole Court voted their allowanc of a letter, w^{ch} was by them also voted & ordered to be fairely written out by y^e secretary, & perused by the Goũno^r, Dep^t Goũno^r, Cap^t Gookin, y^e secretary, & the deputjes of Boston, for the adding or altering of any words that may be for the best manner of expression, or any three of them, & that the letter be signed by the Goũno^r & secre^t.

To all Christian people to whom these presents shall come. Hannah Munings, the relict & administratrix to the estate of the late Mahalalell Munings, formerly of Dorchester, lately of Boston, in New England, merchant, & John Wisewall, hir father, of Boston, merchant, administrators to the estate of the sajd Mahalalell Munings, sends greeting: Whereas the sajd Mahalalell Munings, in his life time, in consideration of the sōme of fifty pounds to him in hand payd, in and about September, sixteene hundred

1660. finety & eight, by Lef^t Roger Clap, of Dorchester, in New England, aforesajd, did make a bargaine & sale of a dwelling house, scittuate, lying, & being
 16 October.

[*360.] lesse, which sajd Munings lately purchast *of James Bates, and is bounded wth a highway on the north, the land of Willjam Sommer on the east, the land now in possession of Edward & Nicholas Clap, formerly the land of John Clap, on the west, and the sea on the south, wth two acres of meadow lying neere the tide mill, be it more or lesse, & is bounded by a creeke on the north & north west, & on the east & south by the lands of the sajd Roger Clap, as also three smale lotts in the three first divisions comonly called the Cowwalke, each lott conteyning one acre and a halfe and thirty ninne rods, the first of the three smale lotts being the fowerteenth lott, the second smale lott in the second divission being the fortjeth, the third smale lott in the third divission being the one & twentieth, wth all libertjes, priviledges, & appurtenances to the same belonging or in any wise appertaining. Now, knowe all men by these presents, that wee, the aboue mentioned Hannah Munings & John Wiswall, administratrix & administrator to the estate of the sajd Mahalalell Munings, being fully satisfied of the payment of the sajd fifty pounds by the sajd Roger Clap, as also of the sajd Munings acceptance thereof & satisfaction, doe, in the name & on the behalfe of y^e sajd Mahalalell Munings, for the full accomplishment of the sajd Munings bargaine & sale of all the aboue mentioned & bounded premisses, he dying before he perfected the same, haue absolutely giuen, graunted, bargained, sold, aljened, enfeoffed, & confirmed, & by these p^sents doe absolutely giue, graunt, bargaine, sell, aliene, enfeoffe, & confirme vnto the aboue mentioned Roger Clap, & his heires & assignes, all the aboue mentioned dwelling house, orchard, five acres of land, two acres of meadow, & three smale lotts, be they more or lesse, buttelled & bounded as aboue is exprest, to him, the sajd Roger Clap, his heires & assignes, wth all & all manner of libertjes, priviledges, & appurtenances to the same belonging or in anywise appertaining, and to his and their only proper vse & behooffe foreuer. And the sajd Hannah Munings & John Wiswall, administratrix & administrator, as aforesajd, doth for themselves, heires, execucutors, administrators, & assignes, couciant, promise, & graunt to & with the sajd Roger Clap, his heires & assignes, by these p^sents, that all the aboue graunted premisses shall be, & continew to be, the proper right & inheritance of the sajd Roger Clap, his heires & assignes, foreuer, wthout any the

Lef^t Claps deed from administrator & adm^{tr} of Mahalalell Munings estate.

lett, molestation, or expulsion of them, the sajd Hanna Munings or John Wisewall, their heires or assignes, or by or from any of the heires or assignes of the sajd Mahalaleel Munings, or any clayming any title, clajme, or interest to the same or any part thereof, from or vnder them, or any of them. And for further warranty of the aboue graunted pmisses, that the sajd premisses now be, & all time & times hereafter shall be, remajne, continew, & abide vnto the sajd Roger Clap, his heires & assignes, freely & cleerly acquitted, exonorated, & dischardged, or otherwise, from tjme to tjme, & at all tjmes, well & sufficjently saued, & kept harmeless of & from all & all manner of former & other bargaines, sales, guifts, graunts, leases, mortgages, jointures, wills, entailes, dowers, or other incombrances whatsoever, had, made, donne, acknowledged, comitted, or suffered to be donne by them, the said Hannah Muning & John Wisewall, their heires or assignes, or by, from, or vnder the sajd Mahalaleel Munings, his heires or assignes, clayming any right, title, or interest thereto, or any part thereof, whereby the sajd Roger Clap, his heires or assignes, shall or may any wayes be molested or lawfully evicted out of the possession or *enjoyment thereof, or any part or parcell thereof. And the sajd Hannah Munings & John Wisewall, administratrix & administrator, as aforesajd, doth couenant, promise, & graunt to & with the sajd Roger Clap, his heires & assignes, that they or one of them, shall & will deliuer, or cause to be deliuered, vnto the sajd Roger Clap, his heires or assignes, all & singular such deeds, evidences, & writings only touching or concerning the premisses senerally, & true coppies of all such other deeds, evidences, & writings w^{ch} concerne the pmisses, wth any other lands or tennements, the same coppies to be made at the only cost & charges of the sajd Roger Clap, his heires or assignes. In wittnes whereof, the sajd Hannā Munings & John Wisewall haue heerevnto sett their hands & scales this fifteenth day of September, 1660.

1660.

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HANNA MUNINGS, & a scale,
JOHN WISWALL, & a scale.

Signed, sealed, & deliuered, the sajd Roger Clap being in possession, in the presenc of vs, y^s fifteenth day of September, 1660. John Wisewall & Hannah Munings signed, sealed, & deliuered this deed, the day aboue sajd, in the presence of vs.

THOMAS SAUAGE,
SYMON COOLIDGE.

Memorandum. Before the sealing & deliucry of these p^snts, it is declared, & by all partjes concerned vnderstood & consented to, that the wthin mentioned

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John Wisewall & his heires are no farther nor otherwise bound to stand to & performe the couenants & warrantjes wthin mentioned then as administrator, or as an administrator ought by law to be bound.

The Court being sattisfied of the wthin mentioned Madahaleell Mumings his sale of the wthin mentioned & graunted p^mises, & receiving full sattisfaction for y^e same in his life time, judge meete to confirme & allow of this deede of sale made by y^e administrator & administratrix wthin mentioned, and order it to be recorded, any law notwthstanding.

EDW: RAWSON, Secre^{ty}.

Ans^r to Mr
Houchin & Mr
W^{ms} petition.

In answer to the peti^{cion} of M^r Jerremiah Houchin & M^r Nathaniell Willjams, guardians to two of the children of the late Edmond Grosse, the Court judgeth it meete y^t M^r Thomas Savage & M^r Edward Tyng be hereby appointed & impowred as com^{missioners} to audit the acco^{ts} of the administrators & present the same to y^e next County Court ffor Suffolke, and that the sajd Court be impowred to setle the divission of the sajd estate betweene the widdow & children, and as neere as may be according to the minde of the deceased declared as his will before his death, and that what land is yett vnsold y^t it be reserved for the children, & not sold by the administrators.

Ans^r to Josiah
Cooper peti^{cion}.

In ans^r to the petition of Josiah Cooper ffor this Courts favor to heare his complaint ag^t M^r Peter Hubbard, in relation to his fathers estate, &c, the Court judgeth it not meet to graunt his request, it properly belonging to the County Court in Boston to determine.

19 December. *Att a Generall Court, called by the Gou^{no}r, M^r Bradstreet, & Majo^r Atherton, held at Boston, 19th December, 1660.*

PRESENT, John Endecott, Esq^r, Gou^{no}r.
Rich Bellingham, Esq^r, Dep^t Gou^r.
M^r Symon Bradstreet,
M^r Sa^m Symonds,
Cap^t Danⁱ Gookin,
Majo^r Geⁿ Danⁱ Demison,
Majo^r Symon Willard,
Majo^r Humphrey Atherton,
M^r Rich Russell,
M^r Thomas Danforth.

The names of the deputjes returnd to serve at this Gennerall Court 1660.
were, —

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Salem : Major W^m Hawthorne, Mr Edmond Batter.
Charlstown : Cap^t Fauncis Norton, Lef^t Rich Sprague.
Dorchester : Lef^t Roger Clapp, Ensiĝ Hopestil Foster.
Boston : Cap^t Thō Sauage, Mr Anthō Stoddard.
Roxbury : Mr W^m Parkes, John Ruggles.
Water Tow : Cap^t Hugh Mason, Mr Ephraim Child.
Lynn : Mr Thō Layton, Mr Oliuer Purchase.
Cambridg : Mr Edw̄ Collins, Mr Edw̄ Oakes.
Ipswich : Lef^t Jn^o Apleton, Mr George Gittings.
Newbury : Mr Nichō Nojes.
Weimouth : Mr Edw̄ Bate.
Concord : Mr Thomas Brookes.
Dedham : Cap^t Eliazer Lusher, Ensiĝ Danī Fisher.
Salisbury : Mr Christoph^r Batt.
Hampton : Lef^t Christoph^r Hussey.
Rouley : Mr Joseph Jewett, Mr Maximillian Jewett.
Braintry : Mr Peter Brackett.
Douer : Cap^t Rich Walderne.
Portsmouth : Cap^t Brian Pendleton.
Yorke : Francis Litlefeld.
Woobourne : Cap^t Edw̄ Johnson, Mr Edw̄ Conuerse.
Kittery : Lef^t Charles Frost, Peter Weare.
Salisbury, [Sudbury] : L^t Edmō Goodnow, James Blood.
Hauerill : James Davis.
Maulden : Mr Joseph Hills.
Billirikey : Lef^t W^m French.
Redding : Cap^t Rich Walker.

Major W^m Hawthorne was chosen Speaker for y^e session.

THE Court being mett at the tyme appointed, the Goũno^r, in open Court, [*362.]
declared the ground of the Courts being called together. Cap^t Leuer-
etts letter was read in open Court ; so also was the councills letter to the Earle
of Manchester & the Lord Say, &c.

Itt is ordered, that o^r addresses be made to the kings most excellent
majesty, as also to the high Court of Parljament, and is as follow : —

1660. To the high & mighty Prince Charles the Second, by the grace of God King
of Great Brittain, Fraunce, & Ireland, Defender of the Faith, &c.

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Most gracious & dread soueraigne: —

May it please your maj^{ty}, in the day wherein yow happily say yow now know that yow are king ouer your British Israel, to cast a favorable eye vpon your poore Mephibbosheth, now, &, by reason of lamenes in respect of distance, not vntill now, appearing in your presence; wee meane vpon New England, kneeling with the rest of your subjects before yo^r maj^{ty}, as her restored king; wee forgett not our ineptnes as to these approaches. Wee at present owne such impotency as renders vs vnable to excuse our impotency of speaking vnto our lord the king; yet, contemplating such a king, who hath also seene adversity, that he knoweth the heart of exiles, who himself hath binn an exile, the aspect of majesty, thus extraordinarily circumstanced, influenced, and animateth exanimated outcasts (yett outcasts, as wee hope, for the trueth) to make this addresse vnto their prince. Hoping to find grace in yo^r sight, wee present this script, the transcript of our loyall hearts, into yo^r royall hands, wherein wee craue leaue

To supplicate yo^r majesty for yo^r gracious protection of vs in the continuance both of our civil priuiledges according to (& of our religion & libertjes) the grauntees knowne end, of suing for the pattent conferred vpon this plantation by your royall ffather. This, *this*, viz^t, our libertje to walke in the faith of the gospell wth all good conscience according to the order of the gospell, (vnto which the former in these ends of the earth is but subseruient,) was the cause of our transporting ourselves, wth our wiues, our litle ones, & our substance, from that pleasant land ouer the Atlanticke Ocean into the vast & wast wildernes, choosing rather the pure Scripture worship, wth a good conscienc, in this poore, remote wildernes, amongst the heathens, then the pleasures of England, wth submission to the impositions of the then so disposed & so farre prevayling hierarchie, w^{ch} wee could not doe wthout an evill conscienc. For this cause wee are at this day in a land w^{ch} lately was not sound, wherein wee haue conflicted wth the sufferings thereof much longer then Jacob was in Syria.

Our wittnes is in heaven, that wee left not our countrje vpon any dissatisfaction as to the constitution of the civil state. Our lott, after the example of the good old non conformist, hath binn only to act a passine part through out these late vicissitudes & successiue ouerturnings of state. Our seperation from our brethren in this desert hath binn & is a sufficjent bringing to minde the affliction of Joseph; but providentiall exemption of vs hereby from the late

warrs & temptations of either party wee account as a favo^r from God; the former cloaths vs wth sack cloth, the latter with innocence.

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What reception, curtesy, & æquanimitje those gen^lm & others, adhere^rs to the royall interest, who, in their adverse chainges, vissited these parts, were entertained wth amongst vs according to the meanes of our condition, wee appeale to their owne report.

Touching complaints putt in against vs, our humble request only is, that for the interim wherein wee are as dumbe, by reason of absence, yo^r maj^{ty} *would permitt nothing to make an impression vpon yo^r royall heart against vs, vntill wee haue both oppertunity & licence to answe^re for ourselves. ‘Few will be nocent,’ sajd that impleader, ‘if it be enough to deny.’ ‘Few will be innocent,’ replied the then emperor, ‘if it be enough to accuse.’

[*363.]

Concerning the Quakers, open & capitall blasphemers, open seducers from the glorious Trinity, the Lords Christ, our Lord Jesus Christ, &c, the blessed gospell, and from the Holy Scriptures as the rule of life, open enenjes to gouernment itself as established in the hands of any but men of their owne principles, malignant & assiduous promoters of doctrines directly tending to subvert both our churches & state, after all other meanes for a long time vsed in vayne, wee were at last constricted, for our owne safety, to passe a sentence of bannishment against them, vpon paine of death. Such was their daingerous, impetuous, & desperat turbulency, both to religion & the state ciuil & ecclesiasticall, as that, how vnwillingly soeuer, could it haue bin auoyded, the magistrate at last, in conscience both to God & man, judged himself called, for the defence of all, to keepe the passage wth the point of the sword held towards them. This could doe no harme to him that would be warned thereby: their wittingly rushing themselves therevpon was their owne act, & wee, wth all humillity, conceiue a crime bringing their blood on their owne head. The Quakers died, not because of their other crimes, how capitoll soeuer, but vpon their superadded presumptuous & incorrigible contempt of authority; breaking in vpon vs, notwithstanding their sentence of bannishment made knoune to them. Had they not bin restrained, so farr as appeared, there was too much cause to feare that wee ourselves must quickly haue djed, or worse; and such was their insolency, that they would not be restrained but by death; nay, had they at last but promised to depart the jurisdiction, & not to returne wthout leaue from authority, wee should haue bin glad of such an oppertunity to haue sayd they should not dye.

Let not the king heare mens words. Yo^r servants are true men, fearers of God & the king, not given to chainge, zealous of gouernment & order,

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orthodox and peaceable in Israell; wee are not seditious as to the interest of Cæsar, nor schismaticks as to the matters of religion; wee distinguish betweene churches & their impuritys, betweene a lving man, thõ not wthout sicknes or infirmitje, or no man. Irregularitjes, either in ourselves or others, wee desire to be amended.

Wee could not live wthout the publicke worship of God. Wee were not pmitted the vse of publicke worship wthout such a yoake of subscription & conformity as wee could not consent vnto wthout sinne. That wee might therefore enjoy divine worship wthout the humajne mixtures, wthout offence either to God, man, or our owne consciences, wee wth leaue, but not wthout teares, departed from our country, kindred, & fathers houses, into this Pathmos, in relation wherevnto wee doe not say our garments are become old by reason of the very long journey, but that ourselves, who came away in our strength, are, by reason of very long absence, many of vs become grey headed, & some of vs stooping, for age. The omission of the prementioned injunctions, together wth the walking of our churches, as to the point of order, the congegationall way is all wherein wee differ from our Orthodox brethren. Sr, wee lye not before yo^r sacred majtje. The Lord God of gods, the Lord God of gods, he knoweth, & Israell he shall know; if it were in rebellion or schisme that wee wittingly left our dwellings in our owne, or continew our dwellings in this strange land, saue vs not this day.

[*364.]

*Royall Sr: If, according to this our humble petition & good hope, the God of the spiritts of all flesh, the Father of merces, who comforteth the abject, shall make the permission of the bereavement of that all for w^{ch} wee haue and doe suffer the losse of all pretious, so pretious in yo^r sight, as that yo^r royall heart shall be inclined to shew vnto vs the kindnes of the Lord in your highnes protection of vs in those libertjes for w^{ch} wee hither came, and which hitherto wee haue heere enjoyed vpon Hezekiahs speaking comfortably to vs as to sonnes, this orphant shall not continew ffatherlesse, but growe vp as a revived infant vnder its nursing ffather. These churches shallbe comforted; a doore of hope opened by so signall a pledge of the lengthening of their tranquillity; these poore & naked Gentiles, not a few of whom thrõ grace are come and coming in, shall still see their wonted teachers wth the encouragement of a more plentifull increase of the kingdome of Christ amongst them; and the blessing of yo^r poore afflicted, (and yet, wee hope,) a people trusting in God, shall come vpon the head & heart of that great king who was sometime an exile as wee are.

With the religious stipulation of our prajers, wee, prostrate at yo^r rojall

feete, begg pardon for this our boldnes, craving finally that our names may be enrolled amongst

Yo^r maj^{ties} most humble
Subjects & suppljants,

JOHN ENDECOTT, Go^vno^r, in the name &

by the order of the Generall Court of y^e Massachusetts.

1660.

19 December.
Web^s was sub-
scribed & sent
accordingly.

To the Right Honno^{ble} the Lords & Co^mons now assembled in Parliament.

The humble peti^{ti}oⁿ & addresse of the Generall Court of the Colony of the
Massachusetts in New England

Humbly sheweth, —

That yo^r peti^{ti}oⁿs left their deare native count^{ry}e, vnderooke the hazards of a daingerous vojage over the vast ocean, exposed themselves, their wives & children, to the perills & difficultjes of a desart wildernes, vpon no dissatisfaction as to ciuill gouernment, but that wthout offence to God & our oune consciences, wee might worship God wthout those humaine mixtures which were imposed by the then preuayling hierarchie. Vpon the encouragement of his late maj^{ties} letters pattents, vnder the securitje whercof your peti^{ti}oⁿers, at their oune charge, transplanted themselves, and for these thirtje yeares haue continued here vndisturbed, and enjoyed the rights & priuiledges graunted by pattent.

But so it is, right honno^{ble}, (as wee are informed,) that endeavo^rs haue binn vsed to render vs obnoxious, w^{ch} wee haue good reason to hope will finde no reception wth yo^r honno^rs, and thereby wee are encouraged to supplicat this most noble senate (as wee haue our gracious soueraigne) to extend yo^r favorable protection ouer vs in the enjoyments of our just priuiledges, so graunted and so long enjoyed by vs.

*Wee are not vnwilling, & hope wee neede not be ashamed to giue your hono^rs an account wth what integritje & simplicitje of heart wee haue mannaged the trust co^mitted to vs, or excercised any power, th^o perhaps to the dissatisfaction of some nocent; your more serious concernments forbids vs to presume to trouble your honno^rs wth any defence, because perhaps but at randome; and wee haue this hope, that yo^r honno^r will be very tender of admitting of appeales in particular cases, as not only s^ujudicall, but euen destructiue to vs. The right honno^{ble} lords co^mission^rs for plantations were pleased prudently to intimate to vs in their letters y^e 25th of May, 1647. Our defence made to his majestie, and our printed declaration, wee hope will abundantly sattisfy concerning our proceedings against the Quakers.

[*365.]

1660.

19 December.
Courts address
to y^e High
Court of Par-
liamt.

Our late clayming & exercising jurisdiction ouer some plantations to the eastward of vs, supposed to be wthout the lymitts of our pattent, was vpon the petition of sonnry the inhabitants there, and after an exact survey of the bounds graunted vs, not out of desire to extend a dominion, much lesse to p̄judice any mans right, wherein wee hope wee haue not mistaken, yet must & shall, willingly reserving liberty of making our defence, submitt to the pleasure of his majesty & the high Court of Parliamt.

For complaints in any other particullar case, your honors very well know none can be innocent if an accusation may passe for a conviction, and therefore wee assure ourselves yo^r honnors will be deaffe whilst wee must be (by reason of our distance) dumbe.

Right honno^rble, yo^r favorable aspect vpon this poore colony wee hope will advance the honor of God and the king, p̄vayling motiues wth pious & noble patriotts.

It cannot but be most honnōble for his majesty to rattify & confirme the graunt of his royall ffather, and the priuiledges enjoyed by his subjects, not only in his dayes, but vnder all the powers that haue since p̄vayled, that wee may not be loosers by his majestys restitution, but may haue cause, wth the rest of our countrymen, to joyne our joyfull aclamation, Vivat Carolus Secundus.

God is hoñored, whiles the poore Indians are made pertakers of the true knowledge of the Sonne of God in a more hopefull way then wee haue heard elsewhere, & that by the great charity of many pious benefactors in our natie country, encouraged and allowed by authoritje there, which was also a principall intent of his majestie declared in the pattent, which pious & charitable worke will, wee doubt not, be so acceptable to yo^r honnors that no encouragement shall be wanting on yo^r part which may be expected or desired of the professed servants of the Lord Jesus.

In these & many other considerations wee promise ourselves, & humbly beg yo^r honnors favor & encouragement in the premisses, w^{ch} crauing pardon for thus interrupting yo^r more vrgent occasions, & craving for yow the guidance & asistance of the wonderfull Counsellor, the Prince of Peace, is the humble petiçõn of

Yo^r honnors most humble suppliants,

JOHN ENDECOTT, Goũn^r, in y^e name & by y^e order of y^e Geñ Court of the Massachusetts jurisdiction in N: England.

Instrucōns for our honored & loving freinds, Cap^t John Leneret, or, in his absence, Richard Saltonstall & Henry Ashurst, Esq^s.

1660.

19 December.

1. Yow are to take the first opportunity that may be, in the best & most acceptable manner, to deliuer the petitions herewth sent to his maj^{tye} & high Court of Parliam^t.

2. To interest as many gent^l of worth in Parliam^t, or that are neere vnto his maj^{tye}, as possibly may to oune & fauor our cause, & to beget in them a good opinion of vs & our proceedings. 3. By all possible meanes to gett speedy & true information of his maj^{tyes} sence of our petition, & of the gouern^{mt} & people heere, together wth y^e like of y^e Parliam^{ts}. 4. If the king or Parliam^{ent} should demand what those priuiledges are which wee desire, the continuance of yo^r answer may be, all those w^{ch} are graunted vs by pattent, & that wee haue hitherto enjoyed in church & co^monwealth, wthout any other power imposed ouer vs, or any other infringement of them w^{ch} would be destructiue to the ends of our comeing hither; as also that no appeales maybe permitted from hence in any case, ciuill or criminall, w^{ch} would be such *an intollerable & vnsupportable burthen as this poore place (at this distance) are not able to vndergoe, but would render authority & gou^{rn}mt vaine & vneffectual, & bring vs into contempt wth all sorts of people; and if yow finde the king & Parliam^{ent} propitious to vs, to vse yo^r vtmost endeavors for the renewing y^e act that freed vs from customes.

[*366.]

5. Vpon any matter of complaint by any of his maj^{tyes} subjects, or others, relating to the bounds & limitts of our pattent, our humble desire is, that wee may haue notice thereof, & liberty to answer for ourselves, before any determination or conclusion be made against vs, w^{ch} being donne, wee shall finally acquiesse in such issue as his maj^{tye}, the high Court of Parliam^t, or any substituted by them, shall put thereto.

6. If any thing be perticularly alleadged relating to the iron works, the answer is, it was first heard & judged in an inferior Court, & afterwards vpon a full hearing & due consideration by the Generall Court, who gaue judgment impartially according to the pleas & evidences then produced, & shall be ready, if desired, vpon new evidence & better pleas, to allow another hearing thereof; and for further & more perticuler answer herevnto wee must referre yow to what yow know or hath beene formerly informed from hence.

7. Concerning o^r proceedings against the Quakers, our ans^r is contained in our printed declarations & petition to his maj^{tye}, w^{ch} wee hope will satisfy; but if there should be any designe to incourage their comeing hither, or his maj^{tye} induced to permitt them their liberty here, (w^{ch} God forbid,) wee en-

1660. treatē yow aboue all things els to vse yo^r vtmost interest to p̄uent, as being
 destructiue to our being here, & so contrary to our consciences to permitt,
 19 December. & no lesse opp̄sion of vs then the destroying of vs & ours by the sword.

8. To giue vs as full intelligence as may be by the first opportunity' of all matters that concerns vs, & what yow conceiue necessary to be donne for our advantage.

9. If any objection be made that wee haue forfeited our pattent in seueral perticulars, yow may ans^r, that yow desier to know the perticulars objected, and that yow doubt not but a full ans^r will be giuen thereto in due season.

10. Finally, it is our meaning that, if in publicke yow, or either of yow, be called to answer to those or any other perticulars, that yow giue them to vnderstand that wee could not impower any agent to act for vs, or answer in our behalfe, because wee could not foresee the perticulars wherewith wee should be charged; but these are only private intimations to yo^rselves, which wee desire yow to make vse off for our indemnity as yow best may, in a more privat way & personall capacity. The addresses & instructions aboue & on yo^r other sides written were ordered to be sent in a short letter to Cap^t Leuerett, & in case of his absenc, to M^r Rich Saltonstall & M^r Henry Ashurst, w^{ch} letters are on file.

MISCELLANEOUS RECORDS.

MASSACHUSETTS RECORDS.

MISCELLANEOUS ENTRIES CONTAINED IN PART FIRST OF THE FOURTH VOLUME OF RECORDS.

Freemen of the Colony of the Massachusetts Bay in New England, 1650—1660.

[The following lists contain the names of those who took the freeman's oath at the General Courts of Election, and are entered in the margins of that portion of the fourth volume which is comprised in this. They are in the handwriting of Secretary Rawson. Names of persons who took the oath at other times and places, and which are included in the returns of commissioners, will be found printed in the preceding pages of this volume.]

*The names of such as were made free before the Elec^cōn the same day, 1650.
[22 May, 1650.]

| | | |
|----------------------------|---------------------------|------------------------------|
| John Shepheard, | John Jones, | Georg Brand, |
| Henry Prentice, | Joshua Edmonds, | Samuell Williams, |
| Abraham Busby, | W ^m Vnderwood, | Thomas Hanford, |
| Jacob Greene, | Nathaniell Balc, | John Parker, |
| Richard Stower, | Joseph Mirriann, | M ^r John Knoules, |
| Thomas Welch, | Isack Addington, | John Ball, |
| W ^m Pajne, | Habbacuck Glouer, | Rob ^t Pearse, |
| David Mattocke, | Samuell Foster, | Henry Mason, |
| John Sandders, | John Weld, | W ^m Ireland, |
| Rob ^t Parmiter, | Rob ^t Harris, | Edmond Broune. |
| Pecter Addams, | | |

22 May.
[*1.]

*The names of such as were made ffree before the Elec^cōn the same day, 1651.
[7 May, 1651.]

| | | |
|----------------------------|-----------------------|----------------------|
| M ^r Sam: Haugh, | W ^m Blake, | Martjn Saunders, |
| Rich: Whitney, | Aron Way, | Samuell Kingsly, |
| Rich: Ouldham, | Josias Convers, | W ^m Owen, |
| W ^m Hamlett, | John Brookes, | David Walsby, |
| John Taylor, | John Mousell, | Edward Rise, |
| Henry Butler, | Hugh Thomas, | Solomon Johnson, |
| George Fry, | Charles Grise, | Georg Dell. |
| W ^m Pratt, | | |

7 May.
[*33.]

1652. *The names of such as were made free before the Elec^cōn the same day,
[26 May, 1652.]

26 May.

[*75.]

| | | |
|----------------------------|-----------------------------------|---------------------------------|
| Joseph Rocke, | Jn ^o Sawen, Water. | Frauncis Moore, |
| James Richards, | Ri ^c Norcrosse, | Dan: Bloget, |
| Tho: E ^m ans, | Niccolas Willjams, | W ^m Bordman, Camb. |
| Henry Steevens, Bost. | Isacke Heath, | Solomon Martjn, And. |
| Jo: Marjjon, | W ^m Garey, | James Blake, Dorch. |
| Rob ^t Sanforth, | Peleg Heath, Roxbur. | Tho: Prentice, |
| Joshua Brooke, Conc. | Tho: Brewar, | Jn ^o PeirPoint, Rox. |
| Joseph Knight, | Jacob French, Weim. | Moses Colljer, Hing. |
| Hen: Baldwine, Woob. | W ^m Atwood, Charles T. | Jn ^o Fering. |
| Rich: Gardjner, | | |

25 February.

Made free Feb., 52.

Tho: Wisewall, Dorch. ^ Norcross, Water T. Rob^t Howard, Dorch.

1653. *The names of such as were made free before y^e Elec^cōn y^e same day,
[18 May, 1653.]

18 May.

[*113.]

| | | | |
|-------------------------------|------------------------------|-------------------------|-----------------------|
| Mr W ^m Hubbard, I. | W ^m Hilton, Newb. | Joshua Hubbard, | } Hing. |
| Symon Stone, W. | Tho: Skinner, | Jerremjah Hubbard, | |
| Sam: Stratten, | Jn ^o Sprage, | Jn ^o Wight, | } Meadf. |
| Abra: Newell, Rox. | Nath: Vpham, | W ^m Patridg, | |
| Jos: Griggs, | Rich: Boulter, | Joseph Clarke, | } Bost ^o . |
| Tho: Stowe, C. | Tho: Whitman, | Nath: Souther, | |
| W ^m Martju, | Walter Cooke, | Steeven Pajne, | } Bost ^o . |
| W ^m Eaton, | Jn ^o Guppee, | Joseph Addams, | |
| Jonas Eaton, | Jn ^o Thompson, | | |
| Tho: Marshall, | Jonas Humphry, | | |
| Tho: Dwight, | Richard Porter, | | |
| Tho: Medcalfe, | W ^m Reade, | | |

1654.

*Made free [3 May, 1654.]

3 May.

[*160.]

| | | |
|-------------------------|-----------------------|-------------------------|
| Jn ^o Morse, | Sam: Hunt, | Jn ^o Greene, |
| Jacob Elliott, | Caleb Brooke, | Joseph Champney, |
| Jn ^o Tinker, | Tho: Marsh, | Alex: Marsh, |
| Hugh Drury, | Michael Knight, | Jn ^o Fasell, |
| Jn ^o Parker, | Jn ^o Kent, | Edw: Addams, |
| Tho: Weld, | Tho: Battle, | W ^m Chard, |
| Jn ^o Rugles, | Tho: Herring, | James Smith, |
| Nath: Glouer, | Joseph Child, | Andrew Foored, |
| Jacke Jones, | Frank Whitmore, | Jn ^o Smith, |
| Tho: Hinksman, | Tho: Sawyer, | W ^m Marble. |

*At w^{ch} Court [23 May, 1655] was made ffree

1655.

| | | |
|----------------------------|---------------------------|--------------------------|
| Mr Seaborn Cotton, | W ^m Hilton, | W ^m Reade, |
| Abra: Newell, | Tho: Skinner, | Symon Stone, |
| Joseph Griggs, | Jn ^o Sprauge, | Sam: Stratten, |
| Tho: Stowe, | Nathan: Vpham, | Joshua Hubbard, |
| Mr W ^m Hubbard, | Rich: Boulter, | Jerremy Hubbard, |
| W ^m Martyn, | Thomas Whitman, | Jn ^o Wight, |
| W ^m Eaton, | Walter Cooke, | W ^m Patridge, |
| Jonas Eaton, | Jn ^o Guppec, | Joseph Clarke, |
| Thomas Marshall, | Jn ^o Thompson, | Steeven Pajne, |
| Timo: Dwight, | Jonas Humphry, | Joseph Addams, |
| Tho: Medcalf, | Rich: Porter, | W ^m Johnson. |

23 May.
[*194.]

*The names of such as were made ffree, & tooke their oathes in open Court, [14 May, 1656.]

1656.

| | | |
|-----------------------------|-----------------|----------------------------|
| Mr Sam: Bradstreet, | Tho: Read, | Jn ^o Chadwicke, |
| Mr Sam: Whiting, | Tho: Basse, | Steeven Gates, |
| Mr W ^m Thompson, | Hen: Wooddeys, | Abr: Ripley, |
| Job Lane, | Abr: Jackewish, | Jn ^o Ripley. |
| Jn ^o Freary, | | |

14 May.
[*219.]

*The names of such as were made ffree at this Cour, & tooke their oathes [6 May, 1657] were, —

1657.

| | | |
|--------------------------|--------------------|--------------------------|
| William Lane, | George Sumer, | Jacob Park, |
| Henry Douglas, | Justinian Houlden, | Leonard Hurryman, |
| Joseph How, | Anthony Beers, | Francis Weyman, |
| W ^m Dinsdale, | Jer: Beales, | Sam: Stone, |
| Amiell Weekes, | Rich: Griffyn, | Tho: Faxon, |
| Roger Sumner, | Humphry Barrat, | Jn ^o Dussett. |

6 May.
[*241.]

*Persons made ffree & y^t tooke y^{ir} oathes, [30 May, 1660.]

1660.

| | | |
|---------------------------------|--------------------------|-----------------|
| Colonell W ^m Croune, | Jn ^o Elliott, | Jacob Hewen, |
| Augustin Lindon, | Alex: Pannly, | Nath: Clap, |
| Tho ^s Dinsdall, | W ^m Wheeler, | Tho: Rand, |
| Tho: Watkins, | Jn ^o Billing, | Josiah Hubbard, |
| Hugh Clarke, | Tho: Rice, | James Whitton, |
| Jn ^o Majes, | Mathew Rice, | John Nutting, |
| Sam: Majes, | Hen: Spring, | Phillip Read. |

30 May.
[*336.]

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GENERAL INDEX.

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