

COLLECTIONS

OF THE

NEW-HAMPSHIRE HISTORICAL SOCIETY,

CONTAINING

Province Records and Court Papers

FROM 1680 TO 1692:

NOTICES OF PROVINCIAL COUNCILORS,

AND OTHER ARTICLES RELATIVE TO THE

EARLY HISTORY OF THE STATE.

VOL. VIII.

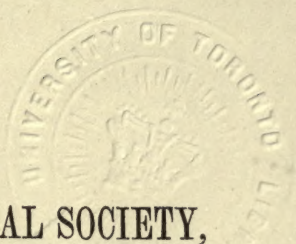
EDITED BY NATHANIEL BOUTON,

CORRESPONDING SECRETARY OF THE N. H. HISTORICAL SOCIETY.

CONCORD:

PRINTED FOR THE SOCIETY BY McFARLAND & JENKS.

1866.



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COLLECTIONS

OF THE

FRANCE

NEW-HAMPSHIRE HISTORICAL SOCIETY

CONTAINING

Province Records and Court Papers

SAMUEL D. BELL, *Manchester,*
NATHANIEL BOUTON, *Concord,*
EBENEZER E. CUMMINGS, *Concord,* } *Publishing*
Committee.

FROM 1680 TO 1692

Entered according to an act of Congress, in the year 1866, by the Publishing Committee of the N. H. Historical Society, in the Clerk's office of the District Court of New-Hampshire.

AND OTHER PAPERS

31

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VOL. VIII.

EDITED BY NATHANIEL BOUTON

CONCORDING EXPERTLY OF THE N. H. HISTORICAL SOCIETY

CONCORD

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
P R E F A C E .

It seems proper to remind the reader that no complete records can be found of the Provincial Government of New-Hampshire for many years after it became a separate Province. Scattered fragments remain, some in the Recorder's office of Rockingham county, others in the Secretary of State's office, at Concord, and in the New-Hampshire Historical Society, and some have been found in private hands. An effort has been made to collect together all that can now be found, and to put with them such historical documents as were supposed likely to be useful and interesting. The Publishing Committee dare not flatter themselves that they have collected all that can be found of the Province Records; they will be much disappointed if the publication of this collection does not bring to public notice many, perhaps some already in print, which have escaped attention. The plan of the Committee, if they find their effort to publish these papers sustained, will be to publish all that come to their knowledge. It will be recollected that the Government of New-Hampshire was superseded in 1686 by the government of Dudley, and after him of Andros, till 1689, during which the records could hardly be said to have had any proper depository, and, during the renewed connection with Massachusetts, from 1689 to 1692, the situation was no better; so that, on the whole, it is fortunate so much is left.

The historical papers form but a small part of the documents to be found in the recorder's office at Exeter and Concord, but most of them are of personal interest alone. But most of the papers herein published will be found to contain matters of interest to the general reader.

It will be seen that the Provincial Records and Court Papers fill 308 pages of this volume. These have all been carefully copied from, and compared with, the originals, or with attested copies of the same. The ancient orthography has been retained in only a part of the articles, and that more as a matter of curiosity than of utility. Many of the original papers were so defaced, torn, or otherwise mutilated, that in some cases it was impossible to decipher the meaning. Hence, blanks were left. Many names were almost illegible.

The editor has not taken on himself the work of an annotator or expositor of the records. He has simply aimed to make a faithful transcript; and, if errors are detected, he begs readers to believe that he has done the best he could.

 ERRATA will be noted at the end of the volume.

PREFACE

AID FROM THE STATE.

Resolved, by the Senate and House of Representatives in General Court convened :

That the sum of five hundred dollars be, and the same is hereby, appropriated to the New-Hampshire Historical Society, to aid in procuring and preserving the manuscript records and papers relating to the Colonial* History of New-Hampshire, and in publishing such parts of the same as the said Society shall judge expedient, and for like purposes ; said sum to be paid out of any money in the treasury not otherwise appropriated.

Approved June 30, 1865.

* The term "Colonial," though often used, is not strictly correct, in relation to the period embraced in this volume. New-Hampshire was known in the records only as a PROVINCE from 1680 till 1776, when, for about eight months, it was called a COLONY. See Notes from Hon. S. D. Bell and Capt. Goodwin, pp. 455-6

INDEX OF CONTENTS.

[IN THE ORDER OF PAGES.]

A

Adultery,	13,90
Attachment, legal notice,	29
by whom granted,	31
how to be served,	31
of goods or body of Nathaniel Boulter,	51
of goods or body of Robert Elliott,	62,112
of Thomas Thurton, Walter Barefoote and Wm. Hoskins,	69
of Elias Stileman,	113,150
of Robert Comin,	113
of Richard Waldron,	151
of George Jaffrey,	151
of Anthony Nutter,	246
of Edward Smith,	247
of John Fletcher,	258
of Nathaniel Weare,	260
of William Vaughan,	260
of John Hall, sen.	267
Absence from public worship,	66,67
Age to make a valid act,	30
Actions may be reviewed,	33
pay for entry of,	35
Address of General Court to the King,	36
of the same.	37
and Petition against Cranfield,	226
of President and Council of N. H. to General Court of Mass.,	291
of inhabitants and train soldiers to the same,	293
Assent of General Court of Massachusetts to the same,	300
Answer of Elias Stileman to Mason's claim,	105-108
of Nath'l Weare to same,	108-110
Allegiance oath to be taken,	132
Assault on Mason and Barefoote,	264,267
Affirmation about a fight,	208
Allowance for Cranfield's salary,	223
Articles of complaint against Cranfield,	223
Ancient Indenture,	287
Ancient Deed,	453

Ancient Papers and Documents from Massachusetts Records,	290-303
Autographs of Edward Cranfield,	395
Francis Hooke,	395
R. Chamberlain, Secr.,	395
Walter Barefoote,	395
Henry Roby,	395
James Shelock,	395
Jos. Rayn,	395

B

Blasphemy,	10
Bestiality,	11
Buggery,	11
Burning, willful,	12
Burning fences,	17
Burglary,	13,90
Breaking down fences,	18
Bounty for killing wolf,	25
Ballast—not to be cast into the river,	30
Bail—not without security,	94
of John Amaseen,	130
Brief of Cranfield's commission,	198-205
of Affidavits, Objections, &c., before the Lords of Trade,	233-238
Boy abused,	248
Brief Notices of Councilors,	305
John Cutt,	308
Henry Martyn,	311
William Vaughan,	318
Thomas Daniel,	326
Christopher Hussey,	329
Richard Waldron, sen.,	332
Elias Stileman,	341
Samuel Dalton,	344
Job Clements,	346
Richard Waldron, jr., Col.,	348
Anthony Nutter,	352
Nathaniel Fryer,	353
Robert Elliott,	356
John Hincks,	360
Francis Champernoon,	364
Robert Wadleigh,	368
Henry Green,	374
Peter Coffin,	377
Nathaniel Weare,	380
Baker, Mrs. Christina—Letter to, from a Romish priest,	405-416
Burnett, Wm., Gov.—Answer to said letter,	416-426

C

Commission of President Cutt and Council, of Edward Cranfield, and Instructions, of Edmund Andros,	1-9 79 89 268
Capital Laws,	10
Constables to clear their rate, to warn freemen's meetings, in Exeter,	22 34 289
Criminal Laws,	12
Cursing Parents,	12
Charge of absence from public worship, of profane swearing,	66,67 9
Council's power in criminals,	14,19
Contempt of God's word or ministers,	15,91
Conspiracy against the Province,	16
Corrupting of officers,	17
Controversies, of land, tried by jury,	20
Contracts to be paid in specie,	21
Courts, time and place,	21
Charge on towns persons are sent from,	33
Chamberlain, Richard, register and clerk, testimony of,	104 104
Court fees, order for 1686, officers for,	122 278,283 284
Contemptuous carriage of Joseph Dow, of Robert Elliott against Walter Barefoote,	177 69
Complaint against John Redman, of Nath'l Weare against Cranfield, referred to Lords of Trade, of Governor and Council against Robert Wadleigh, of Stephen Otis against John Douglas, of Joshua Broadbent against Abraham Lee, of Thomas Thurton against Wm. Vaughan,	139 179 182 212 245 249 260
Cranfield, certificate of, begs leave of absence, articles of complaint against, conduct toward Vaughan, address and petition of inhabitants against, report of Lords of Trade against, letter to, from Lords of Trade,	126 214 223 232 226 238 240
Councilors, biographical notices of,	305
Character of the Penacooks,	428
"Colony" and "Province,"	455

D

Deeds, forging,	17
Defacing records,	17
Drunkenness,	18, 91
Defendant, non-suited,	31
not appearing, surety to stand,	31
Decree of Charles R. in favor of Robert Mason,	97
Deed of Richard Tucker to George Walton,	120
to Richard Tucker,	121
ancient,	453
Disorderly house,	138
Discourse of Wm. Vaughan with Cranfield,	196
Declaration, on oath, by Henry Roby,	217
by Thomas Thurton,	219
by Christopher Palmer,	225
Death of Charles II. proclaimed,	229
Dudley, Governor, seal,	286
Documents, copied from Massachusetts records,	291-303
Deposition of William Jefford,	43
Ezekiel Pittman,	51
John Cutt, jun.,	52
Peter Coffin,	52
Mary Godfrey,	46, 47
Sarah Godfrey,	46
Elizabeth Denham,	46, 48
Nathaniel Smith,	47
John Godfrey,	48
Nathaniel Bachelor,	53
John Johnson, jun.,	65
Edward Cate,	65
Daniel Tilton,	73
Samuel Sherborn,	75
John Partridge,	76
Samuel Clark,	100
Ichabod Rogers,	100
Henry Fletcher,	102
Deborah Ledbrook,	102
Thomas Cobbet,	103
Wm. Waldron,	116
Andrew Peterson,	117
Jacob Bunton,	118
Lewis Tucker,	119
William Beckham,	119
Hozen Levit,	133

INDEX OF CONTENTS.

ix

Deposition of Samuel Marston, }	
Marcy Cass, }	137
Walter Barefoote,	140
John Willy,	141
Richard Scammon,	142
Stephen Jenkins,	142
Charles Allen,	155
Walter Neale,	156
Thomas Thurton,	159,179,219
Francis Mercer,	160,248
Robert Mason,	162
Mary Rann,	177
Richard Waldron,	205
Richard Martin,	205
Deborah Munden, }	
Nathan Bedford, }	207
Sarah Reed,	209
John Foullsam,	211
Peter Coffin,	215
James Sherlock,	215
Christopher Palmer,	225
Peter Coffin, relative to Cranfield,	232
Joanna Chesley,	244
Henry Roby,	245
James Sherlock,	247
Nicholas Badcock,	248
Joseph Rayn,	250

E

Examination of Robert Birney,	66
on charge of absence from meeting, and stealing pigs,	67
of Richard Abbot, prison-keeper,	211
Embezzling records of Exeter,	247
of Portsmouth,	258
of Hampton,	260
Dover,	267
Errata,	461

F

Fornication,	13,00
Felony,	13
Forcible detaining possession,	16
Forging deeds,	17
Fences, burning,	17,92
breaking down,	18
summons for pulling down,	101

Firing woods,	19
Freemen,	23
to choose their officers,	29
meetings warned,	34
Fines to be paid forthwith,	28
Fast, order for,	62
Foreign coin, value of,	94
Fees of court,	122,283
of coroners,	284
Fight between John Pickering and Daniel Mathus,	161
Form of ancient indenture,	287

G

General laws,	20
Gaming in public houses,	18
Great damage, not to be pretended,	32
Gerrish, captain of troopers,	40
Guardians of John Cutt and Hannah Cutt,	64
Grant of land to John Wheelwright,	121
Grievances of Joseph Dow,	148
Government established, 1679,	305

H

Horses, brand marks,	21
stealing,	91
on Great Island,	150
Hogs on Great Island,	150
Husband and wife, fighting,	40
Hampton—selectmen,	40
complaint of abuses,	42,53
complaint of Grand Jury at,	44

I

Idolatry,	10
Imprisonment, not before sentence,	29
Inn-keepers not to sell liquors to children or servants,	33
Inhabitant after three months residence,	33
Indictment for drunkenness,	42
for stealing,	146
for counterfeiting,	246
Indigent transgressors "to be whipt,"	92
Indenture of Robert T. Mason,	127
of George Broughton,	127
Importation of Malaga wine illegal,	150
of tobacco illegal,	157
Informations against Rev. Joshua Moody,	165
who attended his meeting,	166

INDEX OF CONTENTS.

xi

Indians, Seneca and Mohawks,	251
letter concerning,	252
four letters from John Hogkins,	253
danger from, advised,	255
report concerning,	256
articles of peace with,	257
Penacooks, character of,	428,445
mode of applying names,	446
Indian names,	451
Indenture, ancient,	287
Instructions for John Hawthorne and Jonathan Corwin,	300

J

Judgment to stand good,	20
to be acknowledged before two of the Council,	32
Justice of Peace to hear and determine civil actions,	95
Jury, Grand, indictment by,	146,209,246
men, lists of,	167,168,208
Jurors, choice of,	94
summoned, names,	259
on inquiry of damages,	290
Jury of Inquest,	45,49,50,66,143,144,288,289

K

Ketch, Diligence,	205
King's order for hearing Vaughan's appeal,	240
decision against Vaughan,	242

L

Laws, Province,	9
capital,	10
criminal,	12
general,	20
former to stand,	25
under Cranfield's administration,	90-96
Lord's day, profaning,	15,91
Landmarks, defacing,	18
removing,	92
List of males and estates,	25
of jury-men,	167
Legal notice of attachment,	29
License for a house of entertainment,	77
Lying,	91
Liberty to appear and acknowledge judgment,	96
Letter of Ann Waldron,	43
of Sarah F'loyd,	35

Letter of John Waldron,	115
of Edward Gove, in prison,	184
of Edward Randolph, concerning rebellion in New-Hampshire,	168
of William Vaughan, in prison,	182
of Governor and Council to Lords of Trade,	212
of Cranfield to Sir Leoline Jenkins,	213
of Lords of Trade to Cranfield,	240
of King's Council, respecting Vaughan's appeal,	243
four from John Hogkins,	253-255
from Francis Hook,	255
from a Romish priest to Christina Baker,	405-416
from Hon. S. D. Bell,	455
Language of the Penacooks,	451,452

M

Man-slaughter,	11
Murder, willful,	11
Man-stealing,	11
Marshals,	20
to levy fines,	27
fees,	27
call for assistance,	27
where make demands,	28
Marriage,	23
Making rates,	24
Military orders,	44
Mandamus, admitting Robert Mason to the Council,	55
Mending highways,	133
Militia of Dover mustered,	136
Moody, Rev. Joshua, arrested—informed against,	164-5
Memorandum—ship-masters,	178
a scold, under bonds,	245
Massacre at Dover, 1689,	403
Map of Cochecho, 1689,	404

N

No bail without security,	94
Narragansett country,	286
Notices, biographical of Councilors,	305
Note to the editor by C. E. Potter,	402
Note to the editor by Wm. F. Goodwin,	456
Newspaper extraordinary,	458

O

Officers, prudential,	30
for the several Courts,	284

Order of attachment,	51
for a Fast,	62
to stop vessels,	111
concerning rates,	129
to the prison-keeper concerning Vaughan,	130
concerning seamen,	131
to take oath of allegiance,	132
concerning horses and hogs on Great Island,	150
concerning pine-boards,	152
for raising money to support Government,	156
by Cranfield, touching Mason's claim,	157
respecting the currency,	161
of Cranfield, for administering sacraments,	163
for raising money without an Assembly,	167
to restrain and punish privateers and pirates,	174
in favor of Richard Martyn, treasurer,	175
for release of Waldron and Vaughan from prison,	215
about erecting courts,	214
of the King, for hearing Vaughan's appeal,	240
to fortify meeting-house at Dover,	251
for surveyors of ships,	284
for bounds of towns,	285
for ministers and schoolmasters,	285
for assessments of rates,	285
for committees to continue,	285
appointing Major Waldron commander of regiment,	292
for stationing soldiers at Portsmouth,	300
for holding quarterly courts,	301
for public charges,	302
that soldiers be withdrawn from New-Hampshire,	303

P

Province Laws,	9
Public rebellion,	10
Profaning Lord's day,	15,91
Prison-keeper's charge,	19
Province rate,	26,74
Prudential officers,	30
Plaintiff not appearing, non-suited,	31
may withdraw action,	82,95
Penalty for not paying rates,	26
for not appearing,	82
Pretension of great damages, not,	82
President to have a casting vote,	34
Petticoat, charge of stealing,	41

Power-of-attorney, given,	49
Province rate of Hampton,	57
of Exeter,	59
of Coheco,	60
of Dover Neck and Bloody Point,	60
of Portsmouth,	61
officers for New-Hampshire,	299
unsettled state of,	396
Provincial Government, 1680 to 1692,	455
Proclamation preventing disturbances,	96
of Charles R. for Robert Mason,	97
concerning navigation,	125
on death of Charles II.,	259
Prison—John Barnes committed to,	111
John Redman committed to,	155
Richard Waldron committed to,	174
Prohibition on tenants of land,	127
Pardon of John Gove and others,	136
Pine boards, order concerning,	152
Papers copied from Massachusetts Records,	299-308
Penacooks, character of,	428-445
Petition of Nathaniel Fryer,	42
Sarah Sherburne,	54
William Hoskins,	54,73
William Partridge,	64
Sarah Pearce,	68
Samuel Sherborn,	68,112
John Amazeen,	71
Thomas Hall,	72
Edward Leathers,	72
Richard Jackson,	73
Thomas Thurton,	76,77
Hannah Jones,	99
Roger Rose,	99
Thomas Seavey,	117
sundry aged persons,	124
Richard Webber,	138
Joseph Cass and others,	140
Abijah Willey,	147
Thomas Langham,	152
Richard Waldron,	154
John Redman,	158
Peter Clanfield,	176
Sarah Winslow,	207
inhabitants against Cranfield,	226

INDEX OF CONTENTS.

xv

Petition of Rev. Seaborn Cotton,	249
inhabitants against Mason,	261
inhabitants to Governor and Council of Massachusetts,	298
Christina Baker, Mrs.,	426
William Houchins,	454

R

Rebellion, public, penalty for,	10
Rebellious son, punishment,	12
Rape, punishment,	12
Rates, making,	24
to be cleared,	92
Province,	26,74,57-61
penalty for not paying,	26
warrant to collect,	78
for support of ministers,	93
for public charges,	93,94
refusal to pay,	211
Relations, near, not to vote,	29
Reference, in case of disagreement,	144
Report of Lords of Trade against Cranfield,	238

S

Swearing, profane,	14
Selectmen to take accounts,	24
Surety or goods attached, to stand,	31
no bail without,	32
Strong drinks not to be sold to children or servants,	33
Strangers not entertained without leave,	34
Selectmen of Hampton, 1680,	40
Steward—Richard Otis for Mason,	63
Stealing horses, vessels, goods,	91
pigs, charged with,	67
Support of ministers,	93
Service of summons, six days,	95
Sentence for contempt of authority,	100
Summons for breaking down fence,	101
to court,	114,115,206,248
Ship—clearance of "Ketch Diligence,"	205
Seal used by Gov. Dudley,	286
Soldiers stationed at Portsmouth,	301
withdrawn from New-Hampshire,	303

T

Treason, penalty for,	10
Townships confirmed,	20

Trials by jury,	23
Towns that persons are sent from, to pay,	33
Troopers under Capt. John Gerrish,	41
Tobacco imported illegally,	157
Troops under Capt. Robert Mason,	250

U

Unsettled state of the Province,	396-402
Use of the words <i>Colony</i> and <i>Province</i> ,	455

V

Vote—near relations not,	29
President or deputy to have casting,	34
Vessel seized of Robert Elliot,	69,71
Value of foreign coin,	94
Vaughan, Wm.,	158

W

Witchcraft, penalty for,	11
case of charged,	45-49, 133
Witness, false,	11
Willful burning,	12
Woods, firing,	19
Wolf, bounty,	25
Waldron, John, letter to his wife,	115
Warning to mend highways,	133
Warrant for committing Vaughan to prison,	173

PROVINCIAL PAPERS.

COMMISSION OF PRESIDENT AND COUNCIL.

1680.

The COMMISSION constituting a President and Council for y^e Province of New-Hampshire, in New-England.*

[Copied from Province Records. First Book Acts of Council, 1679-92.]

CHARLES y^e SECOND *To all to whom these Presents shall come,*
GREETING :

WHEREAS, our Colony of y^e Massachusetts, at Mattathusetts Bay, in New-England, in America, have taken upon themselves to organize a government and jurisdiction over y^e Inhabitants and Planters in y^e Towns of Portsmouth, Hampton, Dover, Exeter, and all other y^e Towns and lands in y^e Province of New-Hampshire, lying and extending from three miles northward of Merrimack River, or any part thereof, into y^e Province of Maine, not having any legall right or authority so to do; which said jurisdiction, and all further authority thereof, we have thought fit, by the advice of our Privy Council, to inhibit and restrain for the future; And do hereby inhibit and restrain y^e same. And whereas y^e Government of y^e part of the said Province of New-Hampshire, so limited and bounded as afores^d, hath not yet bin granted unto any person or persons whatsoever, but y^e same still remains under Our immediate care and protection: To the end, therefore, y^e, Our loving subjects, y^e and Inhabitants within y^e limits aforesaid, may be protected and defended in their respective rights, liberties and properties, and y^t due and impartiall justice may be duly administred in all cases, civill and criminall,

*This Commission passed the Great Seal, September 18, 1779, but did not go into effect until the next year.

and y^t all possible care may be taken for y^e quiet and orderly government of y^e same, now Know ye, that We, by and with y^e advice of our Privy Council, have thought fit to erect, and by these presents for us, o^r heirs and successors, do erect, constitute, appoint a President and Council to take of y^e said Tract of land called The Province of New-Hampshire, and of the Planters and Inhabitants thereof, and to order, rule and govern y^e same according to such methods and regulations as are herein after proviſed and declared. And for y^e better execution of Our Royall pleasure in this behalf, We do hereby nominate and appoint Our trusty and well beloved subject, John Cutt, of Portsmouth, Esq., to be y^e first President of y^e said Councill, and to continue in y^e said office for the space of one whole year next ensueing y^e date of these presents, and so long after, untill We, Our heirs or successors, shall nominate and appoint some other person to succeed him in y^e same. And we likewise nominate and appoint Our trusty and well beloved subject, Rith: Martin, Esq^r., William Vaughan, Esq^r., and Tho. Daniel, Esq^r., all of Portsmouth, aforesaid; John Gilman, of Exeter, afors^d, Esq^r., Christopher Hussey, of Hampton, afrs^d, Esq^r., and Rith: Walden, of Dover, afores^d, Esq^r., to be of the Councill within y^e said Province of New-Hampshire: And we do hereby authorize and appoint the said President and Councill to nominate and make choice of three other persons out of y^e severall parts of the said Province, whom they shall iudj to be most fitly qualified to be of y^e said Councill, and to swear them into y^e same. And y^t the said Jo: Cutts, and every succeeding President of y^e said Councill, shall nominate and appoint any one of the members of the said Councill for y^e time being to be his deputy, and to preside in his absence.

And y^t the said President, or his deputy, and any five of the said Councill, shall be a quorum. And our express will and pleasure is that no person shall be admitted to sit or have a vote in the said Councill, untill he have taken y^e oath of allegiance and supremacy, and y^e oath herein after mentioned, for y^e one and impartiall execution of justice, and y^e faithfull discharge of y^e trust in them reposed. Which oaths we do hereby authorize and direct y^e said Ric. Martin, W: Vaughan,

T: Daniel, Jo: Gilman, Christ: Hussey, R: Waldron, or any three of them first, to administer to y^e said Jo: Cutt, y^e present President, and y^e said Jo: Cutt having taken y^e said oaths, we do will, authorize and require him, y^e said Pres., for y^e time being, to administer y^e same from time to time to all and every other the members of y^e said Councell. And we do hereby will, require and command y^e said Jo: Cutt R: M: and every of them, to whom this our pleasure shall be made known, that, all excuses whatsoever set a, y^t they fail not to assemble and meet together at y^e s^d town of Portsmouth in y^e Prov. of New Hampsh. afors^d within y^e space of 20 days next after y^e arrival of this Commission at Portsm. aforesaid, and there to cause this Our Commission, or Letters patents, to be read before them, or as many of them as shall be there assembled, and having first duly taken the said oaths, to proceed to choose, nominate and appoint such officers and serv^{ts} as they shall think fit and necessary for their service. And also to appoint such other time and place for their future meetings as they or y^e maior part of them (whereof y^e Pres: or his deputy to be one) shall think fit and agree. And Our Will and pleasure is, that Our said Councell shall from time to time have and use such Seal only for y^e sealing of their acts, orders and proceedings as shall be sent unto them by us, our heirs or successors, for y^t purpose. And we do by these p^{ts}, for us, our heirs and successors, constitute, establish, declare and appoint our said Pres. and Councell, and y^e Pres: and Councell and their successors for y^e time being, to be a *constant and settled Court of record, for y^e administration of justice*, all our subjects *inhabiting within y^e limits aforesaid*, in all cases, as well criminal as civill, and y^t y^e Pres: and any 5 of the Councell for y^e time being, shall have full power and authority to hold plea in all causes from time to time, as well in pleas of y^e Crown as in matt^s relating to y^e conservation of y^e peace, and in punishment of offenders, as in civill suits and actions between parties and parties, or between us and any of our subjects there; whether y^e same do concern y^e realty, and relate to a right of freehold and inheritance, or whether y^e same do concern y^e personalty, and relate to some matter of debt, contract, damage, or other person, iniury, and also in

all mixt actions w^{ch} may concern both realty and person, and therein, after due and orderly proceeding and deliberate hearing on ea. sides, to give judgm^t to award execution, as in criminall as in civill cases as aforesaid: so always y^e y^e forms of proceeding in such cases and y^e judgment thereupon to be given, be as consonant and agreeable to y^e Laws and Statutes of this Our Realm of Eng^d, as y^e p^{re}sent state and condition of our subjects inhabiting within y^e limits aforesaid, and y^e circumstances of y^e place will admit. And y^e Pres: and Councell for y^e time being, and every of them respectively, before they be admitted to their severall and respective offices and charges, shall also take this Oath following:

You shall swear well and truly to administer justice to all his Ma^{tes} subjects inhabiting within y^e Province of New Hampsh. under this Government: and also duly and faithfully to discharge and execute the Trust in you reposed, according to the best of your knowledj. You shall fear no person for favour or affection, nor any person greive for hatred or ill will. So help you God.

Notwithstanding it is Our will and pleasure, and so we do hereby expressly declare, y^t it shall and may be lawfull from time to time to and for all and every person and persons, who shall think himself or themselves aggrieved by any sentence, judgm^t or decree pronounced, given or made (as afors^d) in, about or concerning y^e title of any land, or other reall estate, or in any personall Action, or suit above the value of 50^l and not under, to appeal from such Judgm^t, Sentence and Decree unto us, Our heirs and successors, and our and their Privie Councell. But with and under this caution and limitation; That y^e Appellant shall first enter into and give good security to pay full costs, in case no relief shall be obtained upon such decree. And our further will and pleasure is, and so do we hereby declare; That in all criminall cases, where y^e punishm^t to be inflicted on y^e offenders shall extend to loss of life or limb (y^e case of willfull murder excepted) y^e psn. convicted shall either be sent over into this Our Kingdom of Eng^d with a true state of his case and conviction; or execution shall be respited untill y^e case shall be here presented unto us, our heirs and successors, in Our and their Privie Councell, and

orders sent and returned therein. And for y^e better defence and security of all our loving subiects within y^e Province of New Hampshr, and y^e bounds and limits aforesaid, our further will and pleasure is, and hereby we do authorize, require and command y^e said Pres: and Councell for y^e time being, in our name and under the seal by us appointed to be used, to issue, seal and give commissions from time to time to such person and persons, whom they shall iudg shall be best qualified for regulating and discipline of y^e militia of Our said Province; and for y^e arraying and mustering y^e Inhabitants thereof, and instructing them how to bear and use their arms, and that care be taken that such good discipline shall be observed, as by y^e said Council shall be p^escribed; y^t if any invasions shall at any time be made, or other destruction, detriment, or anoyance made or done by indians, or others upon or unto our good subjects inhabiting within y^e said Prov. of New Hamp. We do by these p^resents for us, our heirs and successors declare, ordain and grant, that it shall and may be lawfull to and for our said subjects so comissioned by our said Council from time to time, and at all times for their special defense and safety to encounter, expell, repell and resist by force of arms, and all other fitting means whatever, all and every such person and persons as shall at any time hereafter attempt or enterprise y^e destruction, invasion, detriment, or anoyance of any of our said loving subjects, or their plantations or estates. And above all things We do by these p^resents will, require and comand our said Councill to take all possible care for y^e discountenancing of vice and encouraging of virtue and good living; and that by such examples y^e infidle may be invited and desire to partake of y^e Christian Religion, and for y^e greater ease and satisfaction of y^e s^d loving subiects in matters of religion, We do hereby require and comand y^t liberty of conscience shall be allowed unto all protestants; y^t such especially as shall be conformable to y^e rites of y^e Church of Eng^d shall be particularly countenanced and encouraged. And further, We do by these p^resents, for us, our heirs and successors, give and grant unto y^e said Councell and their successors for y^e time being, full and free liberty, power, and authority to hear and Determine all emergencies relating to the care and

good Government of our subjects within y^e s^d Prov: and also to sumon and convene any person or persons before them, and punish contemets; and cause y^e Oath of allegiance to be administered to all and every person who shall be admitted to any office, freedom, preferments, and likewise with what convenient speed they can, to cause proclamation to issue out and be made in our name to y^e Inhabitants of y^e said Prov. of N. Hamp: thereby signifying that we have taken them into our imediate Governm^t and gracious protection, and letting them further know that We have written to y^e Governour and Councill of the Massachusetts Bay, to recall all such commissions as they have granted for exercising any jurisdiction in y^e parts aforesaid. And that we have inhibited and restrained them for y^e future from exercising any further authority or jurisdiction over them. And further, y^e y^e s^d Inhabitants within y^e said Prov. of N. Hamp^r. and limits aforesaid, do and shall from henceforth repair for justice and redress unto them, y^e said Pres. and Councill, who we have constituted and appointed to be a standing Court for administration of justice as aforesaid, and intrusted them with y^e care of their quiet and orderly Government, and therefore requiring that they give obedience unto them: And our will and pleasure is, that these, with such other generall intimations shall be given unto y^e people as by y^e said Pres. and Councill shall be thought necessary. And for supporting the charges of the Government of said Prov. of N. Hamp. Our will and pleasure is, we do by these p^{ts} authorize and require the said Pres. and Councill to continue such taxes and impositions as have bin and are now laid and imposed upon the Inhabitants thereof: and y^t they levy and distribute, or cause the same to be levyed and distributed to those ends, in the best and most equall maner they can, untill a generall assembly of y^e s^d Prov. shall be called, and other method for y^t purpose agreed upon. To which our will and pleasure is, and we do by these p^{ts} authorize, require and comand y^e said Pres. and Councill that they within 3 month after they have bin sworn (as aforesaid) they shall issue forth sumons under y^e seal by us appointed to be used, y^e return of writs for y^e calling a Generall Assembly of the said Prov., using and observing there such rules and

methods (as to the persons who are to chuse their Deputes and y^e time and place of meeting) as they shall iudg most convenient. At y^e meeting of which Gen. Assembly we do hereby will, authorize and require y^e Pres. of y^e said Councill to mind them in y^e generall, what is to be intimated in y^e proclamation aforesaid.

That he recomend them y^e making of such Acts, Laws, and Ordinances, as may most tend to y^e establishing them in obedience to our authority; their own p^rservation in peace and good Governm^t, and defend against their enemies, and that they do consider of the fittest ways for raising of taxes, and in such proportion as may be fit for y^e support of y^e s^d Governm^t. And our will and pleasure is, and we do hereby declare, ordain, and grant, that all and every such Acts, Laws, and ordinances, as shall from time to time be made in and by such general Assembly or Assemblies, shall be first approved and allowed by the Pres. and Councill for the time being, and, thereupon shall stand and be in force until y^e pleasure of us, our heirs and successors, shall be known, whether y^e same Laws and ordinances shall receive any change or confirmation, or be totally disallowed and discharged.

And, therefore, our will and pleasure is, that y^e Pres. and Councill do, and shall from time to time transmit and send over unto us, our heirs and successors, and our and their Privie Councill for the time being, all and every such acts, Laws and Ordinances, by the first ship y^t shall depart thence for Eng^d, after their making. Also, our will and pleasure is, and We do hereby direct and appoint, that if y^e said Pres. of y^e Councill, shall happen to dye, that there from and after y^e Death of y^e said Pres., his Deputy shall succeed him in y^e office of Pres., and shall, and may nominate and choose any one of y^e said Councill to be his deputy, to preside in his absence; and y^e said deputy so succeeding shall continue in y^e said office of Pres. untill our further will and pleasure be known therein, and We shall think fit to nominate and appoint some other to succeed therein. And if any of y^e members of y^e said Councill shall happen to die, our will and pleasure is, and We do hereby direct and appoint y^e remainder of y^e Councill to select some other person to be a member of y^e said Councill for the time

being, and to send over the name of such person so chosen, and the name of two more whom they shall iudg fitly qualified for that s^d appointment, that we, our heirs and successors, may nominate and appoint which of the three shall be y^e member in y^e place of such member so dying. And we do hereby declare, that We, our heirs and successors, shall and will observe and continue this method of grace and favor toward our loving subjects, in convening them in their Assembly, in such manner and form as is herein before mentioned and provided, unless, by inconvenience arising from thence, We, our heirs or successors, shall see cause to alter y^e same.

And whereas y^e said province of new hampshire, have many of them bin long in possession of severall quantities of lands, and are said to have made considerable improvements there upon, having noe other title for y^e same than what hath bin derived from y^e Government of the massachusetts Bay, in vertue of their Imaginary line, w^{ch} titell as it hath by y^e opinion of our Judges in England, bin alltogether set aside, soe y^e Agents from y^e saide Coloney have consequently disowned any righte, ether in the people or government thereof, from the three mile line aforesaid; and it appearing unto us that y^e ancestors of Robert Mason, esquire, obtained grants from our great Councill of Plimoth, for y^e tract of Land aforesaid, and wheare at very grate expence upon y^e same, until molested and finally driven oute, which hath occasioned a lasting complainte for Justice, by y^e said Robert Mason, ever since our restoration; how ever, to prevent in this case any unreasonable demands w^{ch} might be made by the said Robert Mason, for y^e right he clameth in y^e saide soyle, we have obliged y^e said Robert Mason, under his hand and seal, to declare that he will demand nothing for y^e time paste, untill the 12th of June last past, nor moleste any in the possession for y^e time to come, but will ——— to them and there ayres forever, provided they will paye to him upon a fair agreement, in Lieu of all other Rents, six pence in y^e pound, according to ye Juste and trew yearly value of all houses builte by them, and of all lands, whether gardens, orchards, arribell or pasture, w^{ch} have been Improved by them, which he will agree shall be bounded out unto every of y^e partyes concerned, and

that y^e resedue maye remaine unto himself to be disposed of for his best advantage. But notwithstanding this overture from y^e said Robert Mason, w^{ch} semeth to be faire unto us, any of y^e Inhabitants of y^e saide province of New Hampshire shall refuse to agree with y^e Agent of y^e said Robert Mason, upon y^e terms aforesaid, our will and pleasure is y^t y^e president and Councill of new hampshire aforesaide, for y^e time being, shall have power and are hereby Impowered to Interfere and reconcile all Differences of ——— can, That shall or maye arise between said Robert Mason and y^e said Inhabitants; but if they cannot, then we do hereby commande and require the said president and Councill to send into England such coppies, fairly and Imparsially stated, to gether wth their one opinione upon such cases, that we, our ayres and successors, with y^e advice of our and their Councill may determine therein according to equity; and lastly, our will and pleasure is, that the said president and Councill for y^e time being, doe prepare and send to England, such————and methods for their own proceedings, as may best suite with the constitution of the saide prov. of New Hampshire.

For y^e better establishing our authority theire and the government thereof, that we and our privie Councill may examine and alter or approve the same, in witnese whereof, we have caysed these letters to be made patent.

Witness our self, at Westminster, the 18th of September, In the one and thirtieth year of our Reigne.

PERIPSUM REGEM BARKER.

PROVINCE LAWS.

The Generall Lawes and Liberties of the Province of New Hampshire, made by the Generall Assembly in Portsm^o the 16th of March, 167⁹/₈ and aproved by the Presid^t and Councill.

For as much as it hath pleased our Sovereigne Lord the King, out of his Princely Grace and favour, to take vs, the Inhabitants of New Hampshire, into his imediate Governm^t and Protection, the wch, as we are ever bound to acknowledge wth great thankfulnessse, soe we have great reason to hope and believe y^t his Majesty will still continue to countenance and

incourage vs with y^e Injoy^mt of such Libertyes, Imunities and p^ties as belong to free borne Englishmen, and whereas his Majesty hath been pleased by his Letters Pattents, sent to vs, to confer such power upon y^e Generall Assembly as to make such Lawes and ordinances as may best sute wth y^e good Govern^t and quiet settlem^t of his Majesties subjects within this Province :

It is therefore ordered and inacted by this Generall Assembly and the authority thereof, that no Act, Imposition, Law or Ordinance be made or imposed upon us but such as shall be made by the said Assembly and approved by the Presid^t and Councill from time to time. That Justice and Right be equally and impshally administered vnto all: not sold, denied or causelessly deferred unto any. 9 Hen. 3, 29 Stat.; 2 Edw. 3, 8 Stat.; 5 Edw. 3, 9 Stat.; 14 Edw. 28; Edw. 3, 3 Stat.; 11 R. 2, 12, 13; Caro. 1, 10.

CAPPITALL LAWES.

IDOLLITRY.

It is Inacted by y^e Assembly and y^e authority thereof, y^t if any pson having had the knowledge of the true God, openly and manifestly have or worship any other God but the Lord God, he shall be put to death. Ex. 22, 20; Deu. 13, 5 and 10.

BLASPHEMY.

If any pson wthin y^e Province professing y^e true God shall wittingly and willingly presume to blaspheme the wholly name of God, Father, Son or Holy Ghost, wth direct, express, presumptious or high-handed blasphemy, either by willful or obstinate denying y^e true God or his creation or Govern^t of y^e world, or shall curse God, Father, Son, or Holy Ghost, such pson shall be put to death. Levit. 24, 15 and 16.

TREASON.

Treason against y^e pson of our Souereigne y^e King, the State, and Comon Wealth of England, shall be punished wth death.

PUBLIQUE REBELLION.

If any man conspire and attempt any Invasion or insurrection or Publique Rebellion against this his Majesties Province,

or shall endeavor to surprize any towne or townes, fort or forts therein, or shall treacherously or pfidiously attempt the alteration and subversion of the fundamental frame of y^e Government, according to his Majesties constitution by his Letters Pattents, every such pson shall be put to death, or otherwise greveously punished.

WILFUL MURTHUR.

If any pson shall comitt wilfull murther by killing any man, woe. or child, upon premeditated mallice, hatered or cruelty, not in a way of necessary and just defence, nor by casualty against his will, he shall be put to death.

MANSLAUGHTER.

If any pson shall slay another through guile, either by poysoning or other such devilish practice, he shall be put to death.

MURDER.

If any pson shall slay another pson sudenly, in his anger and cruelty of passion, he shall be put to death.

WITCHCRAFT.

If any Christian, soe called, be a witch, y^t is, hath or consulted wth a familliar spirit, he or they shall be put to death.

BEASTIALITY.

If any pson lie wth a beast or brute creature by carnall copulation, they shall surely be put to death, and y^e beast shall be slaine and buried, and not eaten.

BUGGERY.

If any man lieth with mankind as he lieth wth a woman, both of them hath committed abomination; they shall be surely put to death, unless the one pty were forced or be vnder 14 years of age; and all other Sodomitical filthiness shall be severly punished according to the nature of it.

FALSE WITNESS.

And if any pson rise up by false witness, and of purpose to take away a man's life, he shall be put to death.

MAN STEALING.

If any man stealeth mankind, he shall be put to death or otherwise greviously punished.

CURSING PARENTS.

If any child or children above 16 years old, of competent understanding, shall curse or smite their natural father or mother, he or they shall be put to death, vnless it can be sufficiently testified that the parents have been very unchristianly negligent in y^e education of such children, or soe provoked them by extreme cruell correction y^t they have been forced therevnto to preserve themselves from death or maiming.

A REBELLIOUS SON.

If any man have a rebellious or stubborne son of sufficient years and vnderstanding, viz. 16 years of age or upwards, wch shall not obey y^e voyce of his father or y^e voyce of his mother, y^t when they have chastened him will not hearken vnto them, then shall his father and mother, being his naturall parents, bring him before the Majestrates assembled in court, and testifie vnto them that their son is rebelleous and stubborne, and will not obey their voyce and chastizem^t but lives in sundry notorious crimes, such son shall be put to death, or otherwise severely punished.

RAPE.

If any man shall ravish a maid or woeman by committing carnal copulation wth her, that is above 10 years of age, or if she were vnd^r 10 years of age, though her will was gained by him, he shall be punished wth death, or some other greivous punishm^t as the fact may be circumstanced.

WILFUL BURNING.

Whosoever shall wilfully or on purpose burn any house, ship, or barque, or any other vessell of considerable vallue, such pson shall be put to death, or otherwise greivously punished, as y^e case may be circumstanced.

CRIMINALL LAWS.

It is ordered by the Assemby and the authority thereof that w^t pson soever is to answer any criminal offence, whether they be in prison or under baile, his case shall be heard and determined at the court y^t hath cognizance thereof.

ADULTERY.

It is Inacted by this Assembly that whosoever shal comitt Adultery wth a married woe: or one bethrothed to another man, both of them shall be severaly punished by whiping two severall times, not exceeding 40 lashes, viz^t., once when y^e Court is sitting at wch they were convicted of the fact, and y^e 2^d time as the court shall order, and likewise shall ware 2 cappitall letters A. D. cut out in cloth and sowed on their uppormost garm^{ts} on their arms or back, and if at any^e time they shall be found wthout the said letters so woren whilst in this Governm^t, to be forthwth taken and publiquely whiped, and so from time to time as they are found not to weare them.

FORNICATION.

It is ordered by this Assembly and the authority thereof that if any man comit Fornication with any single woe: they shall be punished, either by injoyning marriage, or fine or corporall punishm^t, or all or any of these, as y^e judges of y^e court y^t hath cognizance of y^e case shall appoint, and if any comitt carnall copulation after contract before marriage, they shall be amerced each of them 50s. and be imprisoned, if the court see reason; and if any cannot and will not pay y^e fine, then to be punished by whiping. And for y^e more discountenancing this prevailing evill, the Assembly hath farther determined y^t such as transgress in any of these wayes, and shall be convicted in publique court, their fines shall be paid in money.

BURGLARY.

For as much as many psons of late years have been and are apt to be injurious to the Lives and Goods of others, notwithstanding all Laws and means to prevent the same, it is therefore ordered by this Assembly and y^e authority thereof y^t if any pson shall comitt Burglary by breaking vp any dwelling house or ware house, or shall forceably robb any pson in y^e field or high wayes, such offenders shall for the first offence be branded on the right hand wth y^e letter B; and if he shall offend in the like kind a 2^d time he shall be branded on the other and be severaly whiped, and if either were comitted on y^e Lord's day his brand shall be sett on his forehead, and if he

shall fall into the like offence the 3rd time he shall be put to death as being incorragable, or otherwise grievously punished, as y^e court shall determine.

FELLONY.

And whosoever shall steale or attempt to steale any ship, barque or vessell of burden, or any publique ammunitiō, shall be severally punished according to the nature of such a fact, provided it extends not to Life or Limb.

That if any strangers or inhabitants of this Province shall be legally convicted of stealing or purloyning any horses, chattels, money, or other goods of any kind, he shall be punished by restoring 3 fold to the ptie wronged, and a fine or corporall punishm^t, as the court or 3 of the Councill shall determine. Provided that such sentence, where not given by y^e court, it shall be at the liberty of y^e dilinquent to appeale to y^e next court, putting in due caution there to appeare and abide a Tryall.

COUNCILL'S POWER IN CRIMINALS.

That any one of y^e Councill may heare and determine such smaller thefts and pilferings as exceed y^e damage or fine of 40s., or penalty of stocking or whipping not exceeding 10 strypes, or only leagall admonition, as he shall see cause, saueing liberty of appeale to the delinquent as-afores^d.

SWEARING.

It is ordered by this Assembly and the authority thereof y^t if any pson wthin this Province shall sweare rashly or vainly by the holy name of God, or other oathes, he shall forfeit to the common Treasury for every such offence 10s, and it shall be in the power of any member of the Councill by warrant to y^e Constable to call such pson before him, and vpon suffissient profe, to sentence such offenders and to give order to levy y^e fine; if such pson be not able or shall refuse the said fine, he shall be comitted to the stocks, there to continue for a time not exceeding 3 hours, nor less than 1 houre; and if any pson shall sweare more oathes than one at a time before they remove out of the roome or company where hee soe sweared, he shall then pay 20s.; the like penalty shall be inflicted for profane and wicked cursings of any pson or creature, and for

multiplying the same as it is appoynted for profaine swearing ; and in case any pson so offending by multiplying oathes or curses shall not pay his or theire fine forthwith, they shall be whipped or comitted to prison till they shall pay the same, at the discretion of y^e Court or Judges that shall have cognisence thereof.

PROFANING THE LORD'S DAY.

Upon information of sundry abuses and misdemeanors comitted by divers persons on y^e Lord's Day, It is therefore ordered and enacted by this Generall Assembly, That w^t pson soever wth in this Governm^t shall pfane y^e Lord's Day, by doeing unnessary severell worke or travell, or by sports or recreations, or by Dining at ordinarys in time of publique worship, such pson or psons shall forfeite 10s., or be whipt for every such offence, and if it appears y^t y^e sin was proudly or presumptuously, and wth a high hand, comitted against the known comand and authority of y^e Blessed God, such person therein dispising and reproaching y^e Lord, shall be severally punished, at y^e Judgm^t of y^e Court.

CONTEMPT OF GOD'S WORD, OR MINISTERS.

It is inacted &c., for as much as y^e open contempt of God's word and y^e messengers thereof, is y^e desolating sin of sevell State and Church, It is therefore enacted, that if any Christian, so called, in this Province, shall speake contemptuously of the Holy Scriptures, or of y^e holy penmen thereof, such pson or psons shall be punished by fine or corporall punishm^t, as y^e Court shall soe reason, soe as it extend not to life or limbe, or shall behave himself contemptuously toward the Word of God preached, or any minister thereof called and faithfully dispensing y^e same in any congregation, either by manifest interrupting him in his ministeriall dispensations, or falsly or prmtorily charging him with teaching error, to y^e disparagm^t or hinderance of y^e work of Christ in his hands ; or manifestly or contemptuously reproach y^e wayes, churches or ordinances of Christ, being duely convicted thereof, he or they, for the first transgression, be amerced 20s. to the province use, or to sett in y^e stocks, not exceeding 4 hours ; but if he or they go on to transgress in y^e same kind, then to be amerced 40s., or to be whipped for every such trancession.

FORCIBLE DETAINING POSSESSION.

It is ordered &c., y^t where a judgement is given in any Court, for any pson, or house, or lands, upon y^e tryal thereof, or other just cause, if the Pson against whome y^e Judgmt is given doth either forceably detaine possession thereof, either against the officer impowered to serve an execution thereon, or otherwise after execution served, enter upon it again, and soe retain possession by force, he shall be accounted a high offend^r against y^e Law, and breaker of the publique peace; therefore, speedily to redress such a criminall offence, every of the Councill is impoured, and by his place hath power to give warrant and comand to ye Marshall officer and other men whome he thinks meet to be employed in the case or business, the Marshall or other officers requiring aid greater or lesser as need require to suppress y^e force and give possession to y^e owner, and to imprission such as doe appear to be delinquents and their aiders and abbetors, to be forth coming at ye next Court, y^t did give y^e Judgm^t in the case, their to make them answer, and whom the Court doth find guilty, to sett such fine or other punishm^t upon them, as the merrit of their severall cases doth require.

CONSPIRICIE AGAINST THIS PROVINCE, ETC.

It is ordered &c., That whosoever shall disturb or undermine the peace of this Province or Inhabitants thereof, by plotting wth others, or by his own tumultuous and offenceive carrage, traducing, quarreling, challinging, or assaulting, or any other way tending to publique disturbance in w^t place soever it be done, or shall defame any Court of Justice, or any of his Majesties Councill, or Judges of any Court in this Province, in respect of any act or sentence therein passed, be by y^e Councill punished by fine, imprisonm^t, binding to y^e peace or good behaviour, according to the quality and measure of the offence or disturbance, to them seeming just and equall.

And that such as beate, hurt or strike any other person, shall be lyable to pay unto y^e ptie hurt or stricken, together wth such fine to the Province, as, on consideration of the ptie smiting or being smitt, and wth w^t instrument, danger more or less, time, place, pvocation, &c., shall be judged just and reasonable, according to the nature of the offence.

FORGIN'S OF DEEDS.

It is ordered, &c., y^t if any pson shall forge any deed or conveiance, testim^t, bond, bill, release, acquittances, letters of attourney, or any writing, to the injury of another, to prevent equity and justice, he shall pay y^e ptie agreived double damage, and be fined soe much himself, to y^e Province vse, and if he cannot pay it, to be publiquely whiped and be branded with a Roman F in y^e forehead.

DEFACING RECORDS.

Be it also enacted, y^t if any notary, or keeper of publike records or writings, shall wilfully imbazle or make away any such records or writings of concernm^t comitted to his keeping and trust, or shall on ppose falsefie or deface them by raceing out, adding to them, or otherwise, such corrupt officer shall loose his office, be disfrancezed and burned in the face, according to y^e circumstances of the case.

NONE TO ENDEAVOR TO CORRUPT Y^e OFFICERS.

And if any person shall endeavour to corrupt any officer y^t keepeth such publike records or pap^s of concernm^t, to procure him to deface, corrupt, alter, imbazle any of them, he shall be severaly punished by fine, imprisonm^t or corporall punishm^t, as y^e matter may be circumstanced.

It is inacted by this Assembly, &c., That w^t pson soever, being 16 yeares of age, or upward, shall wittingly or willingly make or publish any lie weh may be tending to y^e damage or hurt of any pticular pson, or wth intent to deceive and abuse the people with false news or reports, shall be fined for every such default 10s., and if y^e ptie cannot or will not pay y^e fine, then he shall sit in y^e stocks as long as the Court shall think meete; and if the offenders shall come to any one of Councill and own his offence, it shall be in the power of any one of y^e Councill affore^{ed} to execute y^e law upon him where he liveth, and spare his appearance at y^e Court, but in case when y^e lie is pnicious to y^e comon weale, it shall be more severaly punished according to the nature of it.

BURNING FENCES.

It is inacted by this Assembly, &c., That if any pson shall

willfully, and of sett purpose, burne any man's fence, he shall make good the damage to the ptie wronged, and be amerced 40s. and be bound to the good behavior, if the Courte se meete.

BREAKING DOWN FENCES.

It is further ordered, That if any pson shall wilfully and on purpose brake down an other man's fence, gate or bridge, to y^e anoyance either of a pticular person or a neighborhood, he shall make up such fence, gate or bridge, at his own charge, pay y^e damage thereby sustained, and be amersed according to the nature of the offence, sauing the right of him y^t pulls up a fence sett on his land with out his approbation.

DEFACING LANDMARKS.

And whosoever shall pluck up, remove or deface any Landmark or bound betweene ptie and ptie, y^t hath been or shall be orderly set up by psons thereunto appointed, he or they shall be fined from 20s. to 5 pounds, as the offence may be circumstanced.

UNLAWFUL GAMING IN PUBLIQUE HOUSES.

Be it further inacted by this Assembly, &c., That noe Inn houlder or publique house keeper shall suffer any unlawfull games, nor any kind of gaming, in or about his house, for money or moneyes worth liquors, wine, beer or the like, on forfeit of 40s., to be paid to the master or keeper of such house, and 10s. by each gamester for every such default.

Be it further inacted, y^t no pson in this Province shall play at cards, dice, or any such unlawful games wherein there is Lottery, at any private house or elsewhere in the Province, on penalty of 10s. fine, to be paid by evry one y^t soe playeth, and 20s. by the master or head of a family y^t shall know of and suffer any such gameing where he hath to comand.

DRUNKENNESS.

For as much as it is observed y^t y^e sin of drunkenness doth greatly abound, to the dishonor of God, impoverishing of such as fall into it, and grief of such as are sober minded, for y^e prevention of y^e growing and prevailing evill, It is inacted by this Assembly and y^e authority thereof, y^t w^hsoever pson shall be found drunk at any time in any Taverne, ordinary alehouse, or

elsewhere in this Province, and be legally convicted thereof, he or they shall for y^e first default be fined 5s. to y^e use of the Province — for the 2^d default 10s. ; and if he or they cannot or will not pay y^e fine, then to be sett in y^e Stocks not exceeding 2 houres, and for the 3^d transgression to be bound to y^e good behavior ; and if he shall transgress a 4th time, to pay 5 pounds, or be publicly whipt, and so from time to time as they shall be found transgressors in that kind. By drunkenness is to be understood one y^t lisps or falters in his speech by reason of over much drink, or y^t staggers in his going, or y^t vomitts by reason of excessive drinking, or that cannot by reason thereof follow his calling.

FIREING WOODS.

Whereas many have sustained great damage by indiscreet and untimely firing of the woods, It is ordered, that none shall fire y^e woods at any time but between y^e 1st of March and y^e latter end of April ; and if any shall unnessessarily fire the woods, or not observe this order, damifie any, he shall make good the damage and be fined 10s., or sett in the Stocks.

COUNCILLS' POWER IN CRIMINALS.

It is hereby inacted, y^t it shall be in y^e power of any member of the Councill to hear and determine all criminall cases where the fine doth not exceed 40s., or y^e punishm^t to stripes or committing to stocks, always allowing liberty to the delinquent of appeale to y^e next Court for tryalls of actions wthin y^e Province ; and further, in cases doubtful or difficult, it shall be in y^e power of y^e Judge before whom y^e pson is convicted, to bind them over to the next Court in this Province, to comitt to prison as y^e fact may deserue, allowing also for entering Judgm^t and filing evidences 2s. 6d.

PRISON KEEPER'S CHARGE.

It is ordered by this Assembly and y^e authority thereof, y^t no Prison keeper wthin this Province shall suffer any pson to goe wthout the presinks of the s^d prison, and y^t it shall be lawful for any officer wthin this Province, if he have occation to carry any prisoner to the nearest Prison in the Pr^ovince, and y^t if any Prison keeper shall suffer any such prisoner to goe wthout the presinks of y^e s^d prison, they shall be liable to

sattisfie the whole debt for w^{ch} y^e s^d Prisoner was imprisoned, and the s^d keeper's fees shall be 5s. for turning the key, to be paid by the person imprisoned, before he be set at liberty.

MARSHALLS.

It is ordered by this Assembly and the authority thereof, y^t it shall be lawfull for either of the marshalls in this Province to levy executions, attachm^{ts} and warrants in any p^t of y^e s^d Province, and y^t feese for serving attachm^{ts} wthin their owne townes shall be 2s. for evry attachm^{ts}, to be paid by them y^t employ them before they shall be compelled to serue it, and 2 a warr: for warr^{ts} served upon criminall offenders.

JUDGM^t AND EXECUTION TO STAND GOOD Y^t WERE BEFORE Y^e LATE CHANGE.

It is ordered by this Generall Assembly and the authority thereof, y^t all Judgm^{ts} and Executions granted on any civill or criminall cases by former Courts of Justice wthin this Province, or y^e County Court of Norfolk to any of our Inhabitants within this Province, shall be held as good and vallued for and against any pson as when they were granted by the Court at the time of tryall.

GENERAL LAWES.

TOWNSHIPS, &C., CONFIRMED.

To prevent contention that may arise amongst vs by reason of the late change of Governm^t, it is ordered by this Assembly and the authority thereof y^t all land, Townships, Town grants, wth all other grants lying wthin the limitts of this Province, and all other rights and prop^{'ties}, shall stand good, and are hereby confirmed to y^e townes and psons concerned, in the same state and condition as they did before this late alteration.

CONTROVERSIES OF LAND TO BE TRIED BY A JURY.

And it is further ordered, y^t if any difference or controversy shall hereafter arise amongst us about the titles of land wthin this Province, it shall not be finally determined but by a Jury of 12 able men, chosen by the freemen of each towne according to Law and custome, and sworne at y^e Quarter Court wch shall take cognisance of the case.

CONTRACTS TO BE PAID IN SPECIA.

For preventing deceite in trade, that all men may be on a certainty in matters of contracts and bargains, It is ordered by this Generall Assembly and the authority thereof, that all contracts, agreem^{ts} or covenants for any species whatsoever shall be paid in the same specia bargained for, any law, vseage or custome to the contrary notwithstanding.

HORSES.

It is ordered by this Assembly and y^e authority thereof, that y^e brand markes mentioned in the Law, title horses, to brand horses, wch shall be as followeth: for the towne of Portsmouth P, for y^e towne of Hampton H, for y^e towne of Dover D, and for the towne of Exeter E.

For the preventing of damage being done by horses wthin this Province, by reason of y^e goeing upon our lands and pastures wthout some fettering, it is ordered by this Assembly and y^e authority thereof y^t no horse or horse kind shall be suffered to goe vpon any of our lands and pastures wthout fence wthin this Province, from y^e 1st day of May vnto y^e 1st of Sber, without a sufficient p^{ce} of iron fetters on his feete, or a clog equivelent, vpon y^e penalty of evry owner of any such horse or horse kind y^t shall be taken doing damage, or wthin any man's corne field, meadows or inclosures, paying 5s. in m^o, besides all damage to y^t ptie y^t impounded them; and if they be found doing damage wthout y^e towne brande to wch they belong, y^e owners of them shall pay 20s. in mony; and it shall be likewise ordered y^t evry towne wthin this Province shall brand their horses wth all y^t goe in y^e comons from time to time.

It is further ordered that no horse or horses shall be suffered to goe vpon any of our lands and pastures wthout fense wthin this Province y^t is known to be vnruly, wthout the approbation of y^e selectmen, or y^e major p^t of them of y^e severall townes, vnder y^e penalty of evry owner of such horse paying 10s. in money to y^e ptie y^t soe find them contrary to this order, or loose his y^e ^d horse soe taken.

TIME AND PLACE FOR KEEPING COURTS.

For the better administration of justice, It is ordered by this Assembly and the authority thereof, y^t these courts following shall be annually kept wthin this Province: A GENERALL

ASSEMBLY, to meete at Portsm^o y^e 1st Tuesday in March, to make and constitute such Lawes and ordinances as may best conduce to y^e good governm^t of this his Majesties Province, as also wth the Presid^t and Coun^{ty}, to heare and determine all actions of appeale from Inferior Court, whither of civill or criminall nature. Alsoe, there shall be 3 other courts held at time and place hereafter mentioned by y^e Presid^t and Coun^{ty}, or any 6 of y^e Coun^{ty}, whereof y^e Presid^t or his Deputy be one, together wth a Jury of 12 honest men, chosen and called as y^e law directs, for such as desire to be tried by a Jury; evry of wch Courts shall have full power to heare and determine all cases, civill and criminall, allowing one liberty of appeale from such sentance or judgm^t as shall be passed in s^d Court or Courts, to y^e Presid^t and Coun^{ty}, together with the Generall Assembly as above s^d, provided such appellant give bond to prosecute according to law. The time and place for holding such shall be as followeth :

At Dover y^e first Tuesday in June; at Hampton y^e first Tuesday in 7ber.; at Portsm^o the first Tuesday in 10ber.

ALL TRYALLS BY JURY.

It is further enacted y^t all tryalls, whether capitall, criminall, or betweene man and man, both respecting meritine affairs as well as others, be tryed by a Jury of 12 good and lawfull men, according to the commendable custome of England, excepting the ptie or pties concerned doe refer it to the bench, or some express law doth refer it to their judgm^t and tryall, or the tryall of some other court where jury is not, in wch case any ptie agreived may apeale, and shall have tryall by a jury; and it shall be in y^e liberty of both plan^t and defend^t, or any delinquent y^t is to be tryed by a jury, to challenge any of y^e jury, and if y^e challenge be found just and reasonable by y^e bench, it shall be allowed him, and others wthout just exception shall be impanelled in their roome; and if it be in case of life and death the prisoner shall have libertye to except against 6 or 8 of y^e jury wthout giving any reason for his exceptions.

CONSTABLES TO CLEAR THEIR RATE IN THE YEAR.

For the better clearing of y^e arrears in the hands of the constables,

It is ordered, y^t if any Constable shall faile to clear vp his rates wthin his yeare, he shall be lyable to have his estate distrained by warr^t from y^e Treas^r, directed to y^e Marshall or Marshalls wthin this Province; and all rates for y^e ministry and other towne rates, y^e selectmen shall direct their warr^{ts} to y^e Constables next chosen, to distraine upon the estates of such Constables as shall faile of their duties therein.

FREEMEN.

It is ordered by this Assembly and the authority thereof, y^t all Englishmen, being Protestants, y^t are settled Inhabitants and freeholders in any towne of this Province, of y^e age of 24 years, not viceous in life but of honest and good conversation, and such as have 20*l*. Rateable Estate wthout heads of persons having also taken the oath of allegiance to his Maj^{ty}, and no others, shall be admitted to y^e liberty of being freemen of this Province, and to give their votes for the choice of Deputies to the Generall Assembly, Constables, Selectmen, Jurors and other officers and concernes in y^e townes where they dwell; provided this order give no liberty to any pson or psons to vote in the dispossession or distribution of any lands, timber or other properties in y^e Towne, but such as have reall right thereto; and if any difference arise about s^d right of voting, it shall be judged and determined by y^e Presid^t and Councill wth the Genll Assembly of this Province.

MARRIAGE.

And as the ordinance of Marriage is Hon^{ble} amongst all, so should it be accordingly solemnised. It is therefore ordered by this Assembly and the authority thereof, that any member of y^e Councill shall have liberty to joyne any persons together in marriage; and for prevention of unlawfull marriages it is ordered y^t no pson shall be joyned in marriage before the intention of the pties pceeding therein have been 3 times published, at some publike meeting in y^e townes, y^e pties, or either of them doe ordinarily reside, or be sett up in writing upon some part of their meeting house door, in publike view, there to stand soe as it may be easily read, by y^e space of 14 dayes.

MAKING RATES.

That there may be a just and equall way of raising means for defraying y^e publique charge, boath in church and civill affairs, whereof every pson doth or may receive y^e benefit, their persons and estates shall be asseasted or rated as followeth, viz^t: to a single rate of a penny in y^e pound, every male person above the age of 16 yeares, is vallued at 18^l., and all land within fense, meddow or marsh, mowable, shall be at 5s. ^{per} acre; all pasture lands without fence, rate free; all oxen 4 yeares old and upward, 3s.; steers, cows and heiffers of 3 yeare old, at 4s.; steers and heiffers, of 2 yeares old, at 25s.; yearlings at 10s.; horses and mares of 3 yeares old and upward, at 20s.; sheepe above 1 yeare old, at 5s.; swine above one yeare old at 10s.; and all other estates whatsoever, in y^e hands of whome it is at y^e time when it shall be taken, shall be rated by some equall proportion, by y^e selectmen of each towne, wth grate care y^t pticulars be not wronged; and all ships, ketches, boates, barques, and all other vessells w^msoever, shall be rateable, as allso all dwelling houses, ware houses, wharffs, mills, and all handycrafts men, as carpenters, masons, joiners, shoemakers, taylors, tanners, curriers, butchers, bakers, or any other artificers, victuallers, merch^{ts} and inn keepers shall be rated by estymatyon. If any persons be greved at their being over-rated, they shall have liberty to complaine to y^e next quar^r Court, who shall give them all just releife.

SELECTMEN TAKE ACCOUNTS.

For y^e more equall and impshall valluing of houses and ships and other estates of m^rcht^s, traders, handycraft, wch must necessarily be rated by estymatyon —

Bee it enacted by this Assembly and the authority thereof, y^t y^e selectmen of y^e severall townes shall forthwth take an acco^t of all such estates, wth y^e vallue thereof according to their ordinary way of rating; a list of w^{ch} estates, so taken and vallued, shall be tranmitted to a committee of 4 men chosen by this Assembly out of Dover, Portsm^o, Hampton and Exeter, together wth 2 of y^e Counll, wch comittee shall examine and compare s^d list and bring s^d estates to an equall valluation, having respect to the places where they lie, y^t no towne or

pson be burthened beyond proportion; wch act of said committee in the vauation of s^d estates shall stand as a rule, according to which rates and asseasm^{ts} shall be made for y^e failure; y^e psons chosen for this Committee are Rich^d Walderne, Esq^s, Elias Stileman, Esq^r, Mr Ro: Elliott, Mr Anthony Nutter, Mr. Ralph Hall, Mr. Edward Goue, and y^e time of meeting y^e 2^d Tuesday in April in Portsm^o.

A LIST OF MALES AND ESTATES TO BE TAKEN.

It is ordered by this Generall Assembly y^t warr^{ts} be forthwith ishued out to y^e Selectmen of y^e severall townes wthin this Province, y^t they doe forthwth take a list of all y^e male psons of 16 yeares old and vpward in their respective townes, wth y^e vauation of all their estates, according to such rules as are past this court; and all psons y^t are so rated are to be rated by estymtyon and make returns thereof to y^e committee appointed for y^t affaire, at or before the 2^d Tuesday in April next.

BOUNTY FOR KILLING WOLF.

It is ordered by this Assembly y^t evry pson wthin this Province y^t shall, after y^e date hereof, kill any wolf wthin this Province, they shall forthwth carry the head of every such woulfe unto y^e constable of y^e same Towne, who shall bury or deface the same by cutting the eares off, and y^e s^d constable shall give y^e s^d ptie a sirtificate, attested under his hand, of y^e day and y^e rec^t thereof; and y^e s^d ptie procuring such a surtificate shall be allowed by ye Treasurer of y^e Province for every woulfe soe killed 40s. out of y^e next rate made for the Province; but if the ptie be an Indian that killed y^e woulfe, he shall be allowed but 10s., and the s^d Indian shall make proof that he killed y^e s^d woulfe wthin this s^d Province.

FORMER LAWS TO STAND.

For a presant settlem^t of matters in civill and criminall proceedings, and directions to Courts, Judges and all other officers, it is ordered that those Lawes wch wee have fform^{ly} been directed by, shall be a rule to vs in all Judiciall proceedings, soe far as they will sute our constitution and be not repugnante to y^e Laws of England, vntill such acts and ordinances as have beene or shall be made by this assembly and approved by y^e

Hon^d Presid^t and Councill, may be drawne up and published. The like lawes shall be a rule to all the selectmen in each towne for y^e managm^t of all their prudenciall affaires, according to the lawdable customs hitherto vsed.

PROVINCE RATE.

For defraying of y^e publike charge of the Province, It is ordered by this Assembly and y^e authority thereof, y^t a rate be made of 1½*d*. in y^e pound, upon all psons and estates (y^e Presid^t and Councill, ministers and elders of churches excepted), in this Province, according to y^e valuation made by this Assembly, and y^t y^e Selectmen in y^e severall Towns doe forthwth pforme the duty of their places, in y^e making such rates and comitting them to the respective constables, to be immediately collected, and the same to be transmitted to the Treas^r of the Province. This rate is to be paid in the speatiales at y^e prices following, viz^t:

M^{ble} boards at any mills in Piscattaqua Riv^r at y^e vsiall place of delivery, at 30s. p. M. M^{ble} w^t oak pipestaves, at some convenient landing place, where y^e constable shall apoint,

at	3 <i>lb</i> . p M.
R: o: p: Staves p supra,	at 30s. p. M.
R: o: hhds: ditto p supra,	at 25s. p. M.
Indian Corne	at 2½ <i>s</i> . p. bush.
Wheate	at 5s. p. bush.
Malt	at 4s.
Fish	at price curr ^t .

And whosoever shall pay their rates in shall be abated ¼ p^t.

[There is a marginal note on the section above, as follows:
"Not to be transcribed as a law."]

CONSTABLES TO CLEAR THEIR RATES WITHIN THE YEAR.

It is inacted by this Assembly and the authority thereof, That whereas y^e Constables of the severall Townes are enjoyned to cleare their rates, on penalty of making good y^e same out of their owne Estates—

PENALTY FOR REFUSING TO PAY.

It is therefore ordered, y^t if any pson or psons wthin this Province, rateable, shall refuse to pay his rate or rates, or dis-

cover any estate to, the Constable shall have power to seize his person and carry him to the next prison, there to remaine till he pay his s^d rates, or give good security soe to doe.

MARSHALS TO LEVY FINES.

It is further ordered, y^t every marshall in y^e Province shall diligently and faithfully collect and levy all such fines and sums of money, of every person for w^{ch} he shall have warr^t, or execution signed by the Treasurer, or other authority constituted by his Majesty in y^e Province, and s^d sums soe levyed he shall wth all convenient speed deliver to y^e s^d Treasurer or ptie, or attorney y^t obtained y^e Judgm^t or execution, and y^e s^d marshall shall make returnes of all such warr^{ts} or executions wth w^t hee hath done by vertue thereof, vnder his hand, at the next Quar^t Court, or Sessions in y^e Province, after y^e receipt thereof vnto y^e Treasurer, Sec^t or Clark y^t granted y^e same; to be by him kept, and if y^e execution or warr^t be not fully satisfied the s^d Sect., Clark, or treasurer may grant execution for y^e remainder.

MARSHAL'S FEES.

And it is hereby ordered y^t y^e Marshall's fees shall be as followeth: For all executions and warr^{ts} levyed by them vnder five pound, five shillings; for all executions not exceeding tenn pounds, twelve pence in y^e pound; for all executions above tenn pounds and not exceeding forty pound, 10s. for y^e 10l., and six pence in y^e pound for evry pound more; and for all executions above 40l. and not exceeding 100l. in the above s^d feese for y^e 40l., and 3d. in y^e pound for evry pound above forty, and one penny in y^e pound for every pound above 100l., out of the estate of y^e pson the execution is served upon, over and above, besides y^e execution, and in all cases where y^e above s^d feese for levying executions or fines will not answer the Marshall's travell, or other necessary charge, he shall have power to demand 6d. p mile, and vpon refusall or nonpayment to levy the same, togeather wth his other fees.

MARSHALS MAY CALL FOR ASSISTANCE.

And whereas the s^d Marshalls have oftentimes need of Assistanets in the execution of y^r office, it is therefore ordered y^t y^e Marshall or Constables wthin y^e Province shall and have

liberty to charge any pson to assist them in y^e execution of y^e office, if they see need; and whosoever shall neglect or refuse to assist them when thereunto required, the ptie soe refusing, complaint being made vnto any member or members of y^e Councill or Court, he shall pay such a fine in money, vnto y^e Treasurer of the Province, as Judge or Court y^t hath cognisance thereof shall determine, according to the nature of the offence.

WHERE MARSHALS SHALL MAKE DEMANDS.

And in all cases of fines and assesm^{ts} to be levyed, and upon execution in civil actions, the Marshall or Constable shall make a demand at y^e place of the pties vsiall abode, if it be knowne, and of the ptie if he be there to be found; if not, the marshall or Constable so employed shall leave at y^e s^d house his demand of y^e same, and to be paid by virtue of s^d execution, rate or warr^t, for fine attested under his hand; and upon refusal or nonpaym^t accordingly, the officer or Marshall shall have power, calling assistance, if they see cause to break open the door of any house, chest or place, where he shall have notice of, y^t any goods lyable to such levyes or execution shall be; and if he be to take y^e pson, he may do y^e like, if vpon demand he shall refuse to surrender himself. And w^tsoever charge the officer shall nessessarily be put vnto vpon any such occasion, he shall have power to levy the same as he doth debt, rate, fine or execution. And where the officer shall levy any such goods vpon execution, y^t cannot be conveyed to y^e place where y^e ptie dwells, for whome such execution shall be levyed, (if they be there to be delivered,) wth out considerable charge, he shall levy y^e s^d charge also wth y^e execution, and in no case shall any officer be put to seek any man or estate, farther yⁿ his place of abode; but if y^e ptie will not discover his estate, the officer may take his pson, and if any officer shall doe injury by couller of this office, in this or any other case, he shall be lyable vpon complaint of the ptie wronged, by action or information, to make full resstitution, and no marshall or constable shall in any case make a deputy.

FINES TO BE PAID FORTHWITH.

It is farther ordered y^t w^{hin} any Delinquents are fined to y^e Province, they shall forthwth pay their fines in money, or y^t

wch is equivalent, or give good security to the Treasurer for the same, or y^e pson shall be secured till they do it.

NEAR RELATIONS NOT TO VOTE.

For preventing all occasion of ptiality in Courts of Justice, and avoiding of jellousies, It is ordered y^t in all civill cases betweene ptie and ptie, where the judges or jurors are neerly related to either ptie, as y^e relation of ffather and son, either by nature or marriage, brother and broth^{rs}, vnkle and nephew, landlord and tennant, y^t judge or juror soe related shall not vote or give sentance in any case wherein his relations are y^e pties concerned.

NO IMPRISONMENT BEFORE SENTENCE.

Be it farther enacted y^t no man's pson shall be restrained or imprisoned by any authority w^t soever before the law hath sentanced him therevnto, if he can and will put in suffisient security, bail or main price, for his appearance and good behavior in y^e mean time, vnless it be in crimes capitall, contempt in open Court, but in such cases where some express act of court doth allow it.

LEGAL NOTICE IN CASES OF ATTACHMENT.

And it is farther ordered, y^t in all attachm^{ts} of goods and chattells, Land or Hereditem^{ts} by ye officer, notice shall be given to the ptie against whome the suite is comenced, either by reading y^e attachm^t to him, or leaving a sumons or a copia of y^e attachm^t, vnder y^e hand of y^e officer, at his house or place of usiall abode, or else y^e case shall not proceed; but if y^e ptie be out of y^e Province and not like to returne before y^e court, y^e case shall proceed a month after, and execution shall not be granted vntill y^e plaintife have given suffisient security to respond, if y^e defendant shall reverse y^e judgment wthin the space of one year.

Y^e FREEMEN OF EACH TOWNE TO CHUSE THEIR OFFICERS AND MAKE ORDERS FOR THEIR TOWNES.—PENALTY FOR OFFENCES.

Whereas pticular Townes have many things w^{ch} concerne themselves and y^e ordering of y^r owne affairs of disposing of business in their owne Towne, It is therefore ordered y^t y^e freemen of every towne shall have power to chuse y^r owne

particular officers, as Constable, Grand Juror, and Jury of Tryalls, Surveyors for y^e highwayes, and y^e like, annually, or otherwaies as need requires, to make such laws and constitutions as may concerne y^e well fare of y^e towne; provided they be not of a criminall but of a prudenciall nature, and y^t the penalty exceed not 20s. for one offence, and that they be not repugnante to y^e publique laws and orders of this Province; and if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalty by distress; and if any man shall behave himself offencively at any towne meeting, y^e rest y^r present shall have power to sentence him for such offense, soe as y^e penalty exceed not 20s.

PRUDENTIAL OFFICERS.

And y^e freemen of every towne shall have power to chuse yearly, or for a less time, a convenient number of fitt men to order y^e prudenciall affaires of y^e Towne, provided nothing be done by them contrary to y^e Lawes and orders of this Province, and y^t y^e number doe not exceed 7 for one towne; and y^e selectmen in evry towne shall take care from time to time to order and dispose all single psons and inmates wthin y^r townes to service or otherwise; and if any pson be greived at any such order or disposall, they have liberty to appeale to the next court of this Province, and y^t by law hath prop. cog-nicence thereof.

NONE TO CAST BALLAST INTO THE RIVER.

It is ordered y^t no ship or other vessell shall cast out any ballast in y^e channel, or other place inconvenient, in any Harbor or River wthin this Province, vpon y^e penalty of tenn pounds.

AGE TO MAKE A VALID ACT.

It is ordered by the Generall Assembly, &c., That no pson in this Province shall have power to pass away lands, Herridittam^{ts}, or any other estates, or make any legall or vallued act, or be capable of suing or being sued in any of our Courts, in his or her own pson, vntill they attaine vnto y^e age of 21 years; but any orphan may choose y^r Gardean, to act for them at y^e age of 14 years, to secure or Defend y^e estates During y^e minority; also y^t all parents and masters shall have power

in all civil cases to prosecute and Defend y^r Rights of y^r children, and in all criminal cases every person, younger as well as elder, shall be Lyable to answer in y^r owne person for any misdemeanures charged upon them, and may also Inform against any other person to any Court, member of y^e Counⁿ, or Grand Jury man wthin the Province.

ANY MEMBER OF Y^e COUNCIL OR CLARK TO GRANT ATTACHM^{ts},
AND HOW ATTACHMENTS ARE TO BE SERVED.

And it is further ordered, y^t it shall be in y^e Power of any member of y^e Counⁿ or any Clark of y^e writs allowed of by any of our gen. Courts, to grant sumons and attachm^{ts} in all civil proceedings.

It is also ordered, y^t all sumons or attachm^{ts} shall be served 6 days inclusively before y^e court when y^e case is to be tryed, and y^e cause or ground of y^e action shall in y^e said process be briefly Declared, and in w^t capassity y^e Plaintiffe seweth, whither in his owne name, or as Attorney, assigne, gardian, execut^r, Admin^r, Agent, or such like : or in any Defect thereof, if exceptions be taken by y^e ptiee Joyne Ishew, it shall be accounted a Legall barr, and y^e Plaintiff shall be lyable to pay Cost, but no circumstantiall error in a sumons or attachm^t when y^e ptie and case intended may be Rationally understood, shall be taken as a sufficient ground for a nonsuit.

PLANT. OR DEFEND^t NOT APEARING, TO BE NONSUITED.

And if either plaintiff or Defendant doe make default of appearing, having been 3 times distinctly called by y^e Marshall, or other officer appointed by y^e court to call, the plaintiff shall be nonsuited and Lyable to pay the Defendant Cost.

Y^e DEFEND^t NOT APEARING, Y^e SURETY OR GOODS ATTACHED TO
STAND.

It is enacted by y^e General Assembly and authority y^eof, y^t if y^e Defendant faile of his appearance, if it apear by y^e process y^t goods were attached or surety or sureties bound for his appearance after y^e surety hath been 3 times called, y^e action shall proceed to tryall, and if y^e Judgm^t be granted to y^e plaintiff, execution shall Ishew forthe against y^e Defendant, and y^e surety or goods attached shall stand good for 1 m^oth after Judgmt. ; but if y^e execution be not extended wthin 1 m^oth after Judgmt., y^e goods attached or surety bound shall be Released.

NO OFFICER TO BAILE ANY WthOUT GOOD SURETY.

And y^t no pson may Loose or be Defrauded of his Just debt, it is ordered y^t no Marshall, Constable or other officer shall baile any pson y^t he hath attached, wthout sufficient surety ; viz^t, one or more y^t is a settled inhabitant wthin this province, and y^t hathe a visible Estate to be Responsible, according to y^e bond Required.

JUDGMENT TO BE ACKNOWLEDGED BEFORE 2 OF Y^e COUNⁿ, &c.

It is further enacted, y^t any pson y^t is attached to our gen. Court, and desirous to prevent farther charge, shall have Liberty, upon notice given to y^e plaintiff or his attorney, to appeare before 2 of y^e members of y^e Counⁿ and y^e Clark or Recorder of any gen. Court wthin this province, and acknowledge a Judgment, w^{ch} shall stand good and valid in Law, provided y^t y^e goods attached or surety bound shall not be Released till a month after y^e acknowledgm^t of such Judgm^t, unless y^e Cr^r give under his hand y^t he is satisfied, and y^t such pson, as Live out of y^e province the acknowledgmt. of a Judgm^t shall not free ym. unless they shall produce a sufficient surety y^t is a settled inhabitant wthin ye Limitts of this province, to Ingage with him or them in ye acknowledgmt of y^e Judgmt., and y^e Execution to stand good against y^e surety for a full month after.

PERSONS NOTIFIED NOT APPEARING, Y^e PENALTY.

Be it farther enacted, that if any pson sumoned to answer any presentmt, or any fact or misdemeanor, do not appear at y^e time apointed, he or they shall be proceeded against for contempt, except it appears they have been prevented by the hand of God.

PLAINT. MAY WthDRAW HIS ACTION.

It is also enacted, y^t it shall be at y^e Liberty of the Plaintiff to wthdraw his action at any time before y^e Judge or Jury have given in y^e verdict in y^e case, in w^{ch} case he shall pay full Cost to y^e Defend^t.

NONE TO PRETEND GREAT DAMAGE TO VEX HIS ADVERSARY.

And y^t no pson, in his suit or plaint against another, shall falsely pretend great damages or debts, to vex or discredit his

adversary, and if it appears to y^e Court y^t any plaintife hath wittingly wronged y^e Defendant in vexatious suits or complaints, he shall pay y^e Defendant double cost, and be fined to y^e province 40s. or more, according to the demerit of his fact.

ACTIONS MAY BE REVIEWED.

It is farther enacted, y^t it shall be in y^e Liberty of any pson to Review any suit or action wherein he hath been plaintife or Defendant in any Court wthin this province, but if any ptie be twice Cast upon a Review, and shall still persist in a Course of Law, if he be Cast a 3^d time his Case shall be Judged vexatious, and shall pay double Cost and such fine as y^e Court shall award, not exceeding five pounds.

INNKEEPERS TO SELL NO STRONG DRINKS TO CHILDREN OR SERVANTS.

Be it also enacted, y^t no ordinary or Inkeeper suffer any Servants, or Children vnder family governm^t, to buy (or to set drinking of) Liquor, wine or other drink, in their houses or where they have to doe, or to spend their time there, wthout y^e Leave of y^e parents or Masters, unless it be in Case of necessity, on pain of 10s. forfeiture for every offence, $\frac{1}{2}$ to y^e informer and y^e other to y^e poore of y^e towne.

A PERSON BEING 3 M^o IN TOWN SHALL BE AN INHABITANT, EXCEPT.

Likewise it is further ordered, y^t if any pson come into any house wthin this province, and be sick or Lame, he shall be relieved by y^t towne where he was soe long entertained, but if y^e Constable of y^t Towne, or any of y^e selectmen, have given warning to such pson wthin y^e space of 3 m^{oths}. y^t y^e towne will not admit of him, if such pson shall stand in need of Relief y^e towne shall supply his necessity, until y^e Presid^t and Coun^{ll} can dispose of him, as to y^m shall seem most just and Equall.

PERSONS SENT FROM OTHER TOWNS THEY ARE SENT FROM, TO PAY THE CHARGE.

It is also ordered, y^t if any Children or elder pson shall be sent or come from one towne to another, to school, or to nurse, or otherwise to be educated, or to a phisition or Cherurgion, to be cured or healed, if such shall stand in need of Relief they

shall be Relieved at the charge of y^e towne from whence they came or doe belong, and not by y^e towne to w^{ch} they are sent; and in case they be sent from any towne w^{thout} y^e Province, the taker, nurse, phisition or Chirurgion to whome they are sent, shall take good security to save y^e town and Province chargless, or shall be Responcable themselves, for such as need Reliefe.

PRESIDENT OR DEPUTY TO HAVE CASTING VOTE.

It is further ordered, y^t y^e Presid^t, or in his absence his Deputy, shall have a Casting vote, whensoever there shall be an Equivote, either in y^e General Assembly, gen^l Courts, or Counc^l.

NONE TO BRING IN OR ENTERTAIN STRANGERS W^{thout} LEAVE.

Be it also enacted, y^t no pson, m^{ste} of any vessell, or other, do bring into any of our townes w^{thin} this Province, any pson or psons, w^{thout} y^e approbation of y^e prebit or 3 of y^e Coun^l, or y^e selectmen of each Towne, nor y^t any Inhabitant w^{thin} this Province, doe entertaine in his family any pson y^t is not soe allowed, for more than one weeke, w^{thout} giving notice thereof to 1 of y^e members of y^e Coun^l or to y^e Selectmen of y^e towne to w^{ch} they belong, on penalty of forfeiting 5*l.* to y^e towne, and be lyable to be sued and fine bond to free y^e towne for Damage. Provided this ord^t shall not hinder any man from taking of an apprentice or Cov^{ent} servant, for a year or years, y^t is at present sound and well; and if such servant shall fall sick or Lame he shall be maintained by his Master during y^e Date of his Indentures or Covenant, and afterwards by y^e towne, in case of necessity.

CONSTABLES TO WARN FREEMEN'S MEETINGS TO CHOOSE DEPUTIES.

It is enacted by this assembly and the authority thereof, y^t y^e severall constables in each towne of y^e province doe name and call together the free men of their Respective townes, on y^e first Monday in february, annually, and from among themselves to make their election of Deputies for y^e Gen^l Assembly, who are to meet at Ports^{m^o} on y^e first Tuesday of March, by 10 of y^e Clock in y^e forenoone, and y^e number of Deputies for each to be as followeth, viz^t: 3 for y^e towne of Ports^{m^o}, 3 for y^e towne of Dover, 3 for y^e towne of Hampton, and 2 for y^e

towne of Exeter, whose names, after their election and acceptance, y^e severall Consa^s shall make Return of to y^e Assembly, as above, vnder their hands; and if any Constable neglect his Duty in calling the free men together, or making Returns of y^e names of y^e Deputies chosen as above, he shall pay y^e sum of 5*l.* to y^e Treasurer, for y^e use of y^e Province, for every such neglect; and if any Deputy, after his Election and acceptance, shall neglect his attendance at y^e time and place of meeting, or absent himself from y^e said Assembly wthout Leave, he shall pay a fine of 20*s.* to the Province, for Every Dayes absence, and so proportionably for every pr. of a day, vnless some Enevatable providence or such other occasion Hinder, as shall be judged by y^e Maj^r p^t of s^d Assembly a sufficient excuse for s^d absence.

PAY FOR ENTRY OF ACTIONS.

And it is ordered, that for y^e entry of all actions of appeale from y^e q^{rt}r Courts, there shall be paid 20*s.* in money.

ADDRESS TO THE KING.

[Belknap, Farmer's Ed., Appendix, No. 27.]

ADDRESS OF THE GENERAL COURT OF NEW-HAMPSHIRE TO THE KING.

To his most excellent Majesty, Charles the 2d, by the grace of God, of England, Scotland, France and Ireland, King, defender of the faith, &c. :

The humble address and petition of the President and Council of his Majesty's province of New-Hampshire, in New-England, humbly sheweth,—

That, it having pleased your most excellent Majesty to separate us, the inhabitants of this province, from that shadow of your Majesty's authority and government under which we had long found protection, especially in the late war with the barbarous natives, who (this divine protection) proved a heavy scourge to us, and had certainly been the ruin of these poor, weak plantations, (being few in number, and otherwise under great disadvantages), if our brethren and neighbors had not, out of pity and compassion, stretched forth their helping hand, and with their blood and treasure defended us, our lives and estates; nevertheless, upon the receipt of your Majesty's pleasure, delivered by Edward Randolph, Esquire, upon the first of January last, directing unto and commanding the erecting of a new government in and over these four towns, (the government of Massachusetts yielding readier obedience to your Majesty's commands with reference to our relations formerly to them), although deeply sensible of the disadvantages likely to accrue to your Majesty's provinces and ourselves, more especially by the multiplying of small and weak governments, unfit either for offence or defence, (the union of these neighbor colonies having been more than a little instru-

mental in our preservation): we have taken the oaths prescribed us by your Majesty, and administered to your subjects of these four towns the oath of allegiance, and convened a general assembly, for regulating the common affairs of the people, and making of such laws as may be of more peculiar use to ourselves, having special regard to the acts for trade and navigation, set forth in the books of rates commonly printed and sold, and, if some obstruction occasioned by such as make greater pretences of your Majesty's favors and authority had not hindered, we might have brought matters to a greater maturity; yet hope to perfect something by the first opportunity of shipping from hence, but feared it might be too long to defer our humble acknowledgement of your Majesty's grace and favor, in committing the power into such hands as it pleased your Majesty to nominate, not imposing strangers upon us; and it much comforts us against any pretended claimers to our soil, or any malevolent spirits, which may misrepresent us (as they have done others) unto your Majesty or honorable council, while, beside the known laws of the realm and the undoubted right of English men, we have the favor of a gracious prince to fly to. We do therefore most humbly beg the continuance of your Majesty's royal favor and protection, without which we are daily liable to disturbance if not ruin. And, as in duty bound, we shall humbly pray, &c.

March 29, 1680.

[Belknap Farmer's Ed. : Appendix, No. 28.]

ADDRESS OF THE SAME TO THE SAME.

To the King's most excellent Majesty :

We, the President and Council of your Province of New-Hampshire, having (according to the royal pleasure), given an account of our allegiance and observance of your commission by Mr. Jowles, in March last, and therefore shall not give you the trouble of repetition. According to your majesty's command, we have, with our general assembly, been considering of such

laws and orders as do, by divine favor, preserve the peace, and are to the satisfaction of your majesty's good subjects here, in all which we have had a special regard to the statute book your majesty was pleased to honor us with; for which, together with the seal of your province, we return most humble and hearty thanks; but such has been the hurry of our necessary occasions, and such is the shortness of the summer, (the only season to prepare for a long winter), that we have not been capable of sitting so long as to frame and finish aught that we judge worthy to be presented to your royal view; but shall, as in duty bound, give as speedy a despatch to the affair as we may. In the mean time your subjects are at quiet, under the shadow of your gracious protection, fearing no disturbance, unless by some pretended claimers to our soil, whom we trust your majesty's clemency and equity will guard us from injury by: and, considering the purchase of our lands from the heathen—the natural proprietors thereof—and our long quiet possession, not interrupted by any legal claim, our defence of it against the barbarous adversary by our lives and estates, we are encouraged that we shall be maintained in our free enjoyment of the same, without being tenants to those who can show no such title thereunto.

Further, we do gratefully acknowledge the mark of your princely favor in sending us your royal effigies and imperial arms, and lament, when we think that they are, through the loss of the ship, miscarried by the way. And seeing your majesty is graciously pleased to license us to crave what may conduce to the better promoting of our weal and your majesty's authority, we would humbly suggest, whether the allowance of appeals, mentioned in the commission, may not prove a great occasion, by means of malignant spirits, for the obstructing of justice among us. There are also sundry other things that a little time and experience may more evidently discover a great convenience in, which, upon the continuance of the same liberty from your majesty, we shall, with like humility, present. Thus craving a favorable construction of what is above suggested, and praying for your majesty's long and prosperous reign, begging also the continuance of your majes-

ty's favor, out of which, if any of our adversaries, under a pretence of loyalty or zeal for your majesty's interest, should endeavor to eject us, we hope, upon liberty granted us, to speak for ourselves, we shall abundantly demonstrate that we do truly and sincerely subscribe,

Your majesty's most loyal and dutiful subjects,

John Cutt, *President*,

With the consent of the Council.

Portsmouth, in the Province of New-Hampshire, }
June 11, 1680. }

[Most of the following papers were copied in the order of date, from the "Province Records," in the State Secretary's office, and from "Provincial Court papers" in Exeter.

Whereas, Cornelius Thomson, Benjamin Johnson, and Samuel Tibbetts, ran away from their masters, and, being followed, were found and apprehended at Newbury, and brought back and examined before me, this 6th of March, 1679-80, owned their faults and cleared their masters from doing them any injury, whereupon I sentenced them to go to prison, and there lie till the 16th instant, and then to answer it before the President and Council, or else to get security for their appearance accordingly.

Mr. Job Clements, for his servant Samuel Tibbetts, William Pomfret, for his servant Benjamin Johnson, and Mr. Wm. Henderson, for his servant Cornelius Thomson, do bind themselves to the treasurer of the Province, in the sum of ten pounds each, for his servant, that they shall appear at Portsmouth, the 16th of March, 1679-80, before the President of the Council, and there to abide the sentence of the Council, and not depart without license; as witness our hands, this 6th March, 1679-80.

Job Clements,
Wm. Pomfret,
Wm. Henderson.

At a meeting of the dep't president and council, 25th Mar., 1680—

It is ordered by the dep't president and council, that if there be any troopers that have formed under the command of Capt. John Gerrish, or in that troop of Norfolks, they shall be at liberty from serving any longer in that service, provided they list themselves foot soldiers in the towns of their present residence; and all such as are already, or would be troopers in this province, are now to list themselves under Capt. Jno. Gerrish, being qualified according to law to the filling up said troops to the number of 60, besides officers.

22 April, 1680. Edward Colcord and Ann, his wife, being brought before us, the subscribers, and accusing each other for scratching and fighting, and the said Edward Colcord being bloody on his face, and Ann on one of her hands, which she said was done by her husband, and he also affirming that those scratches on his face was done by his wife, and they both inveying bitterly one against the other, are both bound to appear before the president and council at Portsmouth, upon the second Tuesday in June next, to answer for their disorders, and to keep the peace in the mean time, on penalty of the offending party being committed to prison that shall be convicted of breaking the peace during this bond.

Given under our hands the day mentioned.

Christopher Hussy, } of the Council.
Samuel Dalton,

Ann Colcord acknowledged in court that she bid her daughter Deborah take the pot of butter from her husband.

At a town meeting, the 13 May, 1680—There was chosen for selectmen for the year following, Henry Greene, Thomas Marston, Abraham Cole, Joseph Dow, and John Tuck, who are to act in all prudential affairs according to such laws and orders as are made in this province, or shall be made in the time of their year, and are prohibited for granting or disposing of lands, highways, timber or commonage, which things with raising of suits are left to the freeman.

This is a true copy taken of Hampton records: as attests,
Samuel Dalton, Rec'd.

MAY 25, 1680. Mary Richards, being brought before me upon suspicion of having stolen a serge petticoat, with a silver plate lace upon it, from Wilmot Oliver: Upon examination she first said that Constance Oliver did open a chest that was in the house where they lived, and she asked fair Constance what clothes were in the chest; and, presently after, she denied that ever she asked her such a question. Again, being asked whether she sent said Constance out of the house to fetch fire or not, she said that said Constance was never out of the house as long as she was there; and presently said again that said Constance went out to fetch fire to light her pipe.

Before me,

Richard Martyn, *of the Council.*

To the Constable of Portsmouth.

In his Majesty's name you are hereby required to summon Wilmot Oliver to appear to-morrow, being the first Tuesday in June, at the quarter court to be held at Dover, then and there to prosecute Mary Richards, whom she suspects to have stolen away her serge petticoat; and also to summon her daughter, Constance Oliver, to appear at the said court at the same time, to give in her evidence to what she knows concerning the stealing said petticoat.

Hereof fail not at your peril, and so make return.

Dated May 30, 1680.

Before me:

Richard Martyn, *of the Council.*

New-Hampshire, Great Island, June 1, 1680.

To the honored Court, now sitting at Dover, Nathaniel Fryer humbly showeth—

That he, having been Treasurer for the County of Dover and Portsmouth, and having disbursed upwards of one hundred pounds, desires order may be taken to pay him what he is out. His present distemperature of body occasions his absence from this court, at this time, contrary to his intention; and requesteth your favor that some speedy course may be

executed for his reimbursement. Not being willing to use any rigorous method to get my right, I question not but you will use a methodical way; the County Court, in June last, having granted me an order, but nothing of it yet offered. The copy whereof I have now sent you.

I wish you all prosperity in your proceedings.

I am, yours to my power,

Nathaniel Fryer.

At a meeting of the freemen of Hampton, 12: 6 mo., 1680:

Upon complaint of sundry abuses and spoil made of the town's timber, and encroachments upon the town's common, in sundry places, the town hath chosen and empowered Lieut. John Sanborn, Henry Roby, and Sergt. Joseph Dow, or any two of them, to prosecute, by way of suit or other ways, against any person or persons that shall trespass or have trespassed upon the town's rights, either in timber or land, by fencing in or other ways.

This is a true copy taken out of Hampton records, as attests
Samuel Dalton, *Recd.*

Upon sundry indictments against John Waldron, for drunkenness and neglect of his calling, and disorderly living, and his father presenting a complaint against him for great abuses to him in his age, and his disobedience and other informations against him, of his vicious living:

The council doth sentence him to close imprisonment during the pleasure of the council, and that he be debarred of all company, except the keeper, or other sent by authority, and also from strong drink, and that one of his legs be constantly chained to a post, and to be kept to work as Mr. Martin, Mr. Vaughan and Capt. Stileman, or any two of them, shall appoint; and if he refuse to labor he shall be kept with prisoners' fare, and to be whipt, with ten stripes at a time, at the discretion of those gentlemen of the council; that the gentlemen above, or any two of them, shall provide him materials to work at his trade, and to dispose of the proceeds for his own and his

children's maintenance and livelihood, and shall not dispose of any of his labors without the privity of the gent. above named, which the prison keeper is to prevent, to his power, at his peril, and pay cost and officer's fees, viz: 30s.

Husband:—I thought good to inform you what is fallen out in your absence. My brother George came here this day in a distracted manner, without either hat or cap, with his hand bloody. He informed me that his son came and pulled him out of his chair and house, into the highway; there the old man was first to lay hold on a sled. The young man pulled both sled and father towards the house to the fence. The old man laid hold on the fence, when the young man, long struggling, could not get his father from thence, but told him that he would go fetch some sticks, but for what he knows not, but in the mean time made his escape. I stopped some time, judging the old man faulty, as well as the young, but soon after, receiving a second advice from another, I went up with John Heard and Cass, to inquire it out. When I came I found Harford the tailor, dead drunk, asleep, and John Waldron, in his own room, which we tried to awake, but could not, whereupon we locked up the door and came away, and therefore shall, through the old man's fear, have him remain here till you come home.

Not else but yours,

June 8th, 1680.

Ann Waldron.

The deposition of William Jefford, aged about thirty years—who saith, that upon the 2d day of this week, being in our account the last day of May, this deponent went with William Hartford unto Richard Oates his house upon some occasion, and there William Hartford was very earnest with Richard Oates, junior, for a bottle of liquor, which the said Oates seemed unwilling to let him have it, but he prevailed so far as that the said Richard Oates, junior, or a little boy, delivered him a bottle of liquor, but upon what account I know not.

Taken upon oath before council, 12 June, 1680.

Elias Stileman, *Sect.*

Portsmouth. At a meeting of Council, 10 June, 1680.
New-Hamp. (Dept. President.)

Whereas his Majesty, by his letters patent sent to the president and council of this town of New-Hampshire, hath given express command for the regulation of the military disciplining, and the arraying and mustering of the soldiers for the defence and safety of his Majesty's province—

It is, therefore, ordered by the president and council, that all the trained soldiers within the bounds of this province, from sixteen years old and upwards, do from time to time obey such orders and commands as shall be given by the officers that are commissioned by this government in the several towns, both respecting arms and ammunition, and kinds of exercise, according to the laws and orders that are and shall be made concerning military affairs.

And that those troopers that were formerly listed under the command of Major Pike, and now inhabitants in this town, shall have liberty to list themselves and horses under the command of Capt. John Gerrish, capt. of the troops in New-Hampshire, and such as do not list under his command are required to attend their duties in the foot companies in the towns where they dwell, upon the same penalty that is provided for neglect in that case.

The complaint of some of the grand jury against Ephraim Foulsham, at a court held at Hampton, the 7th July, 1680.

The grand jury coming forth out of the meeting house, he asked Nathaniel Weare, the foreman, why they did inform the court that John Palmer did give information of abuse the said Palmer had received from Nathaniel Foulsham. Nathaniel Weare told him they had no more to say of it now. Ephraim Foulsham said that the jury, or Nathaniel Weare, had told the court a lie, and it should cost them ten shillings, and he would prove it by the whole court.

Nathaniel Weare,
Anthony Taylor,
Tho. Robards.

Taken upon oath in quarter court at Hampton, the 7th Sept.,
1680. Elias Stileman, *Sect.*

WITCHCRAFT.*

We, whose names are underwritten, being called by authority to view a dead child of John Godfre's, being about a year old upon the 13th of July, 1680, which was suspected to be murdered, we find grounds of suspicion that the said child was murdered by witchcraft: first, in part by what we saw by the dead corpse; second, something we perceived by the party suspected, which was then present, and was examined by authority; and, third, by what was said by the witness.

The names of the jury of inquest:

Tho. Marston,
 Willyam Marston,
 Foreman, Hen. Roby,
 Abraham Drake,
 Abraham Perkens,
 Anthony Taylor,
 John Smith,
 Tho. Levet,
 Aratus Levet,
 Gershom Elkens,
 Hen. Derbond,
 John Sanborne.

This true list was given in upon oath the 13th of July, 1680, before me,

Samuel Dutton, *of the Council.*

John Fuller owns himself to stand bound in the sum of one hundred pounds unto the Treasurer of the Province of New-Hampshire, that Rachel, his wife, shall appear before the authority of this Province in New-Hampshire, to answer to what shall be charged against her in point of witchcraft, and that she shall abide the order of the court, and not depart without license, and shall appear whenever she is called.

Owned before me, 14th July, 1680,

Christopher Lux,
 Samuel Dutton, *of the Council.*

* See Province Court Papers, vol. 1, pp. 133-141.

The deposition of Mary Godfrey, the wife of John Godfrey, and of Sarah Godfrey, her daughter, aged about 16 years.

These deponents saith that, about three weeks or a month ago, the same day that Mr. Buff went through the town, these deponents took care to save some of the sick child's urine, to show it to Mr. Buff; and they could not save it, for, though we put a pewter dish under the child, yet all its water ran on the floor; and Sarah Godfrey took some embers out of the fire and threw them upon the child's water; and by and by Rachel Fuller came in and looked very strangely, bending, daubed her face with molasses, as she judged it, so as that she had almost daubed up one of her eyes, and the molasses ready to drop off her face; and she sat down by Goody Godfrey, who had the sick child in her lap, and took the child by the hand; and Goodwife Godfrey, being afraid to see her come in in that manner, put her hand off from the child and wrapt the child's hand in her apron. Then the said Rachel Fuller turned her about, and smote the back of her hands together sundry times, and spat in the fire. Then she, having herbs in her hands, stood and rubbed them in her hand and strewed them about the hearth by the fire. Then she sat her down again, and said, Woman, the child will be well! and then went out of the door. Then she went behind the house; and Mehitable Godfrey told her mother that Goody Fuller was acting strangely. Then the said Mary Godfrey and Sarah, looking out, saw Rachel Fuller standing with her face towards the house, and beat herself with her arms, as men do in winter to heat their hands, and this she did three times; and stooping down and gathering something off the ground in the interim between the beating of herself, and then she went home.

Sworn the 14th of July, 1680, before me,

Samuel Dutton, *of the Council.*

Owned in Court of Hampton, the 7th Sept., 1680, by the deponent. Elias Stileman, *Sect.*

The deposition of Elizabeth Denham and Mary Godfre, who saith that we, being in discourse with Rachel Fuller, she told

us how those that were witches did so go abroad a night, they did lay their husbands and children asleep, and she said Rachel Fuller told us of several persons that she reckoned for witches and wizzards in this town, to the number of 7 or 8. She said eight women and two men, some of whom she expressed by name, as Eunice Cole, Benjamin Evans' wife and her daughters, Goodwife Coulter and her daughter Prescottt, and Goodwife Towle, and one that is now dead.

Sworn the 14th July, 1680, before me,

Samuel Dutton, *of the Council.*

Mary Godfrey, the wife of John Godfrey, further saith, that the next day after that Rachel Fuller had been there with her face daubed with molasses, the children told their mother that Rachel Fuller had told them that if they did lay sweet bags under the threshold, it would keep a witch from coming in; and, said one of the girls' mother, I will try, and she laid bags under the threshold of the back door all the way and half way of the breadth of the fore door, and soon after Rachel Fuller came to the house, and she always had formerly come in at the back door, which is next her house, but now she went about to the fore door, and, though the door stood open, yet she crowded in on that side where the bags lay not, and rubbed her back against the post so as that she rubbed off her hat, and then she sat her down and made ugly faces, and nestled about, and would have looked on the child, but I not suffering her, she went out rubbing against the post of the door as she came in, and beat off her hat again, and I never saw her in the house since; and I do further testify that while she was in the house she looked under the door where the bags lay. Mehitable Godfrey, aged about 12 years, affirms to the truth hereof.

Sworn the 14th July, 1680, before me,

Sam'l Dutton, *of the Council.*

The deposition of Nathaniel Smith, aged about twenty years, who saith, That he, going to the house of John Fuller, as he was coming home with his herd, and the said Fuller's wife

asked him what news there was in the town, and the said Smith said he knew none, and then she told him that the other night there was a great route at Goodman Roby's; this was at the first time when Doctor Reed was at this town; and the said Rachel Fuller told me that they had pulled Doctor Reed out of the bed, and with an enchanted bridle did intend to lead a jaunt, and he got her by the coat, but could not hold her, and I asked her who it was, and she turned from me, and, as I thought, did laugh.

Sworn the 14th July, 1680, before me,

Samuel Dutton, *of the Council.*

The deposition of John Godfrey, aged about 48 years, and his wife, aged about 36 years, who saith that Rachel Fuller, coming into our house about 8 or 9 o'clock in the day, and sitting down by my wife, my wife having the child that was ill in her lap. The child being exceedingly ill, and the said Fuller seeing my wife much troubled and grieved, Rachel Fuller said that this would be the worse day with the child,—to-morrow it will be well. And the said Fuller took the child by the hand, and my wife snatched the hand from her and wrapt it in her apron. Mary Godfrey, the wife of John Godfrey, further saith that, at the same time, I, seeing the said Fuller patting the child's hand, drew the child's hand from her; and then the said Rachel Fuller arose from the place where she did sit, and turned her back to my husband, and did smite the back side of her hands together, and did spit in the fire.

Sworn the 14th July, 1680, before me:

Samuel Dutton, *of the Council.*

Sworn by the deponent in court at Hampton, 7th Sept., 1680.

Elias Stileman, *Sect.*

The deposition of Elizabeth Denham, who saith that, about three weeks since, I was at John Fuller's house, and there, she and I being speaking about John Godfrey's child that was then ill, Rachel Fuller was then very inquisitive to know of

me what I thought ailed the child ; and after I told her what I thought, she still continued asking me what I thought was the matter with the child ; and she then kept calling her own child Moses, after the name of the sick child.

Sworn the 14th July, 1680, before me,

Samuel Dutton, *of the Council.*

The deponent, in court held in Hampton, 7th Sept., 1680, appeared and owned the above testimony.

Elias Stileman, *Sect.*

We, whose names are here underwritten, being impaneled a jury of inquest upon the death of Nathaniel Smith, we found him in a canoe at the landing place, with his face bloody ; and we, washing and searching him, do judge that water was the cause of his death by drowning.

Mr. Edward Colcord, foreman of the jury of inquest ; Anthony Taylor, Tho. Weabster, John Moulton, Heat Lovet, Joseph Meed, Jonathan Weadgwood, Samuel Foge, James Marston, Timothy Blake, Nehemiah Hobbs, John Taylor.

This being taken upon oath before me,

July 31, 1680.

Christopher Hussey.

Being one of the Council of New-Hampshire, sworn of this jury, upon the oath that they have taken, testifieth that they were at the taking of this Nathaniel Smith out of the river.

Know all men by these presents that I, John Parrot, fisherman, now of Cape Elizabeth, at the eastward, have made, constituted, deputed and authorized, and by these presents do make, constitute, depute and authorize Nathaniel Fryer, merchant, on the Great Island, and Ephraim Crocket, of Kittery, in the Province of Maine, in New-England, both or either of them my true, lawful, and undoubted attorney or attorneys, for me and in my name to sue, prosecute, implead and make answer for me in any action, controversy, or lawsuit depending between me, John Parrot, and Daniel Westcoat, of Strawberry Bank, or with or against any other person or persons

at this next quarter court, held in Hampton, to be held in September next, and then and there, and before authority, to act and do and finish for me any business or matter of controversy, as if I myself were personally present; and one attorney or more, under him or them, to make and again at pleasure to revoke, and finally to make use of any device and devices in the law requisite, holding for firm and stable all and whatsoever my said attorney shall do or cause to be done in and about the premises. Witness my hand and seal this second day of August, in the year of our Lord one thousand six hundred and eighty (1680).

His mark.
John † Parrot.

Signed, sealed and delivered in presence of

Nicho. Hoskins,
Geo. Jaffray.

Great Island, August 26, 1680.

We, whose names are under written, being summoned as jurors upon the untimely death of Christopher Lux, and having inquired into the manner of his death, and searched his body and head, with the assistance of a doctor, we do judge he came to his end by falling into the water, and so drowned without any other mortal hurt, or other casualty, so far as we can perceive.

Nathaniel Fryer,

John Hinks,

Geo. Jaffrey,

Henry Croud,

Francis Tucker,

John Lewis,

Richard Abbott,

Phineas Rider,

Henry Russell,

Jeremiah Herdsden,

Capt. William Roberts,

Joseph Purmart.

The jury above named made oath to the verdict above written, the 26th August, 1680. Before me,

Elias Stileman, *of the Council.*

The deposition of Ezekiel Pittman, aged twenty-two years, or there about; saith, that in the time that the said Pittman was a servant to Wm. Beard, Philip Chesley, senior, without any provocation given him by me, the said Pittman, did stab me with a pair of curling irons, in the breast, which did disable me for service for a considerable time by reason of the wound given me by said Chesley, and further saith not.

Taken upon oath Aug. 7, 1680. Before me,

Richard Martyn, *of the Council.*

To HENRY DOW, Marshal in the Province of New-Hampshire.

You are hereby required, in his Majesty's name, to attach the goods, or, for want thereof, the body of Nathaniel Boulter, of Hampton, senior, and take bond of him to the value of forty pounds, with sufficient surety or sureties for his appearance at the next quarter court, to be held at Hampton, the first Tuesday in September next; then and there to answer to the complaint of Lieut. John Sanborn, Henry Roby, and Sargent Joseph Dow, or any two of them, in the behalf of the town of Hampton; two of the persons being formerly appointed to maintain the town's interests, and prize that by a vote of the freemen the said persons, or any two of them, to prosecute against the said Nathaniel Boulter in an action of trespass, for that the said Boulter hath appropriated to himself, by fencing in and feeding, a considerable tract of land, and a highway belonging to the town; the which land hath been possessed and quietly enjoyed by the town of Hampton near forty years, until the said Boulter hath made an illegal claim thereto, about two years past, though formerly he hath owned part of the land so fenced to be the town's, and promised to remove his fence; yet he doth still detain the land, to the town's great damage; the which land, so fenced and claimed by the said Boulter, lieth between the land of the said Boulter towards the south-east, and the cart-way to the old saw-mill towards the north-west, on the westerly side of the town of Hampton: and hereof fail you not making your return according to law. Datt. 28 of August, 1680.

Signed by me,

Samuel Dalton, *one of the Council in New-Hampshire.*

Have read this attachment unto Nathaniel Boulter, senior, and served it upon his house and land, according to the tenor hereof, this 30th day of August, 1680. By me,

Henry Dow, *Marshal in New-Hampshire.*

The deposition of John Cutt, junior, aged seventeen, appears, testifieth, and saith that on the seventh day of August, 1680, Stephen Jones, being at my father's house, my uncle, Maj. Nick. Sharpleigh, and myself, being likewise there, and my uncle Sharpleigh asked Stephen Jones concerning what the trouble was between him and Philip Chesley, and what grounds he gave him to strike him; who said that he took a pitchfork and made a pass at him, at which he took up a small stick, and put him by, and might, he thought, give Philip Chesley three or four blows with said stick, and further saith not.

Taken upon oath, Sept. 2, 1680. Before me,

Richard Martyn, *of the Council.*

The testimony of Peter Coffin, aged fifty years, testifieth and saith, that about ten weeks past I was at Philip Chesley's, senior, his house, and said Chesley was lying upon his bed. I asked him how he did. His answer was that he was very bad. I asked him whether Stephen Jones and him had fallen out. His answer was that the devil had no mercy upon him, although he cried for quarter. I asked him whether it was true, as was reported, that he ran at said Jones with a pitchfork, to kill him. His answer to me was, that he did run at him with a fork, but had no intent to kill him, although he did go near to hurt him. I answered him what more would hurt him if he came in that manner, and further saith not.

Peter Coffin took oath to the truth of this deposition, this 6th September, 1680, before me:

Richard Waldron, *Deputy President New-Hampshire.*

Dover, 27th Oct., 1680. We, whose names are under written, being required by the worshipful Rich. Waldron, Esq., to view

the body of Philip Chesley, senior, and give our apprehensions concerning his present illness, we have thoroughly looked upon him, and discoursed with him, and considered of his condition, and do judge that the breaking out is a colerick humor, dispersed over his body, and that any blows that might be given him some months ago were no cause of his distemper, now upon him. As witness our hands—

John Fletcher,
John Groth.

At a meeting of the freemen of Hampton, 12: 6mo. 1680—
Upon complaint of sundry abuses and spoil made of the town's timber, and ineroachments upon the town's common in sundry places, the town hath chosen and impowered—Lieut. John Sanborn, Henry Roby and Sergt. Joseph Dow, or any two of them, to prosecute by way of suit, or other ways, against any person or persons that shall trespass or have trespassed upon the town's rights, either in timber or land, by fencing in or other ways.

This is a true copy, taken out of Hampton records: as attests,
Samuel Dalton, *Recd.*

The deposition of Nathaniel Bacheldor, aged about 50 (?) years, who saith that the time before this that Mr. Randolph came into these parts, that, being at the house of Thomas Marston, at Hampton, John Redman, sen., was there, and the said John Redman said, in the presence of this deponent and Thomas Marston and Mehitable Hobs, that that day he had met with Mr. Randolph, and said he (Mr. Randolph) told me that shortly I should have justice done me concerning the house and land at the little Boar's Head; and saith he, I will sue at the next court, and if I be cast I will carry the case to England; and, said he, I will venture one of my ears that this Government will not stand a year to an end. And said he, as for the Bay government, we have lived under the plague of the Bay government long enough. To which this deponent replied, he was very sorry to hear him say so.

Sworn before the council, the 9th December, 1860.

Elias Stileman, *Sect.*

To the honored Court held at Hampton, in the Province of New-Hampshire, the petition of Sarah Sherburne :

Humbly sheweth—That your poor petitioner, being left a helpless widow, her husband being by some strange accident taken from her, and though he left a good visible estate, and your poor petitioner not being in a capacity to follow courts, this dead time of the year, to shew her grievances to your honor, how not only what was her own, which could by no law be my husband's but during his life, then after to return to its former channel, but also his whole estate is — by force, by his children, from the poor distressed petitioner. Your poor helpless petitioner humbly requests your honored justice, relief, in the promise whose duty it is to take the case of the oppressed, especially the widow and fatherless, into your serious care and — and to order some just way for your petitioner relief herein, she being not skilled in the law, as also wholly uncapacitated to sue, and as bound she shall ever pray whilst.

Sarah Sherburne.

To the honored President and Council of his Majesty's Province of New-Hampshire :

The humble petition of William Hoskins humbly sheweth :

That, whereas your poor petitioner was lately fined for his miscarriage, and, not being able to satisfy the same, was committed to prison, to remain until his fine had been paid ; and, had not a friend stepped in, must have remained in durance to this day, or been ground as copper between two millstones : Now, considering my great inability to pay the same, by reason of my being taken off from my lawful calling, in serving of his majesty in the office of constable, and my trouble in gathering rates and making up of accounts, which your petitioner is using all endeavors, and hopeth suddenly to extort it :

Now your petitioner, having had experience of your clemency in staying thus long, humbly begs mercy at your honor's hands, for the remitting of the said fine, or so much of it as your honor, ip favor to his wife and children, shall see meet.

And your petitioner shall ever pray for your honor.

William Hoskins.

[The following letter is copied *verbatim et literatim* as a curiosity.]

From Rumeymarch, the 21st of January, 1679.

dear and well beloved husband, my hartly love Remembered unto you, hoping you are in good health as i am at this time, blessed be god for it. dear love, my heart is ready to sink for fear, because we hear that the ingens have showed themselves to captain *Sam. Iagh* (*Fogg*?) and he said he had no order to kill them, and hear is soldiers prest, and we cannot tell you for what; but all the comfort i have, i know that the almighty raineth and is able to save those that put their trust in him. dear love, i pray you be careful of yourself and those that are with you, for there is great things a working in the world, and what the lord will do with us i know not. the lord in mercy grant that we may be faithful to the death, that we may have a crown of life: dear love, your children are well and do present their humble duty to you, humbly intreating you to come home as sone as possible you can. dear love, to express my troubles to you, i cannot, they be so many; but i desir to leave you with the keeper of israel, which never slumbereth nor sleepeth. dear love, i have sent you several things by ambrose berry. i pray, be pleased to except of them. captain King is dead and several more. dear love, i should be very glad to se you: it would refresh my troubled mind. but i must leave of to rit for fear the tears do dim my sight.

So i rest and remain yours till death,

Sarah
Floyd.

Copy of the Mandamus by which Robert Mason, Esq., was admitted to a seat in the Council.

December 30, 1680. Trusty and well beloved, we greet you well.

Whereas we have thought it fit to take into our special care and protection our province of New-Hampshire, and provide for its prosperity and good government, and the settlement of the estates and possessions of our good subjects there: And that for the avoiding any suits or contentions in matters of title, and the determining any demands which might be made by our well beloved subjects, Robert Mason, Esq., as proprietor under us, of that province, by virtue of a grant derived

from our royal grand-father, King James, under the great seal of England :* we have so composed all matters with him, that for the time past until the 24th day of June, 1679, he shall not claim or demand any rent, dues or arrears whatsoever; and for the future, he, his heirs or assigns, shall receive only six pence in the pound yearly of every tenant, by way of quit rent, according to the true and just yearly value of what is improved by any of the inhabitants; as is more fully expressed in our commission, under our great seal, bearing date the 18th day of September, in the 31st year of our reign. And whereas the said Robert Mason hath humbly signified to us that he is preparing to transport himself, for the taking care of his affairs and interest in the said province, and for the giving a secure and legal confirmation of the estate of such persons as are now in possession, but without any right or legal title to the same: And he being a person whom we have esteemed useful to our service, as he is chiefly concerned in the welfare of that our province, we have further thought fit to constitute and appoint him to be one of our council therein; and we do hereby order and require you, our president and council, that, immediately after his arrival, you do admit him one of our council of our province of New-Hampshire, he first taking the oaths mentioned in our said commission. And we do further require you and him, that you do betake yourselves to such discreet and equitable ways and methods in your proceedings, agreements and settlements, for the future, that there may be no occasion of complaint to our royal person and authority here: We being resolved to discountenance all such as shall wilfully or unnecessarily avoid or delay your submitting to those determinations which may be reasonably decreed, according to justice and good conscience, which you are to signify to all our good subjects within our said province, that they may govern themselves accordingly. And so we bid you heartily farewell. Given at our court, at New-Market, the first day of October, 1680, in the two and thirtieth year of our reign.

By his Majesty's command,

Sunderland.

To our trusty and well beloved, the president and council of our province of New-Hampshire, in New-England.

* This must mean the charter to the Council of Plymouth.

The Province rate of Hampton, being one single rate and half, according to each man's proportion, this 8th May, 1680 :

	s.	d.		s.	d.
Nath'l Bachilder,	13	5	John Tuck,	5	3
Jacob Browne,	6	9	Tho. Thurttten,	2	3
Tho. Browne,	3	5	Mr. Andrew Wiggin,	14	8
Ben. Browne,	4	11	Mr. Tho. Wiggin,	6	4
Jon. Browne,	3	10	Nath'l Weare,	12	5
Nath'l Boulter, Sen.,	5	5	Tho. Warde,	7	0
John Blake,	5	0½	Tho. Webster,	5	9½
Nath'l Boulter, Jr.,	4	9	Jonathan Wedgwood,	3	5
Mark Baker,	2	3	Daved Wedgwood,	2	7
Moses Cocks,	3	7	Ralph Welch,	2	5
Edw. and Sam'l Coloord,	8	3½	Nath'l Wright,	2	4
Joseph Cass,	6	5	Tho. Chase,	7	1
Sam'l Cass,	3	7	Rachel Chase,	1	1
Abraham Drake, Sen.,	5	9½	James Chase,	4	1½
Abraham Drake, Jr.,	4	0	Abra'm Cole,	5	1
Alexander Denham,	5	6	Benj. Cram,	5	2
Gershom Elkins,	5	0½	Tho. Cram,	3	10
Will. Fuller,	8	4½	John Clifford, Sen.,	5	00
John Fuller,	4	0½	John Clifford, Jr.,	5	2
Sam'l Foge,	4	0½	Israel Clifford,	3	3
Will. Fifield, Sen.,	6	3	Isaac Cole,	2	3
Ben. Fifield,	8	5	Elias Crichtt,	2	3
Henry Greene,	15	2½	Henry Dow,	11	4
Abra. Greene,	6	3	Jos. Dow,	5	2
Jon. Godfree,	2	5	Daniel Dow,	2	1
Isaac Godfree,	6	8	Godfre Dearborn,	4	1
Edw. Gove,	11	3	Thomas Dearborne,	5	9
Jon. Garland,	6	6½	Hen. Dearborn,	6	8½
Jacob Garland,	2	11	John Dearborn,	5	2
Isaac Marston,	5	9	John Hussy,	14	0½
Jon. Marston,	5	5	Morris Hobs, Sen.,	5	10
Epheham Marston,	5	0	Jon. Hobs,	6	4
Hen. Moulten,	12	1	Tim. Hilyard,	7	6
Jon. Moulten,	6	2½	Morris Hobs, Jr.,	5	5
Jon. Marion,	6	7	Nehemiah Hobs,	2	3
Jon. Masson,	4	5	James Johnson,	7	10½
Joseph Mead,	3	½	Francis Jennis,	3	5
Tho. Nud,	6	7	John Knowles,	9	0
Abra. Perkins,	14	4½	Tho. Lovitt,	9	10½
Isaac Perkins,	10	5	Hizrom Lovitt,	7	8
Francis Page,	8	9½	Daniel Lamprey,	9	3
Tho. Page,	10	9	Aretus Lovitt,	3	7
Tho. Philbrook,	7	4	Tho. Marston,	6	7½
Christopher Palmer, } with his son's estate, }	7	9	Will. Marston,	9	1
James Philbrick,	3	8	James Marston,	4	6
Caleb Perkins,	3	5	Joseph Moulton,	6	10
Jacob Perkins,	3	8	Benj. Moulton,	5	11
Joseph Palmer,	5	3	Samuel Sherborn,	6	5
Jonathan Philbrook,	3	0	Benj. Swett,	3	9
Samuel Philbrick,	3	5	Joseph Swett,	7	0
Henry Robey,	13	3½	Anthony Stanyen,	6	10½
Jon. Redman, Sen.,	5	8	Jon. Stanyen,	5	3
Jon. Redman, Jr.,	5	6	Robard Smith,	4	3½
Tho. Row,	2	3	Jon. Smith, tayler,	4	2½
Jon. Sanborne,	9	7½	Jon. Smith, cooper,	6	7½
Will. Sanborn, Sen.,	7	10	Tho. Sleeper,	4	9
Jon. Sanborn, Jr.,	7	10	Jos. Shaw,	8	7
Richard Sanborn,	5	0	Ben. Shaw,	8	9½
Ant. and Jon. Tayler,	8	7½	Will. Swaine,	6	5½
Samuel Tilton,	4	0	Joseph Smith,	3	2
Daniel Tilton,	8	1½	Will. Sanborne, Jr.,	1	10
Phillips Towle,	8	7½	Jon. Sleeper,	2	3
			George Swete,	2	3

To the Constable of Hampton: You are, in his Majesty's name, required to gather this Province rate of the persons herein assessed, and to pay in the same unto Richard Martyn,

Esq., the treasurer of the Province, according to the order of the last General Assembly; and those that pay in money are to be abated one third part; and if any refuse to pay his proportion, you are to levy it by distress, according to law.

Dated 10th May, 1680, by us—

Samuel Dalton,
John Sanborne,
Henry Moulten,
Nathaniel Weare,
John Smith,
Selectmen of Hampton.

I, being desired by Thomas Dearborne, the late constable of Hampton, that gathered this Province rate, to copy out the same, I have here done accordingly; and this is a true copy of the original rate and the warrant annexed thereunto by the selectmen, taken out and compared this 29th day of April, 1684.

By me:

Henry Dow.

The province rate for 1680, made April 20, for Exeter.

[See Court Records, vol. 1, pp. 111-129.]

	£	s.	d.			
Imp. Gov. Robt Wadlee,	1	2	6	Anthony Goff,	2	4½
Mr. Moses Gillman,	1	2	6	Charles Gledon,	2	6
Nic Norres,	3	1½		Mr. John Thomas,	2	3
Peter Follsham,	8			Edw'd Sowell,	5	10
Christian Dolhoff,	5	2		Jonathan Smith,	4	9
Sam'l Leavitt,	13	5		Samuel Dudley, Jun'r,	2	4½
David Lawrence,	3	¾		Robert Stewart,	2	4½
Moses Leavitt,	7	7½		Humphrey Willson,	11	8
John Follsham, Jun.,	10	1		Ephraim Follsham,	3	11
Sam Follsham,	3			Robert Powell,	3	5
Edward Gillman,	5	5		Andrew Constable,	8	8
Cornelius Larey,	4			Mr. Barthol'w Tipping,	7	3½
George Jones,	6	6		Mr. Edward Hillton,	11	
Jona'n Robinson,	5	2		Mr. Sam'l Hillton,	4	3
Jeremy Canaugh,	3	9		Major Shapleigh, for Hillton's mill,	1	10½
Eleazer Elkins,	3	11		Nic Listen,	2	9
Alexander Gorden,	4			John Bean,	8	1
Robt Smart, Sen'r,	7	10½		Tege Drisco,	3	3
John Young,	4	10½		Joel Judkins,	2	6
David Robinson,	4	9		Ephraim Marston,	4	6
Will'm Hillton,	10	2		Theop. Dudley,	2	4½
Sam'l Hall,	5	½		Tho's Mekins,	2	4½
Ralph Hall,	5	1½		Biley Dudley,	2	4½
John Sinckler,	7	6		Robt Smart, Jun'r,	2	7½
William Moor,	6	10		Mr. Rich'd Seamon,	10	2
Phillam Cartey,	4	7½		Rich'd Morgan,	3	
John Wedgewood,	4	10		Major Clark, for his mill,	8	7
John Gillman, Jun'r,	3	1½		Nat Follsham,	2	9
Henry Magoon,	4	2		Tho's Tidman,	2	3
Kinsley Hall,	4	11		John Clark,	4	10½
Jonathan Thing,	9			James Kid,	3	3
Mr. Wiggin's mill,	1	10½		Nad Lad,	2	10
Joseph Taylor,	2	4½		James Perkins,	2	4½

This rate was made Anno 1680, vercissimo April 20, and delivered to the constable to collect, as before specified.

By us,

John Gillman, Sen'r, }
 Ralph Hall, } Trustees for Exeter.
 Edw'd Smith, }

Cochecho Province Rate.

	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
Major Richard Waldron,	12	9	Mark Goyles,	2	3
Left. Peter Coffin,	12	8	Tho. North,	1	6
Jno. Ham,	4	3	Mr. Jno. Evens,	2	6½
Will Horn,	6	1½	Timothy Hanson,	2	4½
Zacherie Feld,	3	3	Mr. Goff,	6	2
Jinkin Jones,	3	3	Jno. Fost,	2	11½
Tho. Downs, Jr.,	2	6	William Kim,	1	7
Benjamin Herd,	4	6	James Staggoll,	2	1
Ezekill Winford,	2	7	Rich. Ottis, Sen.,	7	
Sam'l Wentworth,	2	3	Rich. Ottis, Jr.,		
Elder Wentworth,	7	4	Harvey Hobbs,	5	2
George Rickor,	2	6	Rich. Nasson,	1	10
Tho. Paine,	7	1	Jno. Ellis,	1	7
Gorshem Wentworth,	2		Rich. Seamon,	1	6
Jno. Heard, Sen.,	8	3	Wm. Yerington,	1	6
John Heard, Jr.,	2	1½	Jno. Knight,	2	8
Will Harford,	1	9	Joseph Sanders,	1	6
Stephen Ottis,	2	½	Maturin Ricker,	1	7
Tho. Hanson,	4	2½	Jno. Windicot,	8	7
Petter Masson,	2	4½	Will. Gifford,	1	7
Robert Evens,	5	1	Will. Tasket,	2	6
Tobias Hanson,	5	2	Jno. Derry,	3	½
Isaac Hanson,	2	½	James Derry,	1	7
Widow Hanson,	1	1½	Phillips Chesley,	6	8
Capt. Jno. Gerrish,	13	2	Tho. Chesley,	6	8
Jonathan Watson,	1	7	Jno. Roberts, Jr.,	3	6
Ralph Twomley,	7	6	Nath'l Kene,	2	5
Tho. Austyn,	3		Abraham Clarke,	2	2
Humprey Barney,	5	9	Edward Tayler,	3	1½
Mr. Will. Partridge,	6	6½	Jno. Michill,	1	7
Tho. Douns, Sen.,	1	11	Edward Mayres,	1	7
Nathan'l Stephens,	4	6	Will. Tomson,	1	6
Jno. Church,	3	8½	James Hawkins,	9	1

Dover Neck Province Rate.

	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
Jno. Dam, Sen.,	3	9	Rich. Rich,	2	6
Jno. Cox,	2	0	Job Clements, Esq.,	8	4
Jno. Roberts, Sen.,	9	2	Joseph Beard,	4	
Tho. Roberts, Jr.,	2	6	Joseph Canle,	4	10
Widow Tibets,	1	4	Nathan Hall,	1	8
Jeremy Tibets,	2	5	James Nutt, Sen.,	4	2
Widram Dam,	3	4	James Nutt, Jr.,	4	8
Abraham Nutt,	2	6	Edward Allin,	1	10
Phillips Cromwell,	4		Tho. Perkins,	2	2
Tho. Whitehouse,	3	2	Isaac Stockes,	3	6
John Pinkham,	3	4	Tho. Young,	2	2
Will. Willey,	3	2	Tho. Roberts, Sen.,	5	3
John Hall, Jr.,	3	6	Mr. Will. Henderson,	3	9
John Hall, Sen.,	5	6	John Cooke,	2	
John Tuttle,	3		John Meader, Jr.,	3	4

Bloody Point Province Rate.

	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
William Furber, Sen.,	5		Michall Brown,	4	9
William Furber, Jr.,		2	Henery Langstof,	8	3
Richard Roe,	4		Widd. Trickie,	4	10
Left. Nutter,	8	1	Joseph Trickie,	2	4
Jno. Dam, Jr.,	4	3	Isaac Trickie,	4	6
John Bickford, Jr.,	2		William Shackford,	5	
Samuel Rawlens,	2	7	Nicholas Harris,	3	2
James Rawlens,	2	6	Joseph Hall,	11	1
Iecobad Rawlins,	2	4½	Luke Mallune,	2	
Jno. Hudson,	1	6	William Gray,	2	1
Widd. Cattor,	7	10	Benjamin Rawlens,	2	1
Jno. Bickford, Sen.,	4	4	Efram Trickie,	2	4

Sept. 24, 1681. Province Rate for the Town of Portsmouth.

	£	s.	d.		£	s.	d.
Jno. Cutt,			17	Jno. Presson,			3
Jno. Dennet,			10	Leo. Drown,			4
Geo. Hunt,		8	6	Wm. Richards,			3 8
Mr. Rich. Walden,			2	Antho. Ellm's estate,			2
Mr. Otsella Cutt,			7	Edward Cate,			4
Rich. Watts and negro,			7 6	Jno. Shipway,			8
Mr. Jno. Hunckins,			17	Wm. Vaughan, Esq.,			3
Mrs. Elenor Cutts,	1	5		Ja. Treworgie,			3
Wm. Ham,			7	Wm. Williams,			3
Rich. Jackson & Sons,	13	4		Wm. Crafts,			4
Wm. Earle,		5	4	Tho. Gill,			3
Jno. Cotton,		6	9	Tho. Wakan,			6 6
Ruben Hull,		16	6	Lodwick Foulter,			4
Rich. Martyn, Esq.,		15	3	Edward Holland,			3
Jno. Seward and man,		7	6	Jno. Seavie,			4 8
Francis Mercer,		4	8	Robt. Williams,			4 8
Jno. Hurdy,		3	6	Wm. Mason,			4 8
Sam'l Case,		10	3	Mr. Moody, for Mary Cutts' land,			2
Jno. Frenchman, smith,		3	0	Dan'l Wescot,			5
Phil. Severet,		17		Ephraim Linn,			3 6
Obad. Moss,		11	6	Jno. Wakan,			3
Edward Melcher,		3	6	Jno. Baker,			4
George Loveis & Son,		11	6	Jno. Chevalier and man,			7 6
Jno. Fletcher,		6	6	Wm. Rockkief,			4
Jno. Cutt, mariner and man,	2	9	4	Nico. Walden,			4 6
Jno. Tucker and 3 heads,		12	3	Rich. at Jno. Tucker's,			4
Tho. Harvey and man,		10	7	Hubertus Matton,			4 6
George Snell,		6	4	Ditto journeyman,			3
Sam Clark,		5		Phil. Founds,			3
Mat. Nelson,		5		Ja. Levet,			5
Tim. Davis,		4		Wm. Roberts,			3
Jean Jose and Richard,		17	6	Jno. Muchmore,			3 6
Rich Waterhouse,		6	6	Robt. Almonie,			4
Jno. Partridge,		19	2	Tho. Daniel,			4
Jno. Fabins,		5	6	Jno. Jackson, Sen.,			6 6
George Fabins,		3	6	Jno. Jackson, Jr.,			4 6
Jno. Pickerin,		6	5	Rich. Door,			4 6
Wm. Sheller,		3		Peter Ball,			5
Jno. Jackson, seaman,		3	2	Mark Hunckins,			0 0
Jno. Bartlet,		3		Rich. Shortridge,			3 8
Walter Ell,		3		Lewis Williams,			3 6
Wm. Pittman,		3		Jno. Brown,			4
Alexander Denet, Jr.,		4		Robt. Pudington,			5
Wm. Brookin,		5		Robt. Lang,			3
Nat. White,		4	6	Hugh Leer,			4
Tho. Stevens,		3		Hen. Savage,			7 6
Rich. Monson,		4	8	Wm. Walker,			3 6
Francis Jones,		4	3	Wm. Cate,			3 6
Jno. Bandfield,		3	6	David Griffith,			3
Phil. Tucker,		3		Francis Huckins,			3 6
Dan. Duggin,		3	6	Jno. Jones,			3
Ja. Jones,		4		Joseph Jewell,			3 6
Wm. Cotton,		11		Roland, at Hunt's,			3
Neh. Partridge and 2 heads,		10		Anthony Furbur,			8
Rich. Webber,		5	10	Robt. Rousley,			3
Tho. Ladbrooke,		5		Tho. Pickering,			4 6
Tho. Jackson,		7		Peter Harvey,			3
Geo. Bramhall,		5	10				
Jno. Light,		3	6	Elias Stileman,		7	19 11
Hen. Kereh,		3		Wm. Vaughan,		10	7 2
Sam'l Whidden,		4	6	Thom. Daniel,		18	2 2
Jno. Whidden,		4					
Tho. Gubbtall,		3		Robt. Elliot,		76	09 03

To the Constable of Portsmouth, or either of them :

In His Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Robert Elliot, of Great Island, merchant, and take bond of him to the value of two hundred pounds, with sufficient security for his appearance at the Court of Pleas, to be held at Portsmouth on the second Tuesday in February, next ensuing, then and there to answer to the complaint of Edward Randolph, Esq., collector, &c., of his Majesty's customs in New-England, in behalf of his Majesty, in an action of the case for affronting, abusing and assaulting his Majesty's officers: viz., Walter Barefoot, Esq., William Haskins, Thos. Thurton and Elihu Gunnison, after seizure made by them of the bark Gift of God, for his Majesty, as deputies to the said Randolph, in or about February last past, year of the Lord 1680, contrary to the statute 14 Charles II., in breach of the peace, and to his said Majesty's damage, one hundred pounds, or what shall appear justly, and with damages for the same. Hereof fail not, and make your return according to law. Dated the 28th of December, 1680.

By order: R. Chamberlain, *Clerk.*

1681.

The Order of the Council and General Assembly for a Fast, made in March, 1681, and published under the seal of the Province.

[Belknap, Farmer's ed., Appendix, No. 30.]

Upon serious consideration of the manifold sinful provocations among us, as of the sundry tokens of divine displeasure evident to us, both in the present dangerous sickness of the honorable President of the Council for New-Hampshire, in the continuance of whose life is wrapt up much blessing, whose death may occasion much trouble; as also in respect of that awful portentous blazing star, usually foreboding sore calamity to the beholders thereof; and in regard of the great need that we have of more than ordinary presence of Almighty God with us, in our necessary applications to his royal Majesty, our sovereign lord the King; as also, having a real sympathy with the great thoughts of heart in our brethren and neigh-

bors as they are circumstanced; ever seriously and loyally imploring the divine favor for the continuance of his Majesty's life and prosperous reign, as the protection of God's cause and church, against the Popish party throughout the world; humbly craving covenant mercy to be continued to us, and ours after us in their generations, as also God's crowning the several seasons of the year with suitable goodness: The council and general assembly for the province of New-Hampshire have appointed the next Thursday, being the 17th day of this instant March, a day of public fasting and prayer, to be solemnly kept by all the inhabitants thereof, hereby strictly inhibiting all servile labor thereon. Commending the same to all elders, churches, ministers and people, that they fervently wrestle with the Lord, that he may turn from the fierceness of his anger, and cause his face to shine upon us in all our concerns.

1680-1.

ROBERT MASON.

Seal. I, Robert Mason, Esq., lord proprietor of the Province of New-Hampshire, do hereby constitute and appoint Richard Otis, senior, of Cachecho, yeoman, to be steward of my lands lying at Dover, Cachecho, Newichawanoch, Oyster River, and of all lands lying within the present reputed precincts or bounds of Dover; that is, that he demand and receive of every inhabitant the quit rent due to me for the lands improved, according to his Majesty's royal commission, and to agree with every person as to the yearly value thereof: And that he do, by himself or by such other persons as he shall appoint, take care of and have the oversight of all the said lands, and to forbid all persons that shall commit any trespass thereupon, to cut and carry away any sort of timber from off the said lands, without license first obtained, and to take account of all timber that shall be cut and carried away by any persons, contrary to my declaration of the 19th day of this instant March, to the end that the offenders may be prosecuted in England, before his Majesty in council.

Dated the 22d of March, 1680, and in the 33d year of the reign of our Sovereign Lord, King Charles the Second.

At the Council setting at Portsmouth, the 8th day of April,
1681,

Upon the motion of Mr. John Cutt and Miss Hannah Cutt, son and daughter of the late President of his Majesty's Province of New-Hampshire, the Hon. John Cutt, Esq., deceased, that they might have liberty to choose their respective guardians according to law, being each of them under the age of one and twenty years and above the age of fourteen years—The council approves and confirms their choice; namely, of Mr. Reuben Hall, of Portsmouth, merchant, by Mr. John Cutt for his guardian, and of Mr. Richard Waldron, junior, of Dover, merchant, by Miss Hannah Cutt for her guardian, whereof the said guardians then and there accept.

By order of Council,

Rich'd Chamberlain, *Sec. State.*

To the much honored, the Court now sitting at Dover :

May it please your honor : Whereas I have been chosen and allowed guardian to my servant, Jno. West, I cannot but account myself concerned in the looking after his estate; and understanding the estate left by his father, Edward West, is not improved to the best behalf of the children (nor any benefit thereby accruing to this, his eldest son, who will doubtless prove the legal heir), but rather imperiled and misimproved, I am bold to beg your Honors to call the administrator, or feoffees in trust, to _____, and order a division of said estate according to the Honors' discretion, that the fatherless may not suffer but have benefit of what doth of right appertain to them.

I am your honors' humble petitioner,

William Partridge.

7 June, 1681.

At a court held in Dover, 7th June, 1681—

In answer to this petition the court ordered that the feoffees in trust and administrator to Edward West and Martha West's estate, and all others concerned in and about the said estate,

that they appear at the court of appeals in Portsmouth, September next, that the court may be satisfied how that estate stands, and what improvement is made thereof, and how capable of a division, and bring in all accounts concerning the same.

Elias Stileman, *Recorder.*

The deposition of Jno. Johnson, Jr., aged about 19 years, being sworn, said that upon the 20th day of this instant June, he saw Xtopher Kenneston throw down my deponent's father's fence, near his house, and that I, with Edward Cate and William Cate, went out to put up the said fence; and when the said Edward Cate and his brother William came to put up said fence, I, the deponent, saw Thomas Every, and his son Thomas, came to said Cate's, and I did see Thomas Every, senior, strike William Cate with one of the stakes of the fence, and I did also see Thomas Every, jun., strike said William Cate with one of the stakes of the fence, and I did also see the said Every's wife take said William Cate by the hair of his head, and at last the said Cate betook himself to a tree, and I saw Thomas Every, jun., follow him with a stake in his hand, endeavoring to strike him, till at last said Cate took the stake out of his hand, and then Every and his wife and his son fell upon said Cate, until at last, by the help of Edward Cate and me, the deponent, he escaped out of their hands. Further saith not.

Taken upon oath, June 21, 1681. Before me,

Richard Martyn, *of the Council.*

Edward Cate being sworn, saith that upon the 20th instant June, I did, with my brother William Cate and Jno. Johnson, jun., go to make up a parcel of fence of Jno. Johnson, senior, which Xtopher Keniston had thrown down, and I did see Thomas Every and his wife and his son Thomas come to the fence where we were, and did take up stakes and fell foul with myself and my brother William, and did strike me several blows, and I did see the stake that was in their hands fly about my

brother and myself, and that both Thomas Every, his wife and son, did fall upon my brother William, and did wound him on the head, and with much ado we got cleared out of their hands at the last, and further saith not.

Taken upon oath, Portsmouth, June 25, 1681. Before me,
Richard Martyn, *of the Council.*

We, whose names are under written, being warned and chosen by Jno. Amaseen, constable of the Great Island, by virtue of a warrant from our honored President to attend the service of king and country as a jury of inquest, to view the corpse of Esa. Odihorne, which came by an untimely death at Little Harbor. Accordingly we have been and inquired into his death as far as lieth in us, both for cause and manner, and we find that he is stifled by water, it may be by the _____ of the stage, it being _____ but no bruise, nor wound, nor scar in his body.

Henry Crown,
John Lewis,
Thom. Parker,
Joseph Purmet,
Samuel Rand,
Samuel Roberts,
John Kettle,
Ludwick Fowler,
John Sloper,
John Leach,
Nath. Ham,
Richard Williams,
John Winslow.

July the 4th, 1681. These persons here named came and made oath as a jury of inquest to the verdict above written, concerning the untimely death of Isaiah Odiorne. Before me,

Elias Stileman, *Dept. Pres.*

July 26, 1681. Then examined Robert Briney, concerning his absenting himself from the public worship on the Lord's day.

He acknowledged that he had not been at meeting the last three or four Lord's days, and was each of those Sabbath days at Xtopher Kenneston's house. Being examined concerning stealing and roasting pigs, he denied that ever he stole any, and did at first say that he did never but once, which was about three weeks ago, eat part of one at said Kenneston's; but did afterwards confess that the Sabbath before last Sabbath he did eat part of two pigs which were roasted at said Kenneston's, and did also acknowledge that he had often absented himself from his master's service without leave. For his profanation of the Sabbath, and absenting himself from his master's service, I sentence him to be publicly whipped upon his naked body nine stripes, but upon his promise of his good behavior and keeping faithfully to his work with his master, Nehemiah Partridge, and attending the public worship upon the Lord's day, I do order that he shall not have this sentence executed upon him until he neglect his master's service, or profane the Sabbath, which, if he shall do either of these, then forthwith to be whipt with nine stripes, as above. By me,

Richard Martyn, *of the Council.*

Examined Christopher Kenniston concerning his stealing of pigs, who said that last Lord's day was seven-night; there were two pigs roasted at his house, which he, with his brother John and Robert Braine did eat, and said that his brother John Kenniston and said Braine did, on the Saturday evening, say they would go and fetch his cow. They went away, but did not bring the cow, but brought home the two pigs, which they roasted and did eat next day.

Before me,

Richard Martyn, *of the Council.*

July 26, 1681.

The said Kenniston did also acknowledge that he did prefer to pay Lieut. Neale for 3 pigs, which he had lost, rather than said Neale should go to law with him.

Before me,

Richard Martyn, *of the Council.*

To the Honorable President and Council for His Majesty's Province of N. Hampshire, held at Hampton, December 6, 1681 :

The petition of Sarah Pearce humbly sheweth—

That whereas your petitioner for sundry years past was married to Hubbartus Mattoon, hoping then for a comfortable life with him, but finding, by sad experience, his ruin endeavored by his means, not knowing where to find redress under Heaven but from yourselves, the honorable Council for this province, do therefore make my earnest supplication that I may, by your authority, be disobliged from the said marriage. Mattoon himself living under sore suspicion of notorious fornication (as public fame gives it out), as also having wilfully deserted me above these seven years, owning, as standing to the said desertion, long ago before Mr. Marston, one of this council, either or both of which, by the unerring rule of God and the laws of our nation, frees me (if I mistake not), from the bond of marriage to such a.

Besides, I humbly request your honors to weigh in your justice his strange embracement of my estate while I lived with him, and his solemn threatenings (since his desertion) to destroy me by poison, or knocking of the head if I came near him. The laws of nature being the foundation, &c., of human laws, and no way contrary to the divine, teacheth me to seek my own preservation, being some things encouraged by your pious favor to Mrs. Colcord, and therefore as to a refuge for the distressed your suppliant betakes herself to your Honors' justice and clemency, craving your serious consideration and comfortable issue of my deplorable case; humbly begging the blessing of God Almighty upon your Honors in this and all other weighty concerns.

I am your very humble and distressed suppliant,

Sarah Pearce.

To the Honorable the Deputy Governor and Council now sitting at the Great Island.

The humble petition of Samuel Sherborn sheweth—

That whereas administration of the estate of Henry Sherborn, deceased, was, by a late order of council, committed to

your petitioner and his brother, John Sherborn, and thereby the maintenance of Rebecca Sherborn, their sister, particularly enjoined them under penalty of ten pounds for each, which duty your petitioner hath hitherto faithfully attended; but finding it very inconvenient to his affairs, chiefly by reason of the distance he lives from the estate, and for other reasons, your petitioner humbly craves he may be discharged of the said trust and penalty, and that it may be solely incumbent upon the other administrator, who lives upon the place where the estate lies.

And the petitioner shall pray, &c.

The Council grants the petitioner his request.

By order :

R. Chamberlain, &c., &c.

To the Marshal (or his Deputy) of the Province of New-Hampshire :

In his Majesty's name you are hereby required to apprehend the bodies of Thomas Thurston, Walter Barefoot, and William Hoskins, and to bring them before the council now sitting at Portsmouth, to answer for the abusing of authority and seizing a vessel of Robert Elliott without showing any power so to do. Dated March 7, 1681.

By order :

R. Chamberlain, *Secr.*

Vera copia : from

Rich'd Chamberlain, *Cl.*

The humble complaint and address of Robert Elliot to the honored President and Council of His Majesty's Province of New-Hampshire, now sitting in Portsmouth :

May it please you, that whereas it hath pleased his Majesty to put your honored selves as chief in authority in this Province, to manage the affairs thereof, and to see that his subjects be kept in peace and quiet, according to his royal commission, your humble complainant humbly presents to your honored selves the great abuse and injury done him within this fourteen days by Captain Walter Barefoot, William Hoskins, Elihu Gunnison, and one Thurton, who, without any power from the authority of the Province by yourselves granted,

have presumed to seize a vessel, under pretence of his Majesty, when by law she hath been free, taking the sails from the yards, possessing themselves of her, threatening to carry her out of this jurisdiction, and yet not showing their power, nor the king's, which is a great wrong to your complainant and his Majesty's subjects; and that he may have relief is the end of this complaint.

Capt. Barefoot, William Hoskins and Thomas Thurton, above mentioned in the petition, do all of them own that they did seize the vessel above mentioned, and took away the sails thereof for the king's use, and by his Majesty's order, and for a new trial. And the said Thurton affirmed, likewise, he did seize by Capt. Barefoot's order.

March 7, 1681.

By order of Council,

R. Chamberlain, *Sect.*

The said Capt. Barefoot acknowledged that he produced his deputation of collecting the king's customs, &c., from Edward Randolph, Esq., to the end to warrant his seizing the vessel above said.

R. Chamberlain, *Sect.*

March 8, 1681-2.

Vera copia, from the records on file.

Teste:

Richard Chamberlain,

Clerk of the Council.

At a council meeting, March 9, 1681, at Portsmouth: Upon examination of the premises, Capt. Walter Barefoot, above said, did own that he did order the setting up the king's colors (or jack) after he had made seizure of the above said vessel.

It was then alleged that one Andrew John Little, *alias* Peterson, did several times swear he would break Capt. Barefoot's pate; likewise that as soon as Capt. Stileman had commanded the colors to be taken down, the said Andrew and Elihu Gunnison did strive and scuffle about the setting them up again; and the said colors were taken in the scuffle.

Hoskins and Thurton affirmed they had order to take the sails from the yard from Capt. Barefoot; and they did it in part, losing most part of them from the yard.

Captain Barefoot alleged that he had instructions to seize the said vessel, but showed none, nor any law or statute to justify his power.

It was proposed by the Council to Capt. Barefoot and the rest, that whoever would prove the said vessel, or any other, to be forfeited for breach of any act of Parliament, the President and Council would inquire into it, and use all means to find it out, and bring the cause to trial upon the king's account.

By order of Council,

R. Chamberlain, *Sect.*

Vera copia from the records on file.

Teste :

R. Chamberlain, *Cl.*

To the Hon'ble the President and the Council sitting at Portsmouth.

The humble petition of John Amazeen, constable, sheweth :

That your petitioner having faithfully served (to his ability) in the office of constable for the Great Island, about six months, and finding the business and attendance therein to be of such consequence and trust, that your petitioner, an illiterate man, and unable to read and retain the warrants, processes and other writings and mandates, and public concerns to him directed, fears it may be not only prejudicial to public justice by dilatoriness or otherwise, but also to his private self, by errors and mistakes in taking bonds and securities of trespassers and criminals, if he must be still obliged to perform his said trust alone.

May it therefore please this Hon'ble Bench, for the better discharge of the said office of constable, to appoint another person furnished with those necessary qualifications your petitioner is unhappily defective in, to join with and be assisted to your petitioner; that, by the addition of another hand, the burden may be rendered more facile and light, and thereby the said service more dexterously executed.

And your petitioner shall ever pray, &c.

To the Hon'ble Walter Barefoot, Esq., Judge of the Court of Pleas.

The humble petition of Thomas Hall, sheweth—

That your petitioner formerly having had the honor to serve the Right Hon'ble the Earl of Sandwich, and after his decease, lived in servitude in Virginia and New-England, for these eight-and-twenty years, having been sold from one person to another, and that but for certain terms of years, and yet continued in servitude after the expiration of the same :

Your petitioner therefore humbly prays, that after so many and so long and (he hoped) faithful services, he may have his freedom, to the end he may endeavor to get a livelihood against his approaching old age.

And your petitioner shall ever pray, &c.

To the Hon'ble the President and Council of the Province of New-Hampshire.

The humble petition of Edw. Leathers, constable of Dover, sheweth—

That whereas your petitioner, being constable, is, by warrant of the selectmen, charged and required to collect arrears of rates within the precincts thereof, hath bestowed all his care and diligence therein: But it so happens that many persons utterly refuse to pay any rates assessed for the ministry, alleging that they ought to have liberty of conscience by virtue of His Majesty's royal commission, and so not oblige (nor do repair to church), to hear the minister; and consequently not to pay any such duties :

Therefore, your petitioner humbly prays, that in regard to the minister's rates included in the other rates, without expressing how much for one sort, and how much for the other, by reason whereof he cannot make any certain demand; Your honors would please to direct your petitioner how to act in this case and what to demand in certain; and in the mean time your petitioner may be protected and saved harmless, having done his duty to the best of his power.

Your honors most humble servant.

To the Hon'ble, the President and Council of New-Hampshire :

The humble petition of Richard Jackson sheweth—

That whereas your petitioner was, in the time of the late Indian war, by garrisoning himself, and other expenses, damaged and out of purse near the sum of £80, to his great damage and impoverishment; and hath once paid a rate of £8 or thereabout, and whereas your petitioner is notwithstanding still threatened by your constable (but without any warrant for that purpose shown), to be distrained, if he pay not yet another rate of £8 set by the Massachusetts government, whose power and jurisdiction your petitioner conceives is, by your king's commission, ceased and determined in this province—

Your petitioner humbly prays relief of this hon'ble court, that he may be discharged and not further molested by the constable, or any other person, in the laying of any such illegal rate upon your petitioner.

And your petitioner shall ever pray, &c.

Richard Jackson.

To Mr. Robert Elliot, Esq., and the rest of his Majesty's Justices of the Peace now sitting in the Province of New-Hampshire :

The humble petition of William Hoskins, humbly craveth that your worships would consider his condition, he being lame and having no servant, and a charge of children to maintain, that you would be pleased to grant me license to sell drink for a while, till I can procure servants to assist me, and in so doing your poor petitioner shall be bound to pray for your worships' prospering.

William Hoskins.

The Deposition of Daniel Tilton,

Who saith, that I, coming from Boston, about two months since, I met with Thomas Thurton at Hampton, and he asked me what news, and I told him what I thought good; and he broke out into a rage, and said, we have a parcel of cursed rogues that have already denied the king's letter and broad

seal; and, saith he, I believe if the king himself come in his own person, they would deny him. And I did chide him, and bade him he should not abuse authority. He replied and said, that he knew what he said. That cursed rogue Vaughan had sent their petitions in the middle of a hogshead of tobacco, but we had (or have) copies of them. This is the truth, to the best of my memory.

Taken upon oath this 6th day of March, 1681-2, before me,
Christopher Hussey, *of the Council.*

At the General Assembly at Portsmouth, March 7, 1681—Thomas Thurton was accused for abusive and contemptuous language against the council (the king's authority in the province of New-Hampshire): viz., for saying they were rebels against his Majesty, and did deny the king's letter and broad seal; and that they were a parcel of cursed rogues; and that they would deny the king himself, if he were here. Likewise, that he hoped he should see them all hanged before he was very much older.

Thurton, being apprehended, brought before the council, and examined upon the premises, and the above said particulars (appearing in several depositions on file) proved against him, the council do sentence him to be a prisoner in Hampton jail, during one month's space, within which time, if he do not pay twenty pounds for a fine (which he is thereby ordered to do, with cost and fees), he shall be sold by the treasurer, who is hereby empowered to make sale of him for the payment of his said fine, &c. And the said Thurton is to remain in the said jail till the treasurer can dispose of him as aforesaid.

The costs and fees amount to 2*l.* 18*s.* 6*d.*

Vera copia, from the Council books.

Teste :

Richard Chamberlain, *Cl. Council.*

At the General Assembly at Portsmouth, March 7, 1681-2,—It is enacted by the General Assembly that a rate shall forthwith be made and issued out on all the inhabitants within this Province of New-Hampshire, at one penny in the pound

on persons and estates, to be paid in money or in the species underwritten. That is to say: Wheat at five shillings per bushel; peas at four shillings; malt at three shillings six pence; Indian corn at three shillings; boards at thirty shillings per one thousand feet; white-oak pipe-staves, three pounds per thousand; fish, two ryals under price current: To be paid at the usual places for delivering rate and pay; and that the selectmen in the several towns do forthwith perform the duty of their places, in the making such rates and committing them to the respective constables, to be immediately collected, and the same to be transmitted to the treasurer of the Province upon the Province charge.

By order,

R. Chamberlain, *Sect.*

The Deposition of Samuel Sherborn,

Who saith, that, about six weeks since, I saw Thomas Thurton in a great rage, and said at my house that we had a parcel of cursed rogues that had already denied the king's letter and broad seal; and, saith he, I believe if the king himself come in his own person they would deny him. And I did chide him for his abusing of authority. Then, said he, that Vaughan had sent their letters in a hogshead of tobacco, but we have copies of them; and further said, he hoped he should see them all hanged before he were much older.

The above said Samuel Sherborn swore to the truth of the above written deposition the 7th of March, 1681.

R. Chamberlain, *Sect.*

Vera copia, from the file.

Teste: R. Chamberlain, *Prothon.*

Samuel Sherborn doth testify to the first part of the above written deposition: namely, from the first line to the sixth line inclusively, ending at the words, *they would deny him.*

R. Chamberlain, *Sect.*

Vera copia, from the original on file.

Teste: R. Chamberlain, *Prothon. and Sect.*

The deposition of John Partridge, aged 45 years, or thereabouts :

Testifieth, that about a month ago I heard Thomas Thurton run out against the authority of this place in a very high manner, saying that they were rebels against his Majesty, and that the king himself must come before they would believe. But he hoped shortly somebody would come that would do their business for them, and our power is above theirs ; that we will make them know, too. And also said that underhand cur, Vaughan, had sent a letter home for the Council in a hogshead of tobacco ; but we have a copy of it, as cunning as they were ; and several other reviling speeches which I now cannot well relate.

Also, Mary Partridge testifieth, that said Thurton did revile the authority in a very high manner ; but the words she cannot relate about the hogshead of tobacco, as above said.

The above named John Partridge was sworn to the truth of the above mentioned deposition, March 7, 1681.

R. Chamberlain, *Sect.*

Vera copia, from the original deposition on file :

Teste : R. Chamberlain, *Prothonis.*

To the Honored Council and President, now assembled at Portsmouth, in New-Hampshire, this 8th day of March, 1681 :

Your humble petitioner humbly sheweth—

That your Honors would please to show what clemency may be toward him in regard of his delinquency and great miscarriage in untruly and unworthily speaking against authority, for the which he is heartily ashamed, and doth humbly beg the honored Council to pardon the same, and doth promise, God helping him, never to offend in like nature again. Your clemency towards your poor petitioner shall be for ever a tie yet more to bind him in service to you, and oblige him to pray for your honors' prosperity and the welfare of this good government.

Thomas Thurton.

The above said petitioner doth own the authority mentioned in this petition to be the king's authority of the Province of New-Hampshire, March 8, 1681-2.

R. Chamberlain, *Secretary.*

To the much honored Council and President, now assembled at Portsmouth, in the Province of New-Hampshire, this 8th day of March, 1681-2.

Your poor and very humble petitioner desires and humbly begs that some clemency and mercy may be afforded towards him. It hath been his unhappy case to do that for which he is justly called in question, and doth own that justice must be served against all pity. But the end being to knock down vice and to produce virtue, hopeth your petitioner may be a subject of such favor as to be spared so far from the exaction of his demerits as may give him room and time to show himself better. If your Honors please to exact the utmost of what he is able to do, he must endure the sentence to his capacity, and not complain. But such a sense he hath of his will and desire to do better, that he hopes your Honors' favor towards him will return with glory to God and his people. To pay the sum required he cannot. To be sold runs him upon extremities. Therefore he begs your Honors' lenity, as far as God may move your hearts.

Your humble petitioner and humble servant,

Thomas Thurton.

Vera copia, from the original on file.

Teste: R. Chamberlain, *Clerk Council.*

We whose names are under written, being solicited by Henry Crown, a considerable time past, for an allowance, approbation and consent, for his keeping a house of entertainment in this our town of Portsmouth, (we have) for divers causes and considerations, and his orderly proceedings therein, we have, therefore, approved, and do approve, consent and allow the said Henry Crown to keep a house of public entertainment in this town, in Portsmouth, and do desire also that our honorable President and Council would be pleased to confirm the same.

Given under our hands, this first day of April, 1682.

John Fletcher,	} <i>Selectmen.</i>
Samuel Kears,	
John Pickering,	
Philip Lewis,	
Walter Nile,	

To John Amazeen, Constable of Great Island.

Whereas, in the warrant given you under our hands, for the collecting and gathering the several sums annexed to the several names in the list or rate committed into your hand the last year, being the year 1681, to gather for the satisfying the minister and town—You are hereby required, in his Majesty's name, to attend the law of this his Province of New-Hampshire, which law declareth that if any person refuse to pay this rate, or to show sufficient to satisfy the same, you are to carry him or them to prison, and there they are to remain till they pay the full, or give good security so to do. You are also to take notice that the words in the former warrant for bringing them, or any of them, before the selectmen, that hath not or doth not pay his rate, is hereby repeated; and now you are to attend the law as above said, and not to fail, and this our warrant shall be your discharge for so doing, that the town rate pay into Mr. George Jeffrey, the minister's rate to himself.

Portsmouth, in the Province of New-Hampshire, 5th April, 1682.

John Fletcher,	} <i>Selectmen.</i>
Walter Nile,	
Samuel Kears,	
Philip Lewis,	
John Pickering,	

COMMISSION OF EDWARD CRANFIELD.

1682.

CHARLES THE SECOND, by the grace of God king of England,
Scotland, France and Ireland, Defender of the Faith, &c.

[Cranfield's Commission was dated May 9th, 1682; 34 yr. R. Charles II.]

*To our trusty and well beloved EDWARD CRANFIELD, Esq.**

Whereas our colony of the Massachusetts Bay, within our dominion of New-England, in America, hath taken upon themselves to exercise a government and jurisdiction over the inhabitants and planters in the towns of Portsmouth, Hampton, Dover, Exeter, and all other towns and lands in our province of New-Hampshire, lying and extending itself from three miles northward of Merrimack river, unto the province of Maine, not having any legal right or authority so to do, which said jurisdiction and all further exercise thereof we have thought fit by the advice of our privy Council, to inhibit and restrain for the future, and do hereby inhibit and restrain the same; and whereas the government of that part of our said province of New-Hampshire, limited and founded as aforesaid, now is and remains under our immediate care and protection; to the end, therefore, that our loving subjects the planters and inhabitants within the limits aforesaid may be protected and defended in their respective rights, liberties and property, and that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet and orderly government of the same—Now know ye, that we, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Edward Cranfield, Esq., out of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint you our Lieutenant Governor and Commander-in-Chief of all that part of our province of New-Hampshire

* See Province Record, Book I.

within our dominions of New-England, in America, lying and extending itself from three miles northward of Merrimack river, or any part thereof, unto our province of Maine; and we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust we have reposed in you, according to the several powers and directions granted or appointed you under this present commission, and the instructions herewith given you, or by such laws by the further powers and instructions as shall at any time hereafter be granted or appointed you, under our signet and sign manual, and according to such reasonable laws and statutes as now are or hereafter shall be made and agreed upon by you, with the advice and consent of our Council and the Assembly of our said province and plantation, under your government, in such manner and form as is hereafter expressed; and we do hereby institute and appoint Robert Mason, Esq., proprietor, Richard Waldron, Thomas Daniell, William Vaughan, Richard Marten, John Gilman, Elias Stillman, Job Clements, Walter Barefoot, and Richard Chamberlain, Esq., be of your Council of said province of New-Hampshire, during our pleasure, who are to be assisting unto you with their advice in the management of the affairs and concerns of the government of the said province of New-Hampshire, in relation to our service and the good of our subjects there; and we do hereby give full power to you, the said Edward Cranfield, after you shall have first taken an oath for the due execution of the office and trust of our Lieutenant Governor and Commander-in-Chief, in and over said province of New-Hampshire, which the said Council or any five of them have hereby full power and authority, and are hereby required to administer unto you, to give and administer to each of the members of our said Council, as well the others, of allegiance and supremacy, and the last mentioned in the act of parliament, made in the twenty-fifth year of our reign, instituted an act for preventing danger which may happen from popish recusants, as an oath for the due execution of their place and trust; and we do hereby give and grant unto you full power and authority to suspend any of the members of our said Council from sitting, voting, or

assisting therein, if you shall find just cause for so doing, and our will and pleasure is, that if by the death, departure out of the said Province, or suspension of any of our Councilors, there shall happen to be a vacancy in our said Council, any five whereof we do hereby appoint to be a quorum, we do hereby require you to certify us, by the first opportunity, of such vacancy, by the death, departure, suspension of any of our said Councilors, that we may under our signet and sign manual constitute and appoint others in their room, but, that our affairs at the distance may not suffer for want of a due number of Councilors, if ever it shall happen that there are less than seven of them residing in one said Province, we do hereby give and grant unto you full power and authority to choose as many persons out of the principal freeholders, inhabitants of our said Province, as will make up the full number of the Council to be seven and no more, which persons, so chosen and appointed by you, shall be to all intents and purposes our Councilors in our said Province, till either they are confirmed by us, or till, by the nomination of other Councilors by us, under our sign manual and signet, the said Council hath above seven persons in it, and our will and pleasure is, that every member of our said Council, suspended by you or displaced by us, shall be incapable during such vacancy, and after being so displaced, to be a member of the general assembly, and we do hereby give and grant unto you full power and authority, the advice and consent of our said Council from time to time, as need shall require, to summon and call general assemblies of the freeholders within your government, in such manner and form, as, by the advice of our said Council, you shall find most convenient for our service and the good of our said Province, *until our pleasure shall be further known* therein; and our will and pleasure is that the persons thereupon duly elected, by the major part of the freeholders, and being so returned and having before their sitting taken the oath of allegiance and supremacy, which you shall commission fit person under the public seal to administer, and without taking which none shall be capable of sitting, though elected, shall be called and held the general assembly of the Province.

And that you, the said Edward Cranfield, by and with the advice and consent of our said Council and Assembly, or the major part of them respectively, have full power and authority to make, constitute, and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said Province and plantation, and of the people and inhabitants thereof, and such others as shall relate thereto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances, are to be near as conveniently may be agreeably unto the laws and statutes of this our kingdom of England : Provided, that all such laws, statutes and ordinances, of what nature and kind soever, be within three months or sooner after the making of the same, transmitted unto us, under the public seal, for our allowance and approbation of them, as also duplicate thereof by the next conveyance, and in case all or any of them, being not before confirmed by us, as shall *at any time* be disallowed and not approved and so signified by us, our heirs and successors under our or their sign manual and signet, or by order of our or their privy council unto you, the said Edward Cranfield, or to the Commander-in-Chief of our said province for the time being, then such or so many of them as shall be so disallowed and not approved shall from thenceforth cease, determine and be utterly void and of none effect, any thing to the contrary thereof notwithstanding ; and to the end nothing be passed or done by the said Council or Assembly to the prejudice of us, our heirs or successors, we will and ordain that you, the said Edward Cranfield, shall have and enjoy a negative voice in the making and passing of all laws, statutes, or ordinances, as aforesaid, and that you shall, and may, likewise, from time to time, as you shall judge necessary, prorogue and dissolve General Assemblies, as aforesaid ; and our will and pleasure is, that you shall and may keep and use the public seal already appointed for that Province ; and we do further give and grant unto you, the said Edward Cranfield, full power and authority from time to time, and at all times hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give the oaths of allegiance now established within this our realm of England, to all and every such person and persons as you shall think fit, who shall at

any time or times pass unto the said Province, or shall be residents or abiding there; and we do hereby give and grant unto you full power and authority to erect, constitute and establish such and so many courts of judicature and public justice within the said province and plantation within your government, as you and they shall think fit and necessary for the hearing and determining of all causes, as well criminal as civil, according to law and equity; and for awarding of execution thereupon, with all reasonable and necessary powers and authorities, fees and privileges belonging unto them; and we do hereby authorize and empower you to constitute and appoint judges of the peace, sheriffs, and other necessary officers and ministers in our said province, for the better administration of justice and putting the laws in execution, and to administer such oath or oaths as you shall find reasonable for the due execution and performance of offices, places and charges, and for the clearing of the truth in judicial causes. And we do hereby give and grant unto you full power and authority, where you shall see cause, and thereupon shall judge any offenders in criminal matters, or for any fine or forfeitures, due unto us fit objects of our mercy, to pardon and remit all such offenders' fines or forfeitures before or after sentence given, treason or wilful murder only excepted, in which causes you shall likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until and to the intent our pleasure may be known therein.

And it is our will and pleasure, and we do hereby expressly declare, that it shall and may be lawful from time to time, and for all and every person and persons who shall think him or themselves aggrieved by any sentence, judgment, or decree pronounced, given, or made within our said Province, in, about, or concerning the title of any land or other real estate, or in any personal action or suit about the value of fifty pounds and not under, to appeal from such judgments, sentence and decree unto us, our heirs and successors, and our or their privy councillors; but with and under this limitation, that the appellants shall first enter into and give good security to pay such costs and charges as shall be awarded by us, in case the first sentence be confirmed; and provided, also, that execution

be not suspended by reason of any such appeal unto us. And our further will and pleasure is, and so we do hereby declare, that in all criminal causes where the punishment to be inflicted on offenders shall extend to loss of life or limb, the case of wilful murder only excepted, the party convicted shall either be sent over into this our kingdom of England, with a true state of his case and conviction, or execution shall be respited until the cause shall be here represented unto us, our heirs and successors, in our or their privy council, and orders sent and returned therein; and we do hereby give and grant unto you, the said Edward Cranfield, by yourself, your captains and commanders by you to be authorized, full power and authority to levy armies, muster, command, or employ all persons whatsoever, residing within our said Province of New-Hampshire, and as occasion shall serve them, to transfer from one place to another, for the resisting and withstanding all enemies, pirates and rebels, both at land and sea, and to transport such officers to any of our plantations in America as occasion shall require for the defence of the same, against the invasion or attempt of any of our enemies, and them, if occasion shall require, to pursue and prosecute, in or out of the limits of our said plantations, or any of them; and if it shall please God them to vanquish, apprehend, and take, and being taken, either according to the law of armies, to put to death or keep and preserve alive, at your discretion, and to execute marshal law in time of invasion, insurrection, or war, and during the continuance of the same, and to do and execute all and every other thing which to a captain-general doth or ought of right to belong, as fully and amply as any of our captains-general doth or hath usually done. And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect, raise and build in our province and plantation aforesaid, or any part of it, such and so many forts, platforms, cattle-litters, boroughs, towns and fortifications, as by the advice aforesaid shall be judged necessary, and the same, or any of them, to fortify and furnish with ordnance, ammunition and all sort of arms, fit and necessary for the security and defence of our said province, and by the advice aforesaid, the same again or any of them to demolish or dismantle as may

be most convenient; and if any invasion shall at any time happen, or other destruction, detriment or annoyance be made or done by Indians or others, upon or unto our good subjects, inhabiting within our said Province of New-Hampshire, we do by these presents, for us, our heirs and successors, declare, ordain and grant that it shall and may be lawful to and for our subjects we commission by you, from time to time, and at all times, for their especial defence and safety, to encounter, expel, repel and resist by force of arms and all other fitting ways and means whatsoever, all and every such person or persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment or annoyance of any of our said loving subjects or their plantations or estates; and above all things, we do, by these presents, will, require and command you to take all possible care for the discountenance of vice and encouragement of virtue and good living, that by such example the infidels may be incited and desire to partake of the Christian religion; and for the greater ease and satisfaction of our said loving subjects in matters of religion, we do hereby will, require, and command that liberty of conscience shall be allowed unto all Protestants, and especially as shall be conformable to the rites of the Church of England, shall particularly be countenanced and encouraged.

And for supporting the charge of the government of our said Province of New-Hampshire our will and pleasure is, and we do, by these presents, authorize and require you and our said Council to continue such taxes and impositions as have been and are now levied and imposed upon the inhabitants thereof, and that the same be levied and distributed to those ends in the best and most equal manner that can be until a general assembly of our said province shall have considered and agreed upon the fittest ways for raising of taxes in such proportions as may be requisite for defraying the charge of the government; and it is our further will and pleasure that all public moneys raised or to be raised within our said province be issued out by warrant from you, by and with the advice and consent of the Council, and disposed by you for support of the government and not otherwise, and you are to exercise all powers belonging to the place and office of

vice-admiral of and in all the seas and coasts belonging to your government according to such commission, authority and instruction as you shall receive from our dearest brother the Duke of York, or High Admiral of our foreign plantations, or from our High Admiral or commissioners for executing the office of Lord High Admiral of our foreign plantations for the time being; and we do give you power to appoint fairs and markets according as you, with the advice of the Council, shall think fit, and we do hereby give and grant unto you full power and authority to appoint within our said province and plantation under your government such and so many ports, harbors, bays, havens, and other places for the convenience and security of shipping, and for the better loading and unloading of goods and merchandise in such and so many places as by you, with the advice and consent of the said Council, shall be thought fit and convenient, and in them or any of them to erect, nominate and appoint custom-houses, ware-houses, and officers relating thereunto, and them to alter, change, place or displace from time to time as with the advice aforesaid shall be thought fit; provided, always, that all due obedience be given to the several acts of Parliament made within this our kingdom of England, and to the rules and methods prescribed thereby for the security and encouragement of trade and navigation; and we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said province and plantation under your government, to be obedient, aiding and assisting unto you, the said Edward Cranfield, in the execution of this our commission, and of the power and authority therein contained.

And we do hereby further give and grant unto you full power to constitute, and appoint, and commissionate any fit person to be your deputy within our said province under your command, whom we do order and appoint to be of our Council, and do hereby grant unto him full power and authority to do and execute whatsoever he shall be by you authorized and appointed to do, in pursuance of and according to the power and authority granted unto you in this our commission, and we do likewise authorize and empower you to remove and displace such deputy appointed by you as you shall choose;

and in case you shall happen to die, and there be no other person upon the place commissioned by us to be commander-in-chief, our will and pleasure is that the present Council of New-Hampshire do take upon them the administration of the government and execute this commission, and the several powers and authorities herein contained, and that such councillor who shall be at the time of your death residing within our Province of New-Hampshire, and nominated in this our commission before any other at that time residing there, do preside in our said Council, with such powers and preliminences as any former president hath used and enjoyed within our said Province of New-Hampshire, and there be no deputy appointed by you or other person upon the place commissioned by us to be commander-in-chief, our will and pleasure is that our said Council shall likewise take upon them the administration of the government until you shall arrive at our said province.

And whereas several of the inhabitants of the said Province of New-Hampshire have been some time, and now are, in the possession of several quantities of land, and are said to have made considerable improvements thereon, having no title for the same, or such pretended title only as hath been derived from the government of Massachusetts Bay, in virtue of their imaginary line, which title, as it hath, by the opinion of our judge in England, been altogether set aside, so the agents duly empowered by our said colony of the Massachusetts Bay have consequently disowned any right, either in the soil or government thereof, from the three mile line aforesaid, and it appearing unto us, that the ancestors of Robert Mason, Esq., obtained grants from our great Council, established of Plymouth, in the tract of land aforesaid, and were at very great expense upon the same, until molested and finally driven out, which hath occasioned a lasting complaint for justice by the said Robert Mason, ever since our restoration; however, to prevent in this case any unreasonable demands which might be made by the said Robert Mason for the right he claimeth in said soil, we have obliged the said Robert Mason, under his hand and seal, to declare that he will demand nothing for the time past, until the four-and-twentieth day of June, which was

in the year of our Lord God one thousand six hundred seventy and nine, nor molest any in their possession for the time to come, but will make out titles to them and their heirs for ever, provided that they will pay unto him, upon a fair agreement, in lieu of all other rents, sixpence in the pound, according to the just and true yearly value of all houses built by them, and of all lands, whether gardens, orchards, arable or pasture, which have been improved by them, which he will agree shall be bounded out unto every of the parties concerned, and that the residue may remain unto himself, to be disposed for his best advantage; but if, notwithstanding the said overture from the said Robert Mason, which seems to be fair unto us, any of the inhabitants of the said Province of New-Hampshire shall refuse to agree with the said Robert Mason or his agents, upon the terms aforesaid, our will and pleasure is, that you shall have power, and you are hereby empowered to interpose and reconcile all differences, if you can, that shall or may arise between the said Robert Mason and the said inhabitants; but if you cannot, then we do hereby command and require you to send to England such causes, fairly and impartially stated, together with your opinion and reasons upon the same, that so we, our heirs and successors, by and with the advice of our and their privy council, may determine therein, according to right; and lastly, we do hereby declare and appoint that you, the said Edward Cranfield, shall and may hold, execute and enjoy, the office and place of our Lieutenant-Governor and Commander-in-Chief, in and over our Province and Plantation of New-Hampshire, together with all and singular the powers and authorities hereby granted unto you, for and during our pleasure; and we do hereby further declare our will and pleasure to be, that our commission, bearing date the eighteenth day of September, one thousand six hundred and seventy-nine, do from thenceforth cease, determine, and become utterly void.

In witness whereof we have caused these our letters to be made patents.

Witness ourself, at Westminster, the ninth day of May, in the four-and-thirtieth year of our reign.

BARKER.

INSTRUCTIONS.

1. You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by a warrant under your hand; but the Assembly may be nevertheless permitted, from time to time, to view and examine the accounts of money or value of money disposed of by virtue of such laws as they shall make, which you are to signify unto us, as occasion shall serve.

2. And you shall observe, in the framing and passing of laws, that no fines, forfeitures and penalties be mentioned therein, to be appointed or become payable, otherwise than to us, our heirs and successors, for the support of the government, and to the informer, except in special cases.

3. And it is our express will and pleasure that all laws whatsoever, for the good government and support of our said Province of New-Hampshire, be made indefinite, and without limitation of time, except the same be made for a temporary end, and which shall expire and have its full effect within a certain term.

4. And, therefore, you shall not reënact any law which shall be once enacted by you, except upon very urgent occasion; but in no case more than once without our express consent.

5. You are, upon calling a meeting of the Assembly, to nominate and appoint a fit person to serve you as your clerk; and you are to take care that he do furnish you with copies of all votes, orders and proceedings of the Assembly, as often as you shall see cause, which you shall transmit unto us and our committee of trade and plantations by the first opportunity, and duplicates by the next conveyance.

6. And whereas we think it fit, for the better administration of justice, that a law be passed in the Assembly wherein shall be set the value of moneys and estates, either in goods or lands, under which they shall not be capable of serving as jurors, our pleasure is that, the first opportunity, you *prepare and enact one for the purpose*.—16th King Charles the First, in the Statute Book, page 1108, section the 5th.

Be it likewise declared and enacted by the authority of this present Parliament, that, neither his Majesty nor his Privy Council have, or ought to have, any jurisdiction, power,

or authority by English bill, petition, articles, libel, or any other arbitrary way whatsoever, to examine or draw into question, determine, or dispose of the land, tenements, hereditaments, goods, or chattels, of any of the subjects of this kingdom; but that the same ought to be tried and determined in the ordinary course of justice, and by the ordinary course of the law.

NEW-HAMPSHIRE.

Laws made by the honorable, the governor, with the advice and consent of the Council and General Assembly, held at Portsmouth the 14th of November, 1682.

1. *Be it enacted by the Governor, by and with the advice and consent of the Council and Assembly,* and it is hereby enacted by the authority aforesaid, that justice and right be equally and impartially administered unto all men, not sold, denied, or carelessly deferred unto any.

2. *Be it enacted,* That whosoever shall commit adultery with a married woman, or one betrothed to another man, both of them shall be fined: namely, ten pounds apiece; and shall wear the capital letters: namely, A D, cut out in a cloth and sewed upon their uppermost garments, on their arm or back; and if, at any time, any person so offending shall appear without the said letters, he or she shall be liable to pay a fine of five pounds as often as the offender shall be so found.

3. *Be it enacted, &c.,* That if any man commit fornication with any single woman, they shall both be punished by paying each a fine not exceeding five pounds; and in case any commit carnal copulation after contract, before marriage, they shall be amerced fifty shillings apiece.

4. Forasmuch as many persons of late years have been and are apt to be injurious to the lives and goods of others, notwithstanding all laws and means to prevent the same, it is therefore enacted, &c., that if any person commit burglary by breaking open any dwelling-house, warehouse, or shall forcibly rob any person in the field or highways, such offenders shall, for the first offence, be branded on the right hand with the letter B, or R; and if he shall offend in the like kind a second time, he shall be put to death, or otherwise grievously punished, as the court shall determine.

5. *Be it enacted, &c.*, That if any person in this Province shall be legally convicted of stealing or purloining horses, cattle, money, or other goods of any kind, he shall be punished by restoring three-fold to the party wronged, and a fine not exceeding twenty shillings, or corporal punishment, to be inflicted as the nature or circumstance of the case may require.

6. *Be it enacted, &c.*, That whosoever shall steal, or attempt to steal, any ship, barque, or vessel of burden, or any public ammunition, shall be severely punished, according to the nature of such a fact, provided it extend not to life or limb.

7. *Be it enacted, &c.*, That if any person, being sixteen years of age or upward, shall wittingly or willingly make or publish any lie, which may tend to the damage or hurt of any particular person, or with intent to deceive or abuse the people with false news or reports, he shall be fined for every such offence ten shillings, or sit an hour in the stocks.

8. *Be it enacted, &c.*, That whosoever shall profane the sacred and blessed name of God, by vain swearing or cursing, shall pay a fine of ten shillings, or be set in the stocks an hour.

9. *Be it enacted, &c.*, That whosoever shall be found drunk shall pay a fine of ten shillings, or sit an hour in the stocks; and whosoever shall drink to excess, so as thereby to disguise himself, discovering the same by speech or behavior, he shall pay a fine of three shillings and four pence, or sit in the stocks half an hour.

10. *Be it enacted, &c.*, For prevention of the profanation of the Lord's day, that whosoever shall, on the Lord's day, be found to do unnecessary servile labor, travel, sports, or frequent ordinaries in time of public worship, or idly straggle abroad, the person so offending shall pay a fine of ten shillings, or be set in the stocks an hour; and for discovery of such persons it is ordered that the constable, with some other meet person whom he shall choose, shall, in the time of public worship, go forth to any suspected place within their precincts, to find out any offender as above, and when found to return their names to some justice of the peace, who shall forthwith send for such offender, and deal with him according to law.

11. *Be it enacted, &c.*, That whosoever shall speak contemptuously of the scriptures, or holy penmen thereof, shall be

punished by fine, not exceeding five pounds; and whosoever shall behave himself contemptuously toward the word of God preached, or any minister thereof, called and faithfully dispensing the same in any congregation, either by manifest interrupting of him in his ministerial dispensation, or falsely charging him with teaching error; such offender shall pay a fine of 20s., or sit two hours in the stocks.

12. *Be it enacted, &c.*, That if any person do willfully and on purpose, burn down any man's fence, he shall make good the damage to the party wronged, and be amerced forty shillings, and be bound to the good behavior for six months.

13. *Be it enacted, &c.*, That whosoever shall wilfully pluck up, remove, or deface any landmarks or bounds, between party or party, that hath been or shall be orderly made or set up, by persons thereunto appointed in the several towns, he or they shall be fined not exceeding five pounds for such offence.

14. Forasmuch as sundry dissolute persons are too ready to run into the transgression of such laws, unto which fines are annexed, and perhaps are so indigent as the paying of fines may be very injurious to themselves and families; be it therefore enacted, that every person so offending, not having five pound rateable estate, according to the valuation stated by law; or parents, or master or masters under whose government they are, that will forthwith pay the fine, shall be liable to be whipt: viz., for an offence where the fine does not exceed twenty shillings, ten stripes; where the fine doth not exceed five pounds, twenty stripes; and where the fine doth not exceed ten pound, thirty stripes or upward, not exceeding forty stripes.

15. *Be it enacted, &c.*, That if any constable shall fail to clear his Province rates within his year, or such time as shall be limited him by the trustees or overseers of the town, he shall be liable to have his estate distrained, by warrants from the treasurer, directed to the marshal of the province, for the sum not gathered, and for all town rates made and committed to the constable, by the trustees or overseers of the town, to be collected within the time limited, the constable failing of his duty herein shall be liable to have his estate distrained, by warrant from the trustees, or overseers, directed to the marshal, for the sum not gathered.

And where the constables of the several towns are enjoined

to clear their rates, on penalty of making good the same out of their own estates, it is ordered, that if any person or persons within this Province, rated, shall refuse to pay his rate or rates, and discover his own estate to the constable, he shall have liberty to seize the person and carry him to the next prison, there to remain till he pay the same, or give good security so to do.

16. For defraying the present charges arisen in the several towns, for the support of the ministers of the gospel, as also for payment of the necessary expenses of the assembly men of each town, during their sitting, and other necessary occasions relating to the town ;

17. *Be it enacted, &c.*, That the trustees or overseers, hitherto called selectmen, in the respective towns where they live, do make such rates upon all persons and estates in the several towns, to be forthwith collected by the constable, as may answer the occasion aforesaid, until further orders, and that particular care be taken with reference to all arrearages of rates, that the same may be forthwith collected and paid to the person to whom they are due.

18. For defraying the public charges of the Province, be it enacted, &c., that a rate be made of four pence in the pound, upon all persons and estates within the Province, according to valuation thereof last set, and that the trustees or overseers in the several towns do forthwith effect it, committing the same into the hands of the respective constables, to be collected and transmitted into the hand of the Province treasurer, in the species at the prices following: viz.

Merchantable pine boards at any convenient landing place in Piscataqua river, at 26s. p. M.; merchantable white oak pipe staves, at any convenient landing, where the constable shall appoint, at 50s. p. M.

Merchantable red oak pipe-	
staves, not supra,	at 35s. p. M.
Beef,	at 2 <i>d.</i> per lb.
Pork,	at 3 <i>d.</i> per lb.
Indian corn,	at 3s. per bush.
Wheat,	at 5s. per bush.
Peas,	at 4s. per bush.
Malt,	at 3s. per bush.
Fish,	at prices current.

19. And whosoever will pay their rates in money shall be abated one-third part: The said rate being paid into the treasury, that comes not in money, to be converted into money, and applied to the uses following: viz., a present of two hundred pounds, in money, to our honored governor, as soon as the said rate can be collected and converted into money, and the remainder to answer any other province that doth and may arise.

20. For bringing plenty of money into the province, by putting a value on foreign coin, be it enacted, &c., that the several sorts of foreign coin herein after named, shall pass here in all payments at the value here set upon them; that is to say, the price of eight royals of Spain, or dollars of Seville, Mexico, and pillar, and all lesser pieces, provided they be good silver, at six shillings eight pence pr. the ounce, Troy weight, provided that all monies payable upon former contracts be paid in specie, according to agreement.

21. Whereas a bill was lately passed for regulation of the choice of jurors, assembly men, trustees, or overseers for the respective towns, and it appearing that the manner of choice of jurors therein expressed is absolutely contrary to the known laws and statutes of the kingdom of England, be it therefore enacted by the Honorable Edward Cranfield, Esq., Lieutenant Governor and Commander-in-Chief of his Majesty's Province, with the advice and consent of the Council and General Assembly thereof, and it is hereby enacted by the authority aforesaid, that the clause in the said bill relating to the choice of jurors be repealed, and that for the future, jurymen shall be empanelled by the sheriff or marshal of the Province for the time being, and summoned and returned to the court of pleas, as it is customary in England and all other his Majesty's plantations; and whosoever is legally returned of the jury, and appears not, and this appears by the oath of the marshal, shall pay twenty shillings for this default, unless sickness or other necessity prevent, such as shall give the judge satisfaction.

22. That no person may be a loser through the officer's neglect, be it enacted that no marshal, constable, or other officer, shall bail any person that he hath attached, without sufficient security: viz., one or more that is settled inhabitants in

the province, and that hath a visible estate to be responsible according to the bonds required, provided no man's person be imprisoned that shall tender to the officer sufficient security by his own estate to answer the attachment, unless in such case where the law allows neither bail nor mainprize.

23. *Be it enacted, &c.*, That any person who is plaintiff in any court within this province shall have liberty at any time before verdict given to withdraw his action, in which case he shall pay full costs to the defendant.

24. *Be it enacted, &c.*, That if any person do make default of appearance in any court when he is plaintiff, having been three times distinctly called by the marshal or other officer appointed thereto, he shall be nonsuited and liable to pay the defendant costs; and if the defendant fail to make his appearance, if it appears by the process that goods were attached, or surety or sureties bound for his appearance, after the surety hath been three times called, the cause shall proceed to trial; and if judgment be given for the plaintiff, execution shall issue forth against the defendant, and the surety or goods attached shall stand good for a month after judgment; but if the execution be not served within one month after judgment, the goods attached or sureties shall be discharged.

25. *Be it enacted, &c.*, That every justice of the peace in the respective towns where he dwells shall have power hereby to hear and determine any civil action where the debtor's damages exceed not forty shillings, provided attachments and summons are made out or signed by the clerk of the court of pleas for the time being; and it shall be lawful for the party aggrieved by such determination to appeal to the next court of pleas, or to the Governor and Council, giving security to prosecute such appeal, and abide the order therein.

26. *Be it enacted, &c.*, That all summons and attachments shall be served six days before the court where the case is to be tried, and the cause or grounds of the action shall in the said process be briefly declared, and in capacity the plaintiff sueth, whether in his own name or as assignee, guardian, executor, administrator, agent or such like, or in defect thereof, if exception be taken before parties join issue, it shall be counted a legal case, and the plaintiff shall be liable to pay cost, but no

circumstantial errors in a summons or attachment where the person and cause intended may be rationally understood, shall be taken as sufficient ground for a nonsuit.

27. *Be it enacted, &c.*, That any person attached, desiring to prevent further charge, shall have liberty, at any time before the sitting of the court where he is to answer, upon notice given to the plaintiff or his attorney, to appear before the judge and clerk of the said court and acknowledge judgment, which shall stand good and valid in law, provided that the goods attached or sureties bound shall not be discharged till a month after the acknowledgment of such judgment, unless the creditor give under his hand that he is satisfied; provided, also, that such acknowledgment of judgment, by any person or persons not inhabiting within this province, shall not free them unless they produce a sufficient surety that he is a settled inhabitant within the limits of this Province, to engage with him or them in the acknowledgment of the said judgment and execution, to stand good against the surety for a full month after.

Vera copia from the original laws.

1682.

BY THE GOVERNOR.

NEW-HAMPSHIRE.

For prevention of disturbance by unlawful assemblies and meetings, such as we have too lately experienced, and such as may for the future arise to the terror of his Majesty's subjects within the said Province: *Ordered*, That the trustees or overseers of the respective towns therein, or others, presume not to call any public meeting about any town business, or on other pretence whatsoever, without leave first obtained from the justices or justice of the peace of the said respective towns, upon just representation of the necessariness of such town or public meeting, on such penalty as the law directs, to be inflicted upon unlawful assemblies.

Dated the 3d day of March, 1682-3.

Superscribed, *To the Constable of Portsmouth. To be published.* 1682.

CHARLES R.

Trusty and well beloved: We greet you well. There having been long depending before me the petition and complaint of our trusty and well beloved subject, Robert Mason, Esq., representing the great hardships and injuries he has for many years suffered by being opposed in the prosecution of his right by our corporation of the Massachusetts Bay, and by them wrongfully kept out of possession of a tract of land lying between the rivers of Naumkeag and Merrimack, and three miles northward thereof, granted unto him by virtue of letters patent from our royal grandfather, of blessed memory; and whereas we have received the opinion of our attorney and solicitor general, that the said Robert Mason, who is grandson and heir of John Mason, has a good and legal title to the lands conveyed to him by the name of the Province of New-Hampshire, whereupon we were pleased to refer the matter in difference between our said corporation and the complainant unto the Lords Chiefs Justices of our court of King's Bench and Common Pleas, who have presented us with their report, setting forth that all parties appearing before them, William Houghton and Peter Buckley, Esqs., your messengers and agents, had disclaimed title to the lands claimed by the petitioner, and that it appearing to them that the said lands were then in the possession of several other persons, not before them, so they deemed it most proper to direct the parties to have recourse to the judicature settled upon the place for the decision of any question of property, until it should appear that there is just cause of complaint against our courts of justice there, for injustice or grievancy: To the end, therefore, that justice may be administered with the most ease and the least expense to all the said parties who shall see cause to defend their respective titles, we have thought it fit hereby to signify our pleasure unto you, that the said Robert Mason be forthwith admitted to prosecute his right before the courts of judicature established within the limits of that, our corporation, and that in all cases where the said Robert Mason shall claim any improved lands and that the _____ shall dispute his right, a trial at law may be _____, wherein no person who has any lands in the _____ servants or tenants under

him , which shall be so . [Imperfect]; and if it shall so happen that the dispensation of justice hereby directed shall be delayed by you, or such judgment given wherein the said Robert Mason shall not acquiesce, he may then appeal unto us in our privy council, and that all persons concerned be obliged to consider such appeal within the term of six months after the same shall be made. And forasmuch as your said messengers have, in your name, disclaimed before the Lord Chief Justice as aforesaid all title to the lands claimed by the said Robert Mason, our further will and pleasure is, that in case the said Robert Mason shall lay claim to any parcel of lands situate within the bounds aforesaid, which are not improved or actually possessed by any particular person or tenant in his own right, you^s can therefore proceed to put the said Robert Mason into possession of those lands, and cause his title to be recorded, so that he may not receive any further disturbance thereupon.

And in case you shall refuse so to do, and shall not show good cause to the contrary within the space of six months after demanding the possession so to be made by the said Robert Mason, we shall then, without further delay, take the whole cause of the said Robert Mason into our consideration in our Privy Council, with the damages sustained by him in reason thereof, and shall give judgment upon the whole matter, as in a case where justice has been denied. And to the end the said Robert Mason may not be any way hindered in the prosecution of his right, we do strictly charge and command you to secure him, his servants and agents, from all arrests and molestation whatsoever, during his or their abode within the limits of your jurisdiction, we having granted him our royal protection until the matters complained of by him shall be fully determined. And so expecting your ready obedience to our commands, hereby signified unto you, we bid you farewell.

Given at our Court at Whitehall, the 23d day of June, 1682, in the four and thirtieth year of our reign.

By his Majesty's command,

L. Jenkins.

Vera copia from the original.

To our trusty and well beloved, the Governor and Company of our Colony of the Massachusetts Bay, in New-England.

The humble Petition of Hannah Jones to the honored President and Council now assembled at Portsmouth, in the Province of New-Hampshire, this fourth of July, 1682,—

Is, that your Honors would please to take into your consideration her present strait, which is in regard of George Walton's dealing with her, who falsely accuseth her of what she is clear of, and hath so far prevailed that upon that account your humble petitioner is bound in a bond of the peace; since which said Walton's horse breaks into her pasture and doth her damage; and your petitioner, being under bond, knows not what to do to help herself, fearing lest any ways advantage may be taken against her for breaking her bond. It hath been many wrongs that your humble petitioner hath sustained formerly, which she groaneth under, not knowing how to help herself; therefore humbly craveth your Honors' advice and relief in this her present exigencies, and shall always remain praying for your Honors' prosperity and the good success of this good government.

Your humble petitioner,

Hannah Jones.

In answer, the council order her to complain to Capt. Stileman if she be at any time, during her being bound to the good behavior, injured by the said Geo. Walton.

The humble Petition of Roger Rose, to the honored Council now sitting in Portsmouth, the sixth of July, 1682, humbly sueth—

That whereas Mary Grafton hath publicly scandalized and villified your petitioner, by saying, when she was questioned about an offender before the council, that she thought the said offender was Roger Rose's concubine. Your petitioner abhorreth such doings, and humbly craveth your Honors' succor to defend him from the tongues of such as would groundlessly calumnize him, and in special that the said Grafton may be convened before your Honors, and answer for her fault; wherein you will much oblige your humble petitioner, who is always ready to pray for your Honors' prosperity.

The council leaves the petitioner to prosecute in course of law.

R. Chamberlain, Sec.

The deposition of Elizabeth Clark, aged forty-two years or thereabout; testifieth and saith, that she heard George Walton say that he believed in his heart and conscience that Grandma Jones was a witch, and would say so to his dying day. And further saith not.

31st August, 1682; taken upon oath, before

Elias Stileman, *Dept. Pres.*

The deposition of Samuel Clark, son of John Clark, of Great Island, mariner, September 4, 1682; testifieth and saith, that he was present when Goody Jones and Geo. Walton were talking together, and he heard the said Goody Jones call the said Walton a wizzard, and that she said, if he told her of her mother, she would throw stones at his head, and this was on Friday, the 25th of August, 1682.

John Shaw, servant of Samuel Roby, testifieth the same.

The said Samuel Clark testifieth further, that the said George Walton affirmed that the above named Goody Jones and all her generation were accounted witches.

The deposition of Ichabod Rogers, Thomas Roby, &c. These deponents testify and say, that on Friday, 25th August, 1682, they saw several stones to fly and light on the ground near George Walton and themselves, as they were at work in the boat of the said George Walton, getting out hay, and saw no hand or person to throw them.

And Walton Roby, Samuel Walton and Elizabeth Trenorothy do testify that the said George Walton was hit several times with some of the said stones.

Whereas Richard Andrews, appearing this 7th of September, 1682, before us, the subscribers, desiring to be married unto Jane Avery, of Greenland, widow, and being asked whether he was ever married, he said yes. Being asked where his wife lived, he said at Rhode-Island; and how long it was since he was with his wife, he answered four years, and said

further that his wife was married to another man, but showed no proof thereof, also owned that he was never divorced from her. Whereupon we see cause not to marry them, and giving them such notice; he, the said Andrews, broke forth very peremptorily, saying that she was his wife, and desiring the people all to take notice that he took her for his wife; presently saluting her, saying, Come, wife, with other peremptory words, and contemptuous carriage, for the which carriage we sentence him to give a ten pound bond, with good securities, for his appearance before the president and council at the next sitting at Portsmouth, upon the first Tuesday of October next; there to answer for his such miscarriage, and to stand committed until securities be given.

By us of the Council, { John Gilman,
Christopher Hussey.

To the Constable of Dover.

You are hereby required, in his Majesty's name, to summon Ephraim Trickey to appear before the court to-morrow, being the 5th instant, to answer to the complaint of Mary Carter, for pulling down her fence, about her cornfield, some time the last week, and for swearing many oaths. And you are also hereby required to summon Thomas Bickford to appear at the same time before the court, to answer for his swearing many oaths at the same time; and you are hereby required to summon Henry Langstare, sen., to appear, to give in his evidence to what he knows about the fence above said being thrown down. Hereof fail not, and so make a return under your hand.

Dated in Portsmouth, September 4th, 1682.

By me: Richard Martyn, *of the Council.*

I have summoned the persons above mentioned, Ephraim Trickey, Thomas Bickford, and Henry Langstare, sen., according to law, to give in evidence in the case intended.

Will. Henderson, *Constable.*

September 4th.

The deposition of Henry Fletcher, aged about twenty years or thereabouts, testifieth : that I, being in the house of my master, John Lewis, the last Saturday night, about nine or ten of the clock in the night, that then Mr. Joseph Raynes came into my master's house, who was asked to sit down ; but quickly after he told my master Mr. Mason and the governor was come, and now it would be better for all the great ones. They had complied also that here was a man come in this ship that would buy all the island and the houses over their heads ; at which my master told him No, he should not have his house, and laughed at him ; but he, seeming to be so much troubled, my master asked him what was that to him. But he, said Raynes, told him he was a fool and logger-head, and he had no more to do with the house than he had himself. Then my master began to be angry, and told him if he would sit down and be quiet he was welcome ; if not, he might be gone. But Mr. Raynes told him he would not be quiet, nor he would not be gone ; at which my master went to force him out ; but he took him by the hair of the head and pulled him to the ground, and gave him several abusive words. And further saith not.

Richard Archer swore to the truth of the above said deposition.

The above said deponent, Henry Fletcher, was sworn before the Council to the truth of the abovesaid deposition, October 3d, 1682.

Teste : Richard Chamberlain, *Secretary.*

Portsmouth, the 27th of September, 1683.

To the honored Court of Pleas, now sitting in Portsmouth, in the Province of New-Hampshire.

The humble petition of Deborah Ledbrook, widow, and relict of Thomas Ledbrook, deceased, humbly sueth to this honored court, that whereaſ she was married to the above said Ledbrook, and lived with him and brought sundry of her own goods and household stuff to him, so that your petitioner might live the more comfortable with him, he having not sufficient of his own ; which I did by his desire, but with promise that he should have nothing to do with any of your

petitioner's goods or estate, but that she should have the whole disposing of it herself, as will appear by writing and engagement under his (the said Ledbrook's) hand, before marrying: and that, if he deceased this life before me, to leave me in all respects as good as he found me; which I humbly conceive cannot be, if I should have all that I left; but however, my humble request to this honored court is, that they would consider my case and grant me relief therein, so that I may have those things that are my own, and were my own before marrying, which are now taken amongst said Ledbrook's goods, and kept from me. I am a poor widow, and very anxious, and not well able to travel. I live a good way off, and with much difficulty got hither, humbly beseech the honored court to order that I may have that which is left of my own, if nothing else. Your humble petitioner shall for ever pray for your Honors' long life and prosperity.

Deborah T. Ledbrook, her X mark.

The deposition of Cobbit, aged about 30 years or thereabout, testifieth: that I, being in the house of my father-in-law, John Lewis, on Saturday night last, about nine or ten of the clock, that then Mr. Joseph Raynes came in to the aforesaid house, who was kindly entreated to sit down, but having, as supposed, a design to quarrel, began to abuse my father Lewis, and told him Mr. Mason was coming, and a governor with him, and now he should see Major Waldron and some of the rest turned out, and he hoped to have as much power as any man upon the island; also, that here was a man come in this ship which would buy the whole island, and our houses over our heads; at which my father Lewis laughed, and told him he should not take his house from him, nor no man else. To which said Raynes answered that he was a fool, and he had no more to do with his house than he had himself. But my father, not willing to quarrel with him, desired him in loud to go out of his house to his lodgings, and not abuse him in his own house, saying if Mr. Mason was here himself he would scorn to say so much. But Mr. Raynes told him he was a fool and a puppy, and he would not go out of the house for him, nor

he would not hold his tongue, and gave him several abusive words; at which my father went to force him out, but said Raynes took him by the hair of the head and pulled him to the ground. Then I presently stepped in between them to prevent any further mischief, though it happened otherwise, for my wife, being in a fright, held up her hands to defend the blows that were passing, and received a blow which broke the thumb of her right hand, and it is feared by the surgeon that she will lose part of her thumb; but with much to do I got him out of the house, and shut the door, though he would have fought himself in again, threatening mischief to those in the house. And further saith not.

3d October, 1682. Abigail Chandler made oath to all above written.

Before me: Elias Stileman, *Deputy President.*

The above said deponent, Thomas Cobbit, was sworn to the truth of the abovesaid deposition, before the Council, this 3d October, 1682.

Teste: Richard Chamberlain, *Secretary.*

Ordered by the Governor,—That Richard Chamberlain, Esq., have the registering or recovering of all bills and deeds of sale, mortgages and bills, all which are hereby to be so recorded, as perquisites and appertaining to his office of law and clerk of council; and also, that he be clerk of all the courts of judicature held within this Province, and have the entry of all actions, appeals, judgments, and the making of all process, writs of attachment, and other writs and executions, and do all other acts relating to the said courts, during the pleasure of the Governor.

Vera copia from the council book.

Teste: R. Chamberlain, *Secretary.*

New-Hampshire in New-England.

I, Richard Chamberlain, Esq., Justice of the Peace for his Majesty's said Province, do humbly testify, that William Vaughan, Esq., of Portsmouth, in the said Province, and

Richard Waldron, of Portsmouth, aforesaid, merchant, on the first day of November instant, came to me to make oath, in relation to Mr. Mason's conveyance (to the Governor) of this Province, which I was ready to take, having been appointed thereto by the governor, according to the letter of the Right Hon'ble the Lords of the Committee for trade and plantations, and the copy is the matter and substance of what they said they would depose; save duly the last words (but for what term they do not remember), which, because I told them was necessary to be inserted in their deposition, I having asked them (for the hearing of truth), for what term the conveyance was, and whether absolute or conditional, and they or one of them answering he had forgot. They both left the room immediately, refusing to be sworn, and notwithstanding I was ready and made it my sole business, both to give the complainants copies of any records or papers in my custody, whatsoever they should desire (and had so done to several of them), as also to take the depositions of many of them summoned and near at hand, yet not one of them offered to be deposed as witnesses, but went away presently with the said Vaughan and Waldron. Besides they have not since made any complaint to the governor, nor proceeded to make any other proof. And the Governor ordered me to tell them when they should come to me again, that they should have copies of the above conveyance to the governor, from Mr. Mason, for payment of 150*l.* per annum, for 7 years, toward his allowance, the said deed bearing date the 20th June, 1682. And the governor doth remember he told some of them the term for which the said Mason conveyed the said Province was for one and twenty years.

The Answer of Elias Stileman to Mason's Claim.

The answer of Elias Stileman to the summons from the Hon. Edward Cranfield, Esq., governor of his Majesty's Province of New-Hampshire, in New-England, in pursuance of the method which his Majesty hath been graciously pleased to prescribe in his commission.

Portsmouth, the 15th of November, 1682.

May it please your Honor :

In obedience to your command, that I should render a reason why I refuse to pay quit-rent unto Robert Mason, Esq., (as he titles himself), for my house and lands, and take deeds from him for the confirming of the same, I answer as follows :

1. Because my said land I bought and paid for ; the title unto which is successively derived unto me from those that have possessed it without any claim for at least these fifty years, upon which I have built, at my own charge, without any interruption, and am in the possession thereof, as my own. As to what is said in the commission concerning Mr. Mason's proprietors, with all due submission to his Majesty I conceive it implies rather his claim than a positive determination of his title.

2. I humbly conceive that, being in possession of what I have bought and built upon, it rests upon the claimer to make out his title (if he have any by law), begging the favor of an English subject therein, that it may be first tried upon the place, according to the statute law, and the opinion of his Majesty's judges in England, and this before I am liable to pay quit-rent, and take deeds of confirmation from him.

3. Should Mr. Mason obtain his demands, myself and the rest of the inhabitants would be undone forever, for then all his, granted to him, which he calls commons, being out of fence, which yet hath been bounded out by the several towns, and possessed by them for these fifty years, and improved for the maintenance of their cattle, both winter and summer, and for timber and fire-wood, without which there is no living for us, it being impossible for us to subsist upon that which in the commission is called gardens, orchards, if he may have the disposal of the rest.

4. The said Mason speaks of many thousand pounds expended upon the place, which, with submission, cannot be made out, and if it could, what then have the poor planters expended, in so many years' labor, since their first sitting down upon it, when they found it an howling wilderness, and *vacuum domicilium*, besides a great expense of blood and estate, to defend

it in the late Indian war; nor can they to this day make both ends meet, by all their labor and frugality, and, therefore, must needs sink under the exaction of such a proprietor.

5. The land which Mr. Mason claims as proprietor is the land on which vast expense hath been laid out by his grandfather, Capt. John Mason, for the peopling of it, and the land from whence his said grandfather's servants were violently driven out, or expelled by the inhabitants of the Massachusetts, but upon this land there was no such expense laid out by his grandfather, Capt. John Mason, for the end aforesaid, nor is this the land from whence any servants of his said grandfather were so expelled, and therefore we, that are possessed of this land, are not concerned in his claim. He hath mistaken his province, and may endeavor to find it some other where, for here is no such place.

6. If Mr. Mason had a patent here, why did he not take possession in the day thereof? If he were in possession, why did he not keep it still? None ever drove him out, as he informs. Had he been once settled, he might to this day have kept it, as the rest of the inhabitants have done, without the least molestation; but I am humbly of opinion that if he, the said Mason, or any of his heirs, came hither, they only came as many ships did to Newfoundland, and to this country, to make a fishing voyage or beaver trade, and, that being at an end, departed, and left their room to the next taker.

This is the sum of what I have at present to answer, humbly requesting of your Honor the stating of the case, with your opinion thereupon, to his Majesty, as the commission directs; and when his Majesty shall, in his wisdom and justice, see meet to order an hearing of the matter in his courts of judicature upon the place, before a jury of uninterested and indifferent persons, which may be had out of the neighboring province (and possibly Mr. Mason may think not attainable in this province, wherein all persons are concerned), as he hath been pleased to do by that part of Mr. Mason's claim which lies under his Majesty's government of Massachusetts, I hope to be able, upon these and other grounds, so far to make out my title as to be held unblamable, before God and man, for not

complying with his demands. Or, if I should see cause to appeal to his Majesty and honorable Council, that I shall be put beyond all need of paying quit-rent to the pretended proprietor. Thus begging your Honor's favor, I subscribe,

Sir, your humble servant,

E. S.

Answer to the Claim made by Mr. Mason to the House and Lands of New-Hampshire.

[In Mr. Weare's hand-writing, but without date or signature.]

It does not legally appear that Mr. Mason can lay any just claim to any of the lands in New-Hampshire, for what right he pretends is either derived from Capt. John Mason (whom he says was his grandfather), or from his Majesty's commission: but presume from neither of these has he any right. Not from Capt. John Mason: for,

1. It does not legally appear that ever he had any right to the Province of New-Hampshire. It is true, there is a copy of a patent or deed from the Council of Plymouth, which he brings over, without attestation of public notary. Besides, in said copy there is not the least intimation of any hand or seal to the original, and there is two men that swear this is a true copy of the original, which plainly demonstrates that the original is but a blank; the truth whereof we are the more confirmed in, because it is not rational to imagine that Mr. Mason would come from England to prosecute a right, and not bring with him what he had to make good his claim; but, having nothing but blank copies, he could bring no better than he had, which cannot be looked upon as authentic, in any court.

2. If it should be supposed that ever Capt. John Mason had a right by patent, yet it does not appear how Robert Tufton Mason (as the plaintiff calls himself), derives a title from him, either as his heir, executor, or administrator, or by deed of gift. All that we can hear in court is, that the plaintiff calls himself Capt. Mason's heir.

3. If the plaintiff, or his ancestors, ever had a title to the

lands he claims, by patent from Council of Plymouth, yet they have lost it by non-use; for they never attended the ends of granting patents, by king James, of blessed memory, in his highness's patent to the great Council of Plymouth, which was by peopling of the land, enlarging the king's domains, propagating the gospel, conversion of the heathen—the native proprietors, &c. Now, the plaintiff nor his ancestors never planted this province, nor expended any thing upon it, to the upholding of it, in peace nor war, but the present inhabitants did, either by themselves or predecessors, purchase their possessions from the natives, and by their permission did sit down upon the land, and manured, the vast expense of above fifty years' time, in hard labor, and expending upon it their whole estate; and in the late Indian war did defend it against the enemy, to the loss of many of their lives, and considerable part of their estates, without any assistance from Mr. Mason, who now claims not only what poor people have purchased and labored hard upon, but also conquered or relieved from cruel attempts of the barbarous heathen; and we conceive we are under no obligation to run such adventures to make ourselves slaves to Mr. Mason.

4. It does not appear that there was a quorum of the great Council of Plymouth to the making of Capt. Mason's deed, according to the patent granted to the great Council of Plymouth, which renders his claim invalid, if ever any thing in that kind was done, which we question.

From what is said, we humbly conceive Mr. Mason has no right from Capt. John Mason, and that his Majesty's commission does neither give nor confirm any title to the lands claimed, we prove:

1. We humbly conceive that his royal Majesty, who is so prudent a prince, and so solicitous for the peace of his subjects of this Province, but rather have told us that he had given all the lands to Mr. Mason, but there is nothing of gift to him in the communication, and if his Majesty had (which we cannot believe he would), we should crave the benefit of the statute in the 17 of Charles the First, which says no king and council can alienate lands but by due course of law. But

we were never yet heard, and when it comes to legal trial we presume the law of possession will confirm our land to us, seeing we have had peaceable possession fifty years.

2. If his Majesty had given the lands in the Province to Mr. Mason, what can be understood by that clause in the commission, "that in case the inhabitants shall refuse to agree with Mr. Mason, then the Governor shall interpose and reconcile all differences, if he can; but if he cannot, then to send the case, fairly stated, to England, that his Majesty and privy council might determine according to right;" which we humbly conceive puts a bar to any legal proceedings, until his Majesty's mind be further known therein. The inhabitants have offered their reasons to the Governor, according to commission, which he will not admit of, only did take of one, viz., Capt. Stileman, and promised to send them to England; but we can hear of no answer, and much fear his neglect.

3. His Majesty, in his commission, says, "To prevent unreasonable demands that may be made by Mr. Mason, for the right he claims;" which claim may prove good or bad, when it comes to trial. We understand to claim and to have are different things.

4. His Majesty intimates, in his royal commission, by what title Mr. Mason does claim: viz., by a grant to his ancestors, "who improved and possessed the Province with great expense, until molested and finally driven out." But this Province cannot be concluded to be the place he claims, until he makes these circumstances appear, which we are sure he never can do.

Now, Mr. Mason, not producing any original deed for any of the lands of this province, nor authentic copies, the inhabitants cannot make any compliance with him, both because we see no right he ever had, or believing, if ever any was, he hath mortgaged it already in England, and so alienated what right he had. Although, upon the former grounds, we have good plea against Mr. Mason's claims, yet we did not see cause to join issue, not only because judges and jurors were not qualified according to law, all of them being picked for espousing Mr. Mason's interest, by the Governor's order, who has a

mortgage for twenty-one years from Mr. Mason, for all the lands in the Province; but also because we were willing to attend the methods prescribed by his Majesty in his royal commission.

To gunner Richard Abbot, gunner of the Fort.

By virtue of an order from the Governor, I am required to stop all vessels of bigger or smaller burthen, whether shallops or other, that they depart not this harbor till leave from his Honor. These are therefore in his Majesty's name, to require you to use your utmost endeavor to see the order performed accordingly, and that, if any shall offer to go out of this harbor without leave, as aforesaid, you are to fire upon them, and to disenable them. Thereof fail not, and this shall be your sufficient warrant. Dated the 20th December, 1682.

Elias Stileman, *Commander.*

To the Constable of Portsmouth, or Prison-keeper on Great Island :

You are hereby required, in his Majesty's name, forthwith to carry John Barnes to his Majesty's prison on Great Island, there to be kept in safe custody until he shall give sufficient security for his appearance before the Governor and Council, on Tuesday next, being the 21st inst., then and there to answer for his deserting his Majesty's service in leaving the frigate Lark, whereof Wm. Jeffry was captain, without the said captain's discharge; and also for stealing a small parcel of said canvas either from his Majesty's said frigate, or from Mr. Robert Elliott, in the possession of Samuel Ffen, sail maker; and the keeper of the prison is hereby required to receive him and to keep him as above, and to bring him before the Governor and Council at their first sitting. Hereof fail not at your peril, and this shall be your sufficient warrant.

Given under my hand and seal, the 22d of December, 1682.

By me : Richard Martyn, *Justice of the Peace.*

To the Honorable President and Court of Sessions now sitting in Portsmouth, on Great Island, this 5th day of August, 1684 :

The humble petition of Samuel Sherbourn, and Love, his wife, humbly supplicates this honorable court would be graciously pleased to consider the low condition of our petitioner, who lieth very sick and weak, under the visiting hand of God, and not able to sit upright in bed without a great deal of help, and being bound to appear at this court, which God's providence hath prevented me to do.

Your petitioner humbly craves this honorable court would be pleased to defer the cause of your petitioner's trial till the next session, and your petitioner shall ever pray.

Samuel Sherbourn.

The mark of Love L. Sherbourn.

In answer to this petition the petitioner hath leave to appear at the next quarter session.

Per order : R. Chamberlain, *Cl.*

To the Constables of Portsmouth, or either of them.

In his Majesty's name, you are hereby required to attach the goods, or, for want thereof, the body of Robert Elliot, of Great Island, merchant, and take bond of him of five hundred pound penalty, with sufficient security, for his appearance at the court of pleas to be held at Dover, on the second Tuesday in February next ensuing, then and there to answer the complaint of Edward Randolph, Esq., collector, &c., of his Majesty's customs in New-England in behalf of his Majesty in an action of the case for confederating, contriving and abetting, to the carrying away and escape of the bark Gift of God, of Jersey, which was, by him the said Randolph, seized for his Majesty, for trading contrary to law, to his said Majesty's damage three hundred pounds, or what shall appear justly due, with due damages for the same.

Hereof fail not, and make your return according to law. Dated the 27th December, 1682.

By order : R. Chamberlain, *Cl.*

To either Constable of Portsmouth :

In his Majesty's name, you are hereby required to attach the goods, or, for want thereof, the body of Elias Stileman, of Great Island, and take bond of him of one thousand pounds' penalty, with sufficient security for his appearance at the court of pleas to be held at Dover, on the second Tuesday in February next ensuing, then and there to answer to the complaint of Edward Randolph, Esq., collector, &c., of his Majesty's customs in New-England, in behalf of his Majesty in an action of the case, for confederating, contriving and abetting to the carrying away and escape of the ketch George, which was by him, the said Randolph, seized for his Majesty for trading contrary to law, to his Majesty's damage five hundred pounds, or what shall appear justly due, with due damages for the same.

Hereof fail not, and make the return according to law.
Dated the 27th day of December, 1682.

By order: R. Chamberlain, *Cl.*

To either Constable of Portsmouth :

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Robert Comin, master of the ketch George, of Piscataqua, and take bond of him to the value of one thousand pounds, with sufficient security or securities for his appearance at the special court to be held on Wednesday next, being the 27th day of December, at Portsmouth, at the house of George Snell; then and there to answer the complaint of Edward Randolph, Esq., collector, surveyor, and searcher of his Majesty's customs in New-England, in behalf of our sovereign lord the king, for confederating, contriving and abetting to the carrying away and escape of the said ketch George, by him, said Randolph, seized for his Majesty, for trading contrary to law, to his said Majesty's damage five hundred pounds, or what shall appear justly due.

Hereof fail not to make your return according to law.

Dated the 25th December, A. D. 1682.

To Andrew Peterson, and Tom, the negro, and the rest of the Servants of George Jeffrey :

In his Majesty's name you and every one of you are hereby required to appear at the special court held at the house of George Snell, in Portsmouth, on Wednesday next, being the 27th of December instant, then and there to answer to such questions as shall be propounded to you and every one of you. Hereof fail not at your peril.

Dated the 25th December, 1682.

By order : R. Chamberlain, *Register.*

To the Constable of Portsmouth, or either of them :

Whereas the Honorable Edward Cranfield, Esq., Governor of this Province, has, by his commission dated the 18th of December, appointed a special court to be held at Portsmouth, at the house of Mr. George Snell, on the 27th instant, at ten in the forenoon, for the trial of the cause between our sovereign lord the king, and George Jaffire, merchant, &c., about the ketch George, seized for his Majesty, and thereby has impowered me, Richard Chamberlain, Esq., to impanel a jury in order to the said trial. These are therefore to require you, in his Majesty's name, forthwith to summon the persons under written, to be a jury, and to appear at the abovesaid time and place, for the trial of the said cause, in pursuance of the said commission. Hereof fail not, and to make your return according to law. Dated the 29th of December, 1682.

Rob't Elliot,
John Hinks,
Henry Crown,
James Leach, sen.,
Thomas Parker,
Sam'l Wentworth,
John Shepway,
Reuben Hull,
John Hoddy,
John Sewer,

Sam. Kayes,
 Obad. Moss,
 Discharged—Rich'd Jackson,
 Samuel Clark,
 Jo. Sherborn.

By order, R. Chamberlain, *Register*.

I have summoned Rob't Elliot, John Hinks, John Lewis, Henry Crown, John Clark, Sylvester Herbert, James Robinson, James Leach, Thomas Parker, and left word at Mr. Nathan'l Fryer's house, but cannot find John Fabes.

Witness my hand, the 26th December, 1682.

John X Amazeen, *Constable*.

January the 29th, 1682—Most dear and loving wife; to thee I send these lines with a solemn heart, submitting myself to the mercies of the Lord that made me, hoping that you are in good health, and my poor child. For the Lord that made me, he is able to preserve me. Although it hath been the pleasure of our neighbors to cause us to come in this place of torment, where we lie in chains and bilboes: Therefore, my dear and only beloved wife, with whom I have passed a very few days in peace, and I hope the Lord Jesus Christ will deliver me out of this cruel bondage in his good time. Therefore, my dear and only spouse, whom I do love the best of all the world, be thou not troubled at my falling in this place, for I hope the Lord will work a reformation to my poor soul, as David said in the psalms, "It was good for me that I was afflicted, for, before I went astray," and now I will tell my accusation. First: as I came, intending to go about my own occasion, I overtook this violent man, and the Lord I do desire should plead my cause with our most honorable Governor and Council, for the Lord will plead my cause. Lord, I acknowledge my sins, for they are very great, but Lord, thou knowest the thing that I now am accused of, for I am clear, and so I rest, your loving husband,

John Waldron.

Vera copia:

Teste:

Walter Barefoot, Jo's Raynes.

The deposition of William Waldron: That on the day Mr. Edward Gove was at Dover, he overtook me upon the road and asked of Joseph Beard what my name was. He answered, it was Waldron. He said there was none good of that name. He asked me what we thought the Governor would do with you? I answered, he would make honest men of them. I answered again, I did not know what he would make of him. Going along with him, he discoursed of his design, that he was minded to raise a party of men to stand out against the Governor. He had been at Exeter and Hampton, and he could find but sixteen or seventeen men that would stand out against him, and they would meddle of no side. Then I told him of a sermon, that I heard of, that Mr. Moody preached at Dover, and his text was, "In the time of adversity consider." I told him of a boy that went to an apothecary's shop to buy a penny worth of wit. The apothecary man wrote him a paper; "consider before hand what will come after, and you will never do amiss." He said my counsel was good, but we have considered a fortnight's time already. He informed a man, at the spring at the bank, and when he heard the news he rejoiced at it as if it had been a man risen from the dead, or words to that effect. Afterwards I met with Mr. Peter Coffin at his own gate. He asked what news I heard. I answered him, you heard all the news by the man. He said he heard none. Asked me what I heard? I told him I understood by the man that he was minded to raise a party of men to stand out against the Governor. Mr. Coffin's answer was, Poh! poh! he would not believe it. Afterwards, being examined by Col. Waldron and Mr. Coffin, the colonel asked me why I did not come and inform him. I answered him I did use to come to his house. Mr. Coffin was the next magistrate, and I informed him. Mr. Gove did further say that the old officers should stand good and that the court should be kept at Dover, and other words to that effect.

Will. Waldron.

Sworn before the Governor and Council, March 3, 1682.

By order:

R. Chamberlain, *Cl.*

The Deposition of Andrew Peterson, of Great Island, mariner, taken upon oath the second day of January, 1682, before me, Honorable Edward Cranfield, Esq., Governor of this Province.

This deponent saith, that about the latter end of February last, he desired, by Mr. Robert Elliot, merchant, to go on board the bark Gift, then at anchor off in the river of Piscataqua, near unto Mr. Fryer's wharf, and help to get the sails on shore, which were then in the hold of the said bark. This deponent did refuse to go on board until the said Elliot had promised to keep this deponent harmless from any damage that might befall him, the deponent, by reason thereof, the bark being at that time under seizure for the king, as he (this deponent) was informed by Capt. Barefoot, who at the same time was on board the said bark.

And this deponent further saith, that he did see the king's jack set up on the stern of the said bark, to give notice she was seized, and Capt. Stileman being on shore at one Luck's, his wharf, did demand of this deponent, who set up the said jack; this deponent told him that it was set up by Capt. Barefoot, and that this said Capt. Barefoot was then on board the said bark. Then the said Stileman commanded this deponent to pull down the said jack, and told him he would save him harmless. Whereupon he, this deponent, did take the said jack down, and further saith not.

Vera copia, from the original.

Teste:

Richard Chamberlain, *Register.*

To the Right Honorable Edward Cranfield, Esq., His Majesty's Lieutenant-Governor in the Province of New-Hampshire, the petition of Thomas Seavy, of Portsmouth, humbly sheweth.

That whereas my son Henry, some years since, fell in love with Sarah Mattoon, *alias* Pearce, an heiress to a considerable estate in the Province of Maine, her husband, Mattoon, deserting her, and before authority disowning her. My son and Sarah were legally published, and took each other before one of his Majesty's council, and do live together as man and wife, the said Sarah having legal divorce from Mattoon, by a court in

the Province of Maine, but good part of her estate is detained from her, as will appear by will, and,

Therefore, your petitioner doth humbly crave of your Honor that Henry and Sarah may be more formally married, that they may know how to sue for their own, if your Honor shall please to direct us to such a court, whereby we may obtain our own, you will ever oblige your humble petitioner to pray, &c., and remain

Your Honor's most humble servant,

February 28th, 1682.

Thomas Seavy.

The deposition of Jacob Bunton, aged 25 years, or thereabouts :

Who testifieth, that one Saturday, about nine weeks ago, George Walton, Batue Hopkins, Ichabod Rogers, Thomas Roby and myself, being cutting of wood over against Little Harbor, upon the land that was laid out by my master, Rob't Mason, Esq., to George Walton, according to the testimony of Wm. Beckam and James Leach, Jeremiah Walford coming by, forbade us cutting of wood there, which we did not mind, but on Monday we all, above named, went to the same place to cut wood; but being not long at it, John Amazeen, constable, with his son, Jeremiah Walford, and two or three others, came with a warrant from Capt. Stileman to bring all that was a cutting wood upon the above named land, and bring them before him, which he did, who ordered us, upon the penalty of five pounds apiece, to cut no more wood, nor carry any more away; but gave the above John Amazeen and Jeremiah Walford liberty to cut and carry away what they would; and in a few days after the said deponent saw some of the same wood, as this deponent believes, really in John Amazeen's yard, that was cut by some of us above named persons. All this I can testify is true.

Sworn in Court, February 15th, 1682.

Teste :

R. Chamberlain, *Clerk.*

Jacob Burton.

George Walton, plaintiff, against Jeremiah Walford and John Amazeen, defendants. The jury finds for the defendant's cost of court.

The Deposition of William Beckham.

This deponent testifieth and saith, that being at the house of Silvester Herbert, on the Great Island, he heard a great noise about Will. Lux's wharf, which drew him thither, where, being arrived, he demanded of the standers-by what was the matter. Answer was made that Capt. Barefoot had seized the Jersey bark, and Elihu Gunnison was turned overboard; whereupon this deponent answereth, the vessel he was sure was forfeited to the king, and it would be bad for them that resisted. Capt. Stileman, stepping forth of Mr. Raines his shop, said he would justify what was done as far as 100, 200 or £500 would go, and he thanked God he was able. This deponent answered that if he were worth £1500 he might quickly send it going in such vain security, for the king would not be baffled by such undertakings. Sworn in court.

R. Chamberlain, *Cl.*

Lewis Tucker, aged about thirty-three years, testifieth and saith, that some time in February last past, this deponent was at the Great Island. Met with Capt. Barefoot, and he desired me to go along with him to Capt. Stileman's; whereupon we met with Capt. Stileman at John Lewis', and Capt. Barefoot told Capt. Stileman that he had seized the Jersey bark, and Capt. Stileman said that he took no notice of it, for he had nothing to do with her. Then I was some time absent from them, and going home met with Capt. Barefoot, and he desired me and Elihu Gunnison to go aboard the Jersey bark with him; and accordingly we did, and at the side of the bark Mr. Robert Elliott, with some other men, met us, and they went on board, and Mr. Elliott bid Andrew Peterson go down into the hold, and heave up some sails. And as the said Peterson was lifting them up, Capt. Barefoot, with his cane, struck him on the fingers, and bid him let them alone, for it was the king's goods; upon which Mr. Elliott took up a stick in his hand, and this deponent asked him whether he did mean to fight or no, and he said no, he had not a mind to fight with nobody. And Capt. Stileman came down upon the wharf where was a great company of men. The said Stileman

called on board the bark, and bid them strike the colors, upon which Andrew Peterson went to strike them, upon which Elihu Gunnison and Peterson fell to scuffling, whereupon they broke the stick the colors were upon. Then this deponent put them asunder, and then Capt. Stileman called on board and bid them heave them two fellows overboard; but who he meant I know not, and then I got into my canoe and desired Elihu Gunnison to come away with me, and when he was in the canoe, turning himself about to talk with Mr. Elliott, the canoe fetching a heel he fell overboard backward. I got hold of him and got him into the canoe, and so went our way home.

Taken upon oath this 13th day of February, 1682.

Before me :

John Seavey, *Deputy, present.*

To all faithful people in Christ unto whom those presents shall come; Richard Tucker, of the river Piscataqua, in New-England, sendeth greeting: Know ye, that I, the said Richard Tucker, for and in consideration of the sum of forty pounds sterling, to me in hand paid many years ago by George Walton, of Piscataqua aforesaid, sen'r, and for divers other good causes and considerations me thereunto moving, have given, granted, bargained, sold, aliened, infeoffed and confirmed, and by these presents do give, grant, bargain, sell, alien, infeoff and confirm unto the said George Walton, his heirs and assigns forever, a neck of land upon the Great Island, in Piscataqua river, lying toward the west, sometimes deputed and owned to be the land of Ferdinando Gorges, knight, and Capt. John Mason, and otherwise at the disposal of Richard Lines, Henry Jocelyn, and Thomas Warnerton, their agents, and by them sold unto Francis Matthews; afterward in the hands of John Woolton, and next after in the hands of me, the said Richard Tucker, as doth appear by several deeds, with a grant from the town of Portsmouth, bearing all various dates, which said lands were sometimes called and known by the name of Muskeeto Hall (or nigh adjoining to it), and otherwise known by the name of Woolton's Neck, with all rights, privileges, commonages and appurtenances unto the said land

belongeth, and every one of them, unto the said George Walton, his heirs and assigns forever, to have and to hold the said neck and parcel of land, with all rights, commonages, privileges and appurtenances, and every part and parcel thereof, unto the said George Walton, his heirs and assigns, to his and their sole use, behoof, and benefit forever. In witness whereof I, the said Richard Tucker, have hereunto put my hand and seal, the second day of July, A. D. one thousand six hundred sixty and four.

Richard Tucker,
Margaret Tucker.

[SEALS]

Signed, sealed and delivered, in presence of us :

Teste :

Edward West,
William Ellingham,
M. Nichols.

This 24th day of July, Richard Tucker came before me and acknowledged this to be his act and deed ; and Margaret, his wife.

Vera copia, of the original.

Samuel Maverick, *Commissioner*.
Rich. Chamberlain, *Cl.*

Teste :

March 7, 1682.

Granted to Mr. John Wheelwright, fifteen acres of upland, lying and being between the two lots of Tho. Moulton and Henry Moulton ; thirty acres more of good upland, to lie within a slight shot of the former fifteen acres ; and also twelve acres of salt marsh, to be layed out in the Little Ox Common. These several grants were granted by the town the 5th of the 7th mo., 1646.

This is a true copy taken out of Hampton records, as attests
Sam'l Dalton, *Clerk*.

Know all Men by these Presents, That we, Capt. Bryan Pendleton, Capt. Rich. Waldon, and Mr. John Seely, being agents for the widow Ebel Wootton, of Plymouth in old England, being lately the wife of John Wootton, of Piscataquack, having lawful power and authority to dispose of the said widow's estate in

Piscataquack river, in New-England, have and do by these presents sell and confirm unto Richard Tucker, his heirs, executors, administrators and assigns forever, all that house and housing, with the land, improved either by planting or fencing, with all the privileges and appurtenances thereunto belonging, lying and being upon the Great Island, in the aforesaid river, and commonly known by the name of Muskeeto Hall: To have and to hold to him and them forever; and peaceably to enjoy without the let, denial or interruption of any lawfully claiming from, by or under us.

In witness whereof we have hereunto set our hand and seals, his 20th of January, 1656.

Bryan Pendleton,
Richard Waldon.

Witness : Thomas Fletcher,
James Pendleton.

Vera copia of the original, March 8, 1682.

Teste : Rich'd Chamberlain, *Cl.*

Fees of Court.

To the judge, for every action,	4s.
To the assistants, each,	3s.
To the prothonotary, or clerk,	2s. 6d.
To the provost marshal,	1s.
To each juryman,	6d.
To the beadle,	6d.
To every justice of peace for every action before him,	2s.
For every execution thereon,	2d.
To the treasurer, for entering of vessels, ships, sloops, &c.,	1s.
For clearing the same,	1s.
For all monies issued out and received, for every pound,	1s.
For copy of casket,	6d.
To the captain of the fort, per annum,	20l.
For every vessel passing the fort,	1s.

To the auditor of the king's revenue, for every pound audited,	6 <i>d.</i>
To the secretary, per annum,	10 <i>s.</i>
Upon a fine of a delinquent,	2 <i>s.</i> 6 <i>d.</i>
Upon admonition,	2 <i>s.</i> 6 <i>d.</i>
Reasons of appeal,	2 <i>s.</i>
Answers to reasons of appeal,	2 <i>s.</i>
Judgment conferred,	2 <i>s.</i>
For every probate of a will,	1 <i>s.</i>
For registering every deed, bill of sale, bond, execution, &c., as formerly Capt. Stileman had.	
For copies (as formerly,) every person,	1 <i>s.</i>
For every attachment,	1 <i>s.</i>
For every summons,	6 <i>d.</i>
For every execution,	2 <i>s.</i>
For every ordinary petition to the Council or Court,	1 <i>s.</i>
For every name more than one,	6 <i>d.</i>
For every petition to remit or mitigate a fine, &c.,	2 <i>s.</i>
For every evidence filed,	3 <i>d.</i>
Attesting before the Council, &c.,	1 <i>s.</i>
Order of Council,	1 <i>s.</i>
Copy of such order,	1 <i>s.</i>
To the provost marshal, for every attachment,	2 <i>s.</i>
To the prison keepers, apiece,	4 <i>l.</i>
To the provost marshal, for levying execution of 10 <i>l.</i> and under, in Portsmouth, per pound,	1 <i>s.</i>
From 20 <i>l.</i> to 50 <i>l.</i> , 6 <i>d.</i> in the pound, besides the former 10 <i>s.</i> ,	6 <i>d.</i>
And for every pound levied above 50 <i>l.</i> and under 100 <i>l.</i> , for every pound above 50 <i>l.</i> ,	3 <i>d.</i>
And for every 100 <i>l.</i> and upwards, for every pound above 100 <i>l.</i> , he shall take;	1 <i>d.</i>

Allowed by the Governor in Council, January 19, 1682.

R. Chamberlain, *Sect.*

*To the Right Honorable Edward Cranfield, Esq., his Majesty's
Lieutenant and Governor for the Province of New-Hampshire,*

The petition of us, whose names are underwritten :

Humbly sheweth—Whereas, we conceive it is the laudable custom of civil, and much more christian nations, to have tender respect to the decrepit, by age, we, your Honor's humble petitioners, being sundry of us about and above seventy years of age, some of us above eighty, others near ninety, being past our labor and work, do crave that favor, if your Honor see meet, that we may be freed from head money, we being heartily willing our estates should pay their proportion to all public charges, but we humbly crave our heads may be spared, since our hands can do so little for them. We also humbly suggest that some of us, that lived long in England, remember not that we paid anything for our heads, though we did for our estates. All which we present to your Honor, craving pardon for our boldness ; and if your Honor, out of your clemency, shall see cause to favor us in our request, we shall not cease heartily to pray for your Honor, and remain,

Your aged and humble suppliants,

John Marion,
Christopher Hussey,
Robert Smith,
Henry Roby,
Moses Cox,
Thomas Masting,
Morris Hobes,
William Fifield,
Godfrey Dearborn,
William Fuller,
John Redman,
Thomas Sleeper,
John Drown,
Abraham Perkins,
Isaiah Perkins,
Thomas Leavitt,
Anthony Tabor,
Anthony Stanyan,
John Clifford.

Hampton, March 2d, 1683.

NEW-HAMPSHIRE.

By the Governor and Council.

Whereas the Parliament of England hath, for the good and welfare of his Majesty's said kingdom of England, in their wisdom thought fit to make good and wholesome laws for the encouragement of trade and navigation, and the increase of shipping; by the means whereof the wealth, safety and strength of his Majesty's dominions are likewise increased; and for the better observation of these laws, his Majesty, out of his princely wisdom and care of his good subjects, the merchants and mariners, hath, in pursuance thereof, not only directed his royal proclamations to all his government, strictly requiring and commanding them to give due observance to the said laws, but particularly and frequently his letters to the colony of the Massachusetts Bay, for the regulation of the abuses in the premises:

Notwithstanding all which the said colony have, instead of discountenancing all persons that have infringed the said laws and acts, protected and encouraged them in their illegal importations, and made their ports places of reception for all foreign prohibited commodities, not only as to what hath been consumed within their own jurisdiction, but by the sloops, under pretence of loading timber, (which we find very injurious to the trade in this Province), drawing all the ships to Boston, and thereby supplying all the neighboring colonies, totally to the discouragement of English merchants and mariners; and this by experience we know, having made seizure and condemnation of some prohibited commodities, coming from Boston. Now, forasmuch as the Governor and Council of his Majesty's said Province of New-Hampshire think ourselves in duty bound, not only to observe his Majesty's said laws ourselves, but also to use all the care and diligence to prevent the said abuses and discountenance them in others; we therefore, his Majesty's said Governor and Council, have thought fit, for the said reasons, of the breaking of the said acts of trade, and for the benefit of the same, and the advantages that will accrue to this Province, to restrain, and we do hereby restrain and prohibit the sloops and vessels coming from the colonies to the Massachusetts Bay, under the burthen

of one hundred tun (unless allowed and licensed by the Governor, by a writing under his hand), from loading any boards or timber in this Province, under forfeiture of such sloops and vessels, from and after the first day of April next ensuing the date hereof. And for the encouragement of shipping and navigation of the merchants and seamen of England, it is hereby

Ordered, That for the space of three years next to come, (unless his Majesty shall please to make any alteration hereof), all vessels coming from all other his Majesty's plantations, of what burthen soever, shall have free liberty to load and carry away any boards, timber, or other commodities, to any other his Majesty's plantations, only paying the usual rate for powder, as is and has been usually paid in Barbadoes.

Dated the 22d of October, in the 35th year of the reign of our sovereign lord, Charles the Second, king of England, A. D. 1683.

These are to certify, That upon my being made governor of the Province of New-Hampshire, in New-England, his Majesty was graciously pleased, by an order in council, of the twenty-fifth of January, one thousand six hundred eighty and one, to the Lord Commissioners of his Majesty's treasury, to make an augmentation to my allowance as governor of the said Province; and among other things ordered Sir Robert Sawyer, Kt., his Majesty's attorney-general, and others of his Majesty's council, learned in the law, to settle as well all the fines and forfeitures and our fifth part of the quit-rents, was then surrendered to his Majesty in council by Robert Mason, Esq., the proprietor of the said Province, by a grant derived from his Majesty's royal grandfather. The surrender was graciously accepted by his Majesty from the said Mr. Mason, as lawful proprietor of the said Province, and the deed was acknowledged and enrolled in his Majesty's high court of chancery.

Given under my hand this twenty-fourth day of September, one thousand six hundred eighty-three.

Edward Cranfield.

Vera copia from the original:

Teste:

Richard Chamberlain, *Secretary*.

NEW-HAMPSHIRE :

At the Court of Pleas, held at Great Island, September 25, 1683 :

Whereas, by a statute made in the sixth year of the reign of Edward the First, King of England, it is enacted, that the tenant shall have no power to make any waste or of the land in demand hanging the plea ; and *whereas* there is a plea or suit depending before his Majesty between Walter Barefoot, Esq., and Robert Wadley, for certain lands, tenements and hereditaments, at Exeter, in this Province, the court therefore, in pursuance of that equitable law, doth hereby prohibit all and every person and persons to cut, fell, or carry away from any the said lands, any timber or logs, to be sawed into boards, or any boards or pipe-staves, or any other sort of timber, except firewood for the said Wadley's dwelling, until his Majesty shall have given his own final determination in the case, now depending upon appeal before his Majesty in council, whereof all persons are hereby required to take notice, and give obedience thereto, as they will answer the contrary.

By order of court,

R. Chamberlain, *Prothon.*

To James Sherlock, Gent., Prov. Marshal, or his Deputy, to see this injunction served.

This Indenture, made the twelfth day of April in the five and thirtieth year of the reign of our sovereign lord, Charles the Second, by the grace of God king of England, Scotland, France, and Ireland, Defender of the Faith, &c., A. D. 1683 : Between Robert Tufton Mason, Esq., proprietor of the Province of New-Hampshire, in New-England, of one part, and George Broughton, of Berwick, in the Province of Maine, gentleman ; Richard Otis, of Cocheco, within the present reputed precincts of Dover, in the said Province of New-Hampshire, blacksmith ; and James Chadborn, of Berwick aforesaid, carpenter, of the other part—Witnesseth, that whereas the said Robert Tufton Mason, by virtue of a grant from king James, of famous memory, in the eighteenth year of his reign, is instated in fee of all

those lands, islands and rivers, lying between the rivers of Naumkege and Piscataqua, called New-Hampshire, and of all rights, royalties and preëminences within the same: Now this Indenture further witnesseth, That the said Robert Tufton Mason, for divers good reasons and considerations, him thereto especially moving, hath granted, bargained, sold, infeoffed and confirmed, and hereby doth grant, bargain, sell, infeoff and confirm to the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, all that tract of land lying and being at the Salmon Falls, within the precinct of Dover, so reputed, on the west side thereof, to begin below the said falls and adjoining to Edward Taylor's land, and to run in length up the river three hundred and sixty pole, to the north-west, and in breadth one hundred and twelve pole, containing by estimation two hundred and fifty-six acres, excepting out of the premises a convenient path or highway for common use, if it shall be found needful; also excepting and reserving out of this present grant to the said Robert Tufton Mason, his heirs and assigns, all mines and minerals that shall be found or be within the premises hereafter; and all pine trees fitting for masts of ships, of four and thirty inches through, to be measured ten foot from the ground; to have and to hold the said tract of land (except before excepted), to the said George Broughton, Richard Otis, and James Chadborn, their heirs and assigns, to the only use and behoof of them, their heirs and assigns forever; yielding and paying therefor yearly and every year forever to the said Robert Tufton Mason, his heirs and assigns, the annual rent of ten shillings of lawful money, current in New-England, and one shilling for every dwelling house (more than four), that is or shall be built upon the premises, on the feast of St. John Baptist, and the nativity of our Lord God, by equal portions, without any abatement or defalcation whatsoever; the first payment to be made on the said feast of St. John Baptist, or the nativity of our Lord God, which shall first happen after the determination of the interest or mill grant, granted the said Robert Tufton Mason to the said Broughton, Otis, and Chadborn, by indenture bearing even date herewith; and if it shall happen the said annual rent of ten shillings and one shilling, or any part thereof, to be

behind and unpaid by the space of twenty days next after either day of payment aforesaid being lawfully demanded, that the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, shall forfeit and pay to the said Robert Tufton Mason, his heirs and assigns, double the money so behind and unpaid. And the said Robert Tufton Mason, for himself, his heirs and assigns, doth hereby covenant with the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, that he, the said Robert Tufton Mason, his heirs and assigns, the hereby granted premises to the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, against all persons shall and will warrant and forever hereby defend. And the said George Broughton, Richard Otis and James Chadborn, for themselves and either of them, their and either of their heirs and assigns, do hereby covenant with the said Robert Tufton Mason, his heirs and assigns, that they, the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, shall and will from time to time preserve and keep the buttals and boundals of and upon any the hereby granted premises; and at the end of every ten years deliver to the said Robert Tufton Mason, his heirs and assigns, a terror,[?] fairly ingrossed, of the said premises, with the most known buttals and boundals of the same.

In witness whereof the parties hereto have interchangeably set their hands and seals, the day and year first above written.
Robert Tufton Mason.

[PROPRIETORS' SEAL.]

Endorsed thus:

Sealed and delivered in presence of Walter Barefoot, Rich'd Chamberlain.

Vera copia: Teste: Richard Chamberlain, *Prothon.*

October 2, 1863.

NEW-HAMPSHIRE.

By the Governor and Council:

Ordered, That the respective constables within this Province do forthwith pay to the treasurer thereof all such moneys as

they have collected upon the Province four penny rate, and to forbear to collect any other rate till the said Province rate be fully levied. Also, it is hereby

Ordered, That they give in their accounts of all monies by them collected, as well for the Province as other rates.

Dated the 22d of October, 1683.

R. Chamberlain, *Clerk of Council*.

NEW-HAMPSHIRE.

To George Jaffrey, Constable of Portsmouth.

Whereas William Vaughan, Esq., was lately committed to prison, for refusing to give security of five hundred pounds, for the peace and good behavior; and the prison-keeper hath erroneously, and contrary to law, taken bond in his own name concerning the premises, whereas it should have been to his Majesty, his heirs and lawful successors, and so consequently suffered the said William Vaughan to escape; these are therefore, in his Majesty's name, to charge and require you, the said George Jaffrey, constable, forthwith to take and apprehend the body of the said William Vaughan, and carry him to the prison of Great Island, and the said prison keeper: viz., Richard Abbot, is hereby required to receive him, and detain in his custody (in prison), till he shall find such security, of five hundred pounds (as above said), to his Majesty's use, for keeping the peace and for good behavior, according to law and the tenor of the former warrant in that behalf.

Given under my hand and seal, the 23d day of October, 1683.

Edward Cranfield. [L. S.]

This is a true copy of the original warrant, served on the body of William Vaughan, Esq.

Per George Jaffrey, *Constable*.

NEW-HAMPSHIRE.

Great Island, June 20, 1683.

By the Governor, the Hon'ble Edw'd Cranfield, A. D. 1683.

John Greek, *alias* Amazeen, being in prison for felony: viz., stealing three hats, out of the warehouse of Isaac Bond,

merchant, was bailed by the governor's order; Robert Elliot and Phesant Eastwick being bound with him in a recognizance of twenty pounds, for his appearance at the next quarter sessions.

Memorandum.—That the twenty-first day of June, in the 35th year of the reign of our sovereign lord, Charles the Second, king of England, &c., John Amazeen, *alias* John the Greek, of Great Island, in the said Province, yeoman, Phesant Eastwick and Robert Elliot, of Great Island, aforesaid, merchants, acknowledged, by way of recognizance, to owe and be indebted to the same, our sovereign lord, king Charles the Second, in the sum of twenty pounds of lawful money of New-England, upon condition that the said John Amazeen, *alias* John the Greek, shall render his body in appearance at the next quarter sessions, to be held for the said Province on the first Tuesday in August, next ensuing the date hereof, and not depart without leave of the court. In witness whereof the said John Amazeen, Robert Elliot and Phesant Eastwick, have set their hands and seals, the day and year above written.

John Amazeen, *alias* Greek, his X mark, [SEAL.]

Phesant Eastwick, [SEAL.]

Robert Elliot, [SEAL.]

By order :

R. Chamberlain, *Sec.*

This following order, under the seal of the Province, was published in the four towns, and at Great Island, at Henry Crown's door.

By the Governor.

[PROVINCE SEAL.] Whereas great inconvenience and damage have arisen to masters, commanders, and owners of ships and vessels, arriving in this said Province, by reason of the seamen absenting themselves and going away from the said ships and vessels, and the service therein, contrary to law and their own agreements,—These are, therefore, in his Majesty's name, to require all and singular the mates and other seamen, that are or shall be within this said Province, not to presume to go from their respective ships and vessels without

leave first obtained from their respective commanders, unless they shall have and show a pass, or certificate, under my hand and seal, licensing them thereunto, under penalty of paying all the damages thereby sustained by their respective commanders, owners, or merchants employing them; or imprisonment until they shall pay and satisfy the same; and no sloopman shall presume to transport such mates or other seamen, not showing such pass or certificate as aforesaid, and all justices of peace and constables, within the said Province, are hereby likewise required to make stay of such mates and other seamen, going away as aforesaid. Given under my hand and seal the * * * * *

And it is hereby likewise ordered, that no private house presume to harbor any such mates or seamen, under the severest penalty of the law,

Ordered, That Perot, the mate of Capt. John Atkins, commander of the ship, upon whose complaint he was committed for his misbehavior and nonperformance of his duty on shipboard, be discharged out of prison (he having submitted himself), and also from the service and place of mate, to the said Atkins (who desired to be quit of him); and that the said Atkins pay the said Perot all his wages due to him, and both mutually give general releases.

Ordered, That Joseph Purmort, of Great Island, have a license for his tavern.

NEW-HAMPSHIRE.—*By the Governor.*

[PROVINCE SEAL.] These are in his Majesty's name, to require and command you and every one of you, the inhabitants of the south half of the Isle of Shoals, forthwith to yield obedience to his Majesty's government established here in the Province abovesaid, by virtue of his royal commission, bearing date the 19th day of May, 1682; and that all who are of years qualified for it repair to the house of Nathaniel Fryer, Esq., Deputy Governor, to take the oath of allegiance to be true to our sovereign lord the king, his heirs and lawful successors. And hereof fail not, as you will answer the contrary upon pain of his Majesty's high displeasure.

Given under my hand and the seal of the Province, this second day of July, 1683, in the 35th year of the reign of our sovereign lord, king Charles the Second.

A commission for justice of peace for the half Isle of Shoals was granted to John Fabes, in the usual form.

To SAMUEL WENTWORTH, *Surveyor of the Highways in the Township of Portsmouth:*

In his Majesty's name you are hereby required to warn the inhabitants within the said township to work upon mending the highways upon such days and place as you shall appoint; and if any shall neglect to appear, having been duly warned, you are to return their names to us, that they may be punished according to law; and you, the said Sam'l Wentworth, are hereby authorized to cut timber off any place, for mending the highway, and to press cattle for drawing of the same.

Given under our hands, this 10th day of July, 1683.

Robert Mason, } *Justices of the Peace.*
Nath'l Fryer, }

It is hereby intended that the bridge made at Little Harbor by Mr. Wentworth is part of the highway, for which and other charges and expenses the said Wentworth is to be paid by the overseer or selectmen of the town of Portsmouth.

Robert Mason, } *Justices of the Peace.*
Nath'l Fryer, }

The deposition of Hazen Levit, aged about thirty-six years, testifieth, that as he was riding up to his lot the last Thursday in July last, at night, about sun half an hour high, he saw John Fuller's wife upon her hands and knees, scrabbling to and fro, first one way and then another, and seemed to him to be mighty lazy; but after she spied him she left off that manner of acting, and seemed to take up her apron with one of her hands and with the other hand to gather up something;

and as I drew near her it seemed to me as if she laid something upon a log, and come back and fetched a little child, that stood by her when she was in her former actions, and went through at her own gate, as he thought, the aforesaid log being near to her gate; and when she was in her gate she went toward her garden, and as soon as he was come up to her gate she turned and went toward the door, with a child and a little basket in her hand, as it seemed to your deponent; and your deponent looking on her she gave him a frowning look at first, but as your deponent was passing from her, she laughed on him, as seemed to him; and after your deponent was gone some way thence, she was gotten to the place first mentioned, as near as your deponent can guess, and in the same manner of acting as first named; and your deponent quickly returning again found her still in the same actions; and as soon as I apprehended she discerned him she left off and went away, as before, and presently there came from her gate to the place a thing like a little dog, as to the seeming of your deponent, and went to the place where she was so acting as before; and there, walking to and fro, went back again.

“A letter from Edward Gove, in prison, to the Justices of the Court of Sessions.

From the Great Island in Portsmouth, in New-Hampshire, 29 January, 1682-3.

To the much hon'd Justices of the Peace, as you call yourselves by your indictment, in which eleven men's names subscribed, namely: Ed. Gove, John Gove, Jo. Wadley, John Wadley, Rob. Wadley, Ed. Smith, Will. Ely, Tho. Rawlins, John Sleeper, Mark Baker, John Young. Gentlemen, excuse me. I cannot petition you as persons in authority, by the name of justices of the peace, for now I am upon a serious account for my life and the life of those that are with me. Therefore pray consider well and take good advice of persons in Government, from whence you came. I pray God that made the heavens, the earth, the seas, and all that in them is, to give you wisdom and courage in your places, to discharge such duty as God requires of you; and secondly, I heartily

pray God to direct you to do that which our gracious king Charles the Second, of blessed memory, requires of you. Gentlemen, it may be I may be upon a mistake, but, according to what I know and believe, I am falsely indicted, and I am abused notwithstanding by another indictment, by being in irons, by Capt. Barefoot's order, which irons are called bilboes, exceeding large. Pray consider we are men like yourselves, made of the same earth, and I know who made the difference.

And I verily believe that the holy, righteous, just God will have an account of you for your justice in this matter. Pray consider. When this last change was, I wrote to one man in this Province. I told him we were a happy people, if all was right in the bottom. Time was that I said all was right in the bottom. I believed it, but now I see otherwise. Who knows what shall be on the morrow? Though it be appointed a solemn day of fasting, I know that when it was appointed there was not the election of cries and tears that will appear when the day comes. If ever New-England had need of a Solomon, or David, or Moses, Caleb or Joshua, it is now. My tears are in my eyes. I can hardly see.

Yet will I say I do believe how it will come. You and they, with sighs and groans, must outdo the ministry. The ministry must endeavor to outdo you, but if you and they do any thing in hypocrisy, God will find you out, and deliverance will come some other way.

We have a hard prison, a good keeper, a hard captain, irons an inch over, five foot and several inches long, two men locked together; yet I had, I thank God for it, a very good night's lodging; better than I had fourteen or fifteen nights before. I pray God direct you and let me hear from you by a messenger that your Honors shall employ, and consider I am your Honors' humble servant, in all duty to be commanded,

Edward Gove.

I know those that will have a blessing from God must endeavor to stand in the way of a blessing. This doctrine I heard about thirty-two years ago.

Edward Gove.

Excuse anything wrote amiss, for the Lord's sake. I would you all were as I am, and as fit to receive reward for innocency. I humbly beg your prayers to God in our behalf.

Edward Gove.

If anything be amiss in what is written, let the subscriber bear the blame, for the rest are surprised with fear.

Edward Gove.

I humbly and heartily desire some of your Honors would speak to Mister Moody, to pray to God in the behalf of all his poor prisoners, the world over, and especially for us before named, the men of his Province, who lie under heavy burdens.

Edward Gove.

I, Edward Cranfield, in pursuance of the royal commission and instructions, do hereby pardon and remit unto John Gove, of Hampton, in the said Province, laborer, one of the persons convicted of high treason at the said court, held by special commission of oyer and terminer: viz., the first day of February, last past, in the year of our Lord God 1682, all his crime and offence of treason and conspiracies, and all penalties and forfeitures for the same.

Given under my hand and the seal of the Province, the day of _____ in the six-and-thirtieth year of the reign of our sovereign lord, Charles the Second, king of England, &c., A.D. 1683.

The like pardon was granted under the Province seal to John Wadley, *mutatis mutandis*, and to William Holy.

The pardon of John Sleeper was to the same effect, only omitting these words, (and all penalties and forfeitures).

NEW-HAMPSHIRE.

To Capt. Philip Cromwell.

Whereas you are commissioned to be captain of the foot company of Dover, you are hereby required and empowered to call together to your muster all such persons as have heretofore mustered in the town of Dover, and all such other per-

sons as you shall think fitting to bear arms, from the age of sixteen years to sixty years, and to distrain upon such as shall make default in neglecting to appear at the said muster upon due notice, according to law and custom. And for so doing this shall be your sufficient warrant.

Given under my hand, at Great Island, the 9th of June, 1683.

By order: R. Chamberlain.

The Deposition of Samuel Marston and Marcy Cass. These deponents testifieth that the last Lord's day, at night, being the 10th day of this instant month, being in the house of Samuel Cass, Joseph Dow, junior, being there, after some time Samuel Philbrick came in and were in discourse, friendly, for aught we saw. After some time Samuel Philbrick told said Dow that he would beat him, or drub him. Said Dow answered, "You have told me so many times, but I do not fear you." Samuel Philbrick rose up, and went as if he were going forth, and without any provocation as we saw, said Philbrick struck Joseph Dow several blows with one hand, and with the other grasped him about the throat, till Samuel Marston pulled said Philbrick away; and the said Philbrick said to said Dow, "Take that, at present, and shortly you shall have more." Marcy Cass do further testify, that upon Samuel Philbrick striking of Joseph Dow, junior, the blood run down said Dow's face!

Samuel Marston and Marcy Cass made oath to what is above written, this 15th of June, 1683.

Before us:

Henry Green, }
Nathaniel Weare, } *Justices of Peace at Hampton.*

*Samuel Philbrick also owned the substance of the evidence, and on the credit of the witnesses hath not to object against any part.

Also Joseph Dow, junior, appearing before us, hath given in upon his oath to the truth of what Samuel Marston and Marcy Cass have sworn; and further, that Samuel Philbrick did so grasp him about the throat that he was afraid he would have choked him, and that the blood run down his face, and also

that he, by reason of his abuse done to him, the said Philbrick's threatenings of him, that he goeth in fear of him.

What is above written, Joseph Dow, junior, hath made oath to the truth thereof, this 15th of June, 1683.

Before us :

Henry Green, }
Nathaniel Weare, } *Justices of Peace at Hampton.*

*To the much honored Governor of the Province of New-Hampshire,
Edward Cranfield :*

The humble petition of Richard Webber, July the 10th, 1683 :

Who humbly craveth that your Honor would please so far to give ear to his petition as to pity and pardon his late fault ; a great and fouler than indeed he can or would desire to excuse himself for without great resolutions of amendment. As your Honor well knows, and he confesseth himself, he was convented before you for his false, untrue, and abusive words against the honored deputy governor, Nathaniel Fryer, Esq., of which his abominable and detestable act he is heartily ashamed, knowing no just reason any ways to abuse him, but doth gather the whole default to arise from a peevish and testy nature, that he retains within himself, which he is heartily sorry for and he hopes truly sensible of, and doth desire God would make him more and more sensible of the same. Your humble petitioner therefore humbly craveth your Honor's favorable hand toward him, to remit his present trespass, which he confesseth he deserveth not, but doth hope it shall have the effect upon him that for time to come he shall so behave himself that your Honor may rejoice in your lenity towards him, and he continually remain a dutiful servant, and pray for your Honor's prosperity.

Your humble petitioner,

Richard Webber.

August 7, 1683. We present Henry Russel, of the Great Island in Piscataqua river, for suffering disorder in his house

at unseasonable time of the night, and for coming into James Robertson's shop, and breaking the head of his servant, an apprentice, and for abusing said Robertson's wife with uncivil words; and for witnesses,

James Robertson,
and his servant, Walter Westcote.
Henry Dow, foreman, in the name of the rest.

Nathaniel Boulter, of Hampton, in the Province of New-Hampshire, yeoman, and Samuel Clark, of Portsmouth, in the said Province town, do make oath that John Redman, senior, of Hampton aforesaid, yeoman, did, upon the fourth day of this instant December, say these words: viz., That he was the same man he was, and had played the man, and that the jury had wickedly betrayed the Province in Mr. Mason's case, and upbraided the said Boulter as if he had received a bribe from Mr. Mason of thirty acres of land.

Samuel Clark,
Nathaniel Boulter.

Sworn in court, December 5, 1683.

R. Chamberlain, *Prothon.*

John Sleeper, of Exeter, laborer, made oath also in court, that he heard John Redman aforesaid say that the jury had betrayed the Province, or words to that effect.

R. Chamberlain, *Prothon.*

× The mark of John G. Sleeper.

To the Honorable Edward Cranfield, Esq., his Majesty's Lieut. Governor and Commander-in-Chief in this, his Majesty's Province of New-Hampshire:

The humble petition of Joseph Cass, Abram Drake, junior, John Sanborn, junior, and Joseph Swett, humbly sheweth that your petitioners being *accidently* in the company of some persons at Exeter, where there was some abuse offered to Mr. Thomas Thurton, your petitioners being altogether ignorant of any such intent, but to do our own business, neither did we offer any incivility to any, of any nature. Your petitioners

are heartily sorry they should be so unfortunate to be there in such company, especially at such time, where his Majesty's authority was abused. Your petitioners utterly abhor any such actions, but did our best to prevent the same; and whereas your petitioners are bound to appear at the sessions, to answer to what shall be alleged against us, your petitioners humbly pray your Honor would be pleased to pardon our offences, and remit the prosecution, and for the future we will so demean ourselves, with all dutifulness to his Majesty's royal commands, and obedient to your Honor and his Majesty's government here under your Honor.

Joseph Cass,
Joseph Swett,
John Sanborn, gunner,
Araham Drake, junior.

Deposition of Walter Barefoot.

In the latter end of February last, at which time our honorable Governor, Edward Cranfield, Esq., resided at my house on the Great Island in Portsmouth, in the Province of New-Hampshire, came William Walderne to my said house, and informed me his uncle Walderne was getting a party of men to come to said Island, and bid me to look to ourselves, by reason of a paper which our Governor had caused to be set up at Dover, concerning Mr. Mason's title. And at another time said William Walderne came as above to my house, and told me it was reported at Dover he had taken an oath against his said uncle, and Mr. Pike came to him, said William, and chid him for so doing; to all which I affirm to be truth. The said William Walderne did inform me all the above. Witness my hand this 30th of July, 1683.

Walter Barefoot.*

The above written Walter Barefoot was sworn to the truth of the above written, at the quarter sessions of the peace, held at Great Island the 7th of August, 1683.

R. Chamberlain, *Clerk of the Peace.*

* This deposition is from the original, in the handwriting of Walter Barefoot.

The testimony of JOHN WILLY, aged about 24 years, testifieth, that about one year ago, he, this deponent, came to the house of Stephen Willy, in a morning, and did see Stephen Willy throw his wife down and strike, and did take up an axe to strike her with; but I took it from him, and then he took up a hoe, and did heave it at her; but I, the deponent, did rescue her out of her husband's hands; otherwise I do believe he would have killed her; and Stephen Willy bid his wife be gone and never come a near him again; if she did he swore he would kill her, and the next morning after, Stephen Willy came to this deponent and did desire him to go see if he could persuade his wife to come home to him again, and he promised this deponent that he would never strike his wife any more if she would come home; whereupon I, the deponent, did go to her, and told her what her husband had said, and did persuade her to go home to her husband again; which she did, but at several times I have heard him threaten his wife, and about a fortnight since, this deponent hearing Stephen Willy call for me about an hour in the night, and I run as fast as I could to his house, and by the way I met with Thomas Bickford, John Bickford, and some others with them, who asked me what was the matter? I told them I knew not, but we running together to the house of Stephen Willy, and when we came to the house Stephen Willy bid one guard the door, for he said there was a rogue in the house with his wife; and we, all standing at the door, Stephen Willy went into the house and looked about the house and came to the door again, and said he see the man run out of the door in his shirt, and that the man's clothes were in the house. Then he got a light, and I, this deponent, went into the house with Stephen Willy, and Stephen Willy did pull his wife and children out of the bed, to search for the man's clothes, but we could find none. Then Stephen Willy took up a chair and struck at his wife, and swore he would kill her, but I did what I could to prevent him; and I, this deponent, did see his wife's face bloody, and then Stephen Willy run to the table, and said that he would get a knife, and swore that he would stab his wife, if there were no more women alive; upon which I, this deponent, did follow him to prevent him, but he could not find a knife. And

then Stephen Willy put his hand in his pocket, and swore again that he would stab his wife, and I, judging that he had a knife in his pocket, I, this deponent, did clasp my hands about him, and said, Brother, be quiet, for you shall do no mischief, so long as I am here. And then the constable stepped into the house and commanded the king's peace, and said that he heard Stephen Willy say that he would stab his wife before he came into the house, and so commanded him to go before the justice of peace with him. And furthermore saith not.

John Willy, his X mark.

Sworn in court, September 27, 1683.

R. Chamberlain, *Clerk, &c.*

The deposition of Richard Scammon, constable of Exeter, maketh oath: That upon Saturday last, the 11th of August, he, this deponent, did see several persons making an affray, and, apprehending there might be blood shed, he, this deponent, did command all persons then present, in his Majesty's name, to keep the peace; which Theophilus Dudley being one of the persons did take this deponent's constable's staff from him, and would give no obedience to his authority, and did say unto this deponent that he would turn him off the place, and that he, this deponent, had nothing to do there: and this deponent further deposeth, that having a warrant from Robert Mason, Esq., justice of the peace, to summon the said Theophilus Dudley with orders to appear before the said Robert Mason, the said Dudley being showed the warrant he, and refused to deliver it again, calling this deponent a base fellow, with other opprobrious language.

Richard Scammon.

Sworn before me the 16th of August, 1683.

Robert Mason.

Stephen Jenkins, aged thirty years, or thereabouts, testifieth and saith, that I, this deponent, being in company with Stephen Willy, about a week since, I heard the said Stephen Willy say that, if he and his wife being in any company, that if his wife did take any notice of any man by laughing or talking, that he did believe that his wife loved other men better than

she did himself; and further this deponent saith, that near about the same time he heard the said Willy say, that what Edgerly had done against his wife it was out of illwill; and further, this deponent was in company about a fortnight ago in a house at Oyster river, that I heard Stephen Willy say that John Bickford of Oyster river he saw him run out of his house in his shirt, and said it was John Bickford, and that he would go before Edgerly and take his oath that it was John Bickford, and the said Willy's wife said to Willy that he should not swear himself to the devil. The said Willy made answer to his wife that if he did swear himself to the devil he would take his oath that it was Bickford, and further saith not.

We, whose names are under written, being on a jury of inquest upon the untimely death of Sylvester Herbert, the said Herbert and his wife and Robert Young and George Bentley being all in a boat together, coming from York to Piscataqua, they met with a sloop off York harbor. The sloop and boat being both under sail, the boat made to go on board the sloop, and coming fair by their side the master of the sloop (John Price), tossed the boat a rope. Said Bentley caught the rope and held the rope so tight it brought the boat down and overset her, and said Herbert fell into the sail of the said boat into the water, by which means, together with his own great coat, which came over his head, was smothered in the water, by the best information we can have.

Robert Young, above, one that was in the boat, being now upon oath doth verily think that the sloop did some ways bear down upon the top of the boat's mast. The said Bentley above cannot say any such thing, his back being to the boat's mast, he holding the rope fast in the bow of the boat. Mr. Herbert testifieth positively that the sloop's boom was the cause of the boat oversetting, together with Bentley holding the rope fast; this deponent, Mr. Herbert, calling out, "The boom! the boom!" and John Price called to said Bentley to let go the rope.

John Price, the master of the sloop, and his mate, being sworn, saith that Bentley holding the rope fast was the cause of the boat's oversetting, and not the boom. To the best of their knowledge, they did not see the boom touch the boat's mast.

Consulting together, and weighing the force of the evidence, did find that the sloop's boom, together with Bentley's holding the rope, was the cause of the boat oversetting, and the boat's sail and the said boom and Mr. Herbert's coat was the cause of Mr. Herbert's drowning or smothering in the water.

Given in August 22, 1683.

Henry Crown,
 Samuel Wentworth,
 Francis Tucker,
 The mark of John X Lewis,
 Thomas Jackson, 2d,
 John Davis,
 Joseph Permort,
 James Robertson,
 Henry Russel,
 James Billings,
 The mark of William X Heskins,
 The mark of Richard X Williams.

NEW-HAMPSHIRE.

To JAMES SHERLOCK, *Provost-Marshal, or his Deputy* :

Whereas it is found, by an inquest upon the view of the body of Sylvester Herbert, that he was drowned, and that by occasion of the sloop of John Price, of Boston; These are, therefore, to require you, in his Majesty's name, forthwith to make seizure of the said sloop, and bring her sails ashore; and also to seize the boat out of which the said Sylvester Herbert fell and was drowned, as declared, and this shall be your sufficient warrant.

Given under my hand, the 22d day of August, 1683.

Nathaniel Fryer, *Dep. Gen'l.*

Whereas there is difference between Samuel Hall, of Exeter, and Nathaniel Kaine, which Kaine hath done considerable work for Samuel Hall in the year eighty and eighty-one, the aforesaid Hall agreeing to Kaine's demand in quantity nor quality of payment, not having paid the said Kaine according

to bargain or covenant, as Kaine supposeth; and Hall supposing that he hath; yet, to the end that peace may be maintained between us, we, Samuel Hall and Nathaniel Kaine, have chosen three men; namely, Capt. John Gilman, Edward Gove and Samuel Levet, to consider, and, as arbitrators, to determine and award the right of the cause according to the evidence that appears before them, the fourth day of August next ensuing the date hereof: Which fourth day we do appoint, at 9 of the clock, to meet at Exeter, at the house of Edward Gilman, to make our pleas before the gentlemen above named concerning work done by Kaine for Samuel Hall, in the year eighty and eighty-one; and of Samuel Hall making satisfaction to the said Kaine, when and by whom it is further agreed that all the charge in producing of witnesses sworn, as also the charge of the arbitration, shall be borne and paid by the person defective, according to the award of the above named arbitrators. Also it is agreed by both parties, that what sum or sums of money, or other species, the arbitrators find due, the person that it is due from shall pay it to the person it is due to. Now know ye, whoever it may concern, that we, the above named Samuel Hall and Nathaniel Kaine, as we have above declared, have chosen the men above named, and appointed both the time and place which we do engage, God willing, to attend, and also further engage to stand to and fulfill the award of the above said arbitrators. But if either of the parties, Samuel Hall or Nathaniel Kaine, omit performing any part of the award drawn up by the above named arbitrators, the party defective shall pay to the person observant fifty pound in current New-England money. That this is our agreement, witness our hands and seals, this thirtieth day of July, one thousand six hundred eighty and two; and for the true performance hereof we, the said Hall and Kaine, do bind our heirs, executors, administrators and assigns; as witness our hands and seals, this thirtieth of July as aforesaid.

Signed, sealed and delivered in the presence of

Edw. Smith,	Samuel Hall,	[SEAL.]
Moses Leavitt,	Nathaniel Kaine.	[SEAL.]

Sworn in court, September 25, 1683.

Rich'd Chamberlain, *Prothon.*

Vera copia: *Teste:* Richard Chamberlain, *Prothon.*

September 27, 1683. The grand jury for our sovereign lord the king, present, That William Hoskins, of Great Island, in the said Province, junior, about three years ago did bid Charles Pierce and Thomas Pots, his apprentices, go aboard Captain Ebony's ship in the night, and take three guns, and they did thereupon do it, and feloniously and burglarly break into and enter the said ship, and took and carried away three guns, and they and the said Hoskins brought them ashore: Also, about winter was twelve month, the said Pierce and Pots, upon their said master Hoskins, his command did feloniously take and carry away about twenty boards at Coheco Point, in the said Province, and about a dozen boards at Capt. Daniel's wharf in Portsmouth, in the said Province, and brought them home, and the said Hoskins helped to take them ashore, and they piled them up behind their house: Also, about two years ago, upon their said master's command, they did feloniously take and carry away about thirty rails from Phesant Eastwick, and the said Hoskins cut them up. Also in like felonious manner the said Charles Pierce (his said master commanding him), did take and bring home molasses, several buckets, out of Samuel Wentworth's cellar, and the said Pots and his master feloniously fetched wood out of the said Wentworth's yard before day several times and a rudder; and the said Pots and Pierce did feloniously take and bring home and use about one cord of white ash, from one Thomas Rice's, on the other side the river Piscataqua: Also the said Charles Pierce, by his said master's order, did feloniously take, bring away and place in the said Hoskins' boat certain ropes from the ship Success, riding in the said river Piscataqua. And also the said Charles Pierce did, since he came from his said master, W. Hoskins: viz., about one month ago, feloniously take and carry away a gun from Joseph Permot's house, on Great Island, and a piece of beef from him: All this against the peace of our sovereign lord the king, and the statutes in the said cases provided.

R. Chamberlain, *Cl. of the Crown of Peace.*

The deposition of Joseph Hill, aged about twenty-five years. This deponent testifieth that he, being constable, was called by

Dorothy Matthews from his house in the night, to keep the king's peace, and when your deponent drew near the place where directed (heard a voice) saying, I will kill her, or whore, but knew not who the person was, but by the voice did judge that it was Stephen Willy. And when I came, did see John Willy, his brother, standing between the said Stephen and his wife, to prevent them from danger, as the deponent judgeth.

Joseph Hill.

Sworn in court, September 27, 1683.

R. Chamberlain, *Cl.*, &c.

To the much honored Assembly and Sessions of the Court, to be holden at Portsmouth for the Province of New-Hampshire, on the 27th day of this instant September, 1683.

Much Honored—These few are to present to your honored authority the deplorable and distressed condition of your most honored authorities' most humble suppliant, Abigail Willy: Humbly showing to the great grief of my heart, the unquiet and uncomfortable life I have for several years past lived and spent, without making my addresses to any in authority, with Stephen Willy, my husband, often suffering much by sore and heavy blows received from his hand, too much for any weak woman to bear; as also by frequent threatening to take away my life by the evil disposition of his own mind, seeing that neither his own relations, neither my own natural brothers, dare countenance in any way of natural friendship; but that I must become the suffering subject of his insatiable jealousy; all which I hope will fully appear to the honored authority. When you have considered his drawing me before Judge Edgerly, and at his own request procured of said judge the shameful sentence of ten stripes, to be laid upon me at a post, which sentence was, by much persuasion, reversed by said Judge Edgerly, and twenty shillings in money taken by him in place thereof; and afterward I, giving a visit to one of my own sisters at Kittery, said judge sent after me as a runaway, to be procured; the second time to be dealt with according to law. I hope his own conscience convincing him was

not quiet at first. For relief in the premises I humbly implore your honored authorities' clemency and favor. Humbly submitting to your Honors, I subscribe myself your humble suppliant,

Abigail Willy.

Kittery, 22d September, 1683.

To the Honorable Deputy Governor and Council of the Province of New-Hampshire in New-England.

Joseph Dow, of Hampton above said, wisheth all happiness, having received certain intelligence, since the last quarter sessions, that a bond formerly obliging me to appear at the quarter sessions held in May last, that the said bond was by some means or other continued to the quarter sessions, holden in August, and at the court declared to be forfeited; the which, if it be so, it may tend to the utter undoing, both of myself, my wife and nine children; and I, verily believing that you are the persons that I was obliged to make my case known unto, that hereby you might have an opportunity to ease my just grievances, I shall, as briefly as I can, declare in truth and soberness my case, as it is, as followeth:

1. There was a complaint made against me and others at the court of pleas last in March, as I remember by Edward Randolph, Esq. The said complaint he would not then prosecute, although I declared in court I was ready then to answer it.

2. There was a bond written to bind me to appear at the quarter sessions in May, as the secretary said, but it was not read to me, although I desired it to be read; neither did I own said bond, nor was asked whether I would own it or not, by any body, and this I will affirm in presence of God and before all men is truth, nevertheless: Because I would give no occasion of offence, I appeared at the quarter sessions, and when I was called I appeared, and desired I might have a trial. A bond of one hundred pounds was then read, but no man appearing to accuse me, or lay anything to my charge, I desired I might be discharged or cleared. Answer was made that that should be done which would secure me: that

I should come to no damage; upon which, Mr. Mason desired the secretary to enter, that Joseph Dow appeared at sessions according to his bond. The secretary took his pen and did write something. When he had done I desired, if it concerned me, that I might hear it read. The secretary refused to read it. Then I informed Mr. Mason that I thought I ought to hear it read, upon which Mr. Mason desired him to read what was entered, but it was not done. Mr. Mason told me I should not need trouble myself any more about it; if it were not done he would see it should be done. I might take his word for it. Nevertheless, being a little unsatisfied, I informed Capt. Barefoot, then deputy governor, how it was, who answered me near the very same as Mr. Mason had done before: all which I hope he will well remember. The sum of what I desire you would be pleased to take into your consideration is, *First*: whether I could be obliged, by a bond which I did not hear read, nor ever owned, nor was desired so to do. *Secondly*: When I did appear, according to the tenor of said bond, whether I should not then have been condemned or cleared, according to the Province law, page the fifth; "equal justice shall be done to all men," &c. *Thirdly*: Whether the bond ought to have been continued without my consent or knowledge. *Lastly*: The bond being declared forfeit, if it be so the consequences that may happen thereupon, which may be the utter ruin of me, my wife and children, it being a matter of such concernment to me and my family. I hope I shall not be accounted an offender for making my grievances known to you. If Almighty God will hear the cry of the poor and afflicted, I hope you will not think much to condescend to do the same, that I shall leave the case to that of God in your consciences, which saith, Do unto all men as you would be done unto; and shall subscribe myself one who wisheth well to all men.

Joseph Dow.

The 20th of the 6th month, 1683.

NEW-HAMPSHIRE.

To James Sherlock, Provost Marshal, or his Deputy :

Whereas, on the twenty-fifth of this instant September, one butt and one quarter cask of Malaga wine, imported into the said Province in the sloop Massachusetts, (one Price being late master), contrary to an act of parliament made in the fifteenth year of his Majesty's reign, entitled An act for encouraging trade, was lately seized for his Majesty, and, upon information exhibited to the court of pleas then: viz., the said 25th September, sitting at Great Island, in the said Province, by judgment thereof condemned: In his Majesty's name you are hereby required to take in execution, for his Majesty's use, the said butt and quarter cask of Malaga wine. Fail you not, and make your return according to law. Dated the 29th of September, 1683.

R. Chamberlain, *Prothon.*

NEW-HAMPSHIRE :

At a Council held at Great Island, October the 4th, 1683 :

Ordered, By the Governor and Council, that whosoever shall keep horses, hogs or sheep upon the Great Island, shall keep them upon and within their own grounds, under penalty of ten shillings for every horse, and five shillings for every hog or sheep, to be levied on the said creature. The informer to have half.

This order to take effect the first of December next.

Vera copia from the council books.

Teste :

R. Chamberlain, *Cl. Council.*

NEW-HAMPSHIRE :

To James Sherlock, General Provost Marshal, or his Deputy :

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Elias Stileman, of Great Island, in the said Province, Esq., and take bond of him of five hundred pound value, with sufficient surety or sureties for his appearance at the court of pleas, to be held at Great

Island aforesaid, on the first Tuesday in November next ensuing the date hereof, then and there to answer to the complaint of his Majesty's attorney-general in an action of trespass, for illegally keeping his Majesty out of possession of certain houses and land in the Great Island aforesaid, commonly called the Fort Point: To his Majesty's damage five hundred pound, or what shall justly appear. Fail not, and make your return according to law.

Dated the 13th of October, 1683.

R. Chamberlain, *Prothon.*

NEW-HAMPSHIRE :

To James Sherlock, General Provost Marshal, or his Deputy :

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Richard Waldron, of Cochecho, in the precincts of Dover, in the said Province, Esq., and take bond of him of three thousand pound value, with sufficient surety or sureties for his appearance at the court of pleas, to be held at Great Island, in the said Province, on the first Tuesday in November next ensuing the date hereof; then and there to answer to the complaint of Robert Mason, Esq., proprietor of the said Province, in an action of trespass for illegally keeping him out of possession of certain lands and tenements in Cochecho, Dover, and other places in the said Province, and felling his woods, to his damage three thousand pound, or what shall justly appear. Fail not, and make your return according to law.

Dated the 8th day of October, 1683.

R. Chamberlain, *Prothon.*

NEW-HAMPSHIRE :

To James Sherlock, gent., Provost Marshal, or his Deputy :

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of George Jeffray, of Great Island, in the said Province, merchant, and take bond of him of three hundred pound value, with sufficient surety or sureties

for his appearance at the court of pleas, to be held at Great Island aforesaid, on the first Tuesday in November next ensuing the date hereof; then and there to answer to the complaint of Robert Mason, Esq., proprietor of the said Province, in an action of trespass, for illegally keeping him out of possession of certain lands and tenements in Great Island aforesaid, to his damage three hundred pound, or what shall justly appear. Fail not, and make your return according to law.

Dated the 8th day of October, 1683.

R. Chamberlain, *Prothon.*

NEW-HAMPSHIRE.—*By the Governor and Council.*

Whereas frequent complaints are made by the Mohawks, inhabitants of Jamaica, Barbadoes, and Leeward Islands, and other his Majesty's plantations, to which pine boards are exported from this said Province of the unreasonable thinness and uneven and wavy edge of boards, which, unremedied, may prove of great detriment to the trade of the Provinces, and loss of that trade: It is, therefore, hereby ordered, that from henceforth no pine boards shall be accounted merchantable, or delivered in payment, that are not one full inch in thickness, and square edged. And if any boards go out otherwise, such allowance shall be made unto the buyer or receiver thereof as shall be adjudged reasonable by a sworn surveyor, or collector, to be appointed for that purpose.

Dated the 4th of October, in the 35th year of the reign of our sovereign lord, king Charles the Second, A. D. 1683.

R. Chamberlain, *Clerk Council.*

To the Hon'ble Robert Mason, Esq., Chancellor of the Court of Equity at Great Island, and to the Assistants, &c.

Complaining, showeth unto your Honors your orator, Thomas Langham, of Boston, gentlemen. That your orator, having lent one Abraham Lee, of Cocheco, in this Province of New-Hampshire, chemist, who came into these parts with your orator, several sums of money, amounting in the whole

to about sixteen pounds three shillings, for which your orator having great occasion, being a stranger, upon said Lee's refusing to pay was forced to commence his action for the same at the court of pleas held at Great Island, the 3d of November instant: But now so it is, may it please your Honors, that notwithstanding I produced good and full evidence for the payment and disbursement of the said money lent to the said Lee, both by an account of your orator, sworn unto in court by him, did also, by the evidence and deposition (in writing) of one Benjamin Arnold, chirurgeon, taken upon oath and sworn before the government of Boston, yet the jury, whether by reason they did not understand Latin; namely, the attestation of the Governor to the said deposition of Arnold being in these words (me, S. Bradstreet, Governor), as was intimated by them at the trial; or whether, by reason of these words in the said deposition; namely, that your orator did not pay or lend to the said Lee, &c., as being uncertain, or what other reason your orator knows not, the said jury found the verdict against your orator, and thereupon was entered for him and costs of court taxed at . Your orator, conceiving that those said words (pay or lend, as he is advised) do sufficiently charge the said Lee either by payment, or lending, or both (which shall be intended, paid and lent), in good and legal construction, and that the said Lee, not showing any discharge of the same, your orator, by judgment of the said court, ought to have recovered his said debt. In tender consideration whereof, for that your orator is remediless, according to the strict rules of law, and being in a strange, remote country, is thereby reduced to great exigency, may it please your Honors to grant to your orator your writ of subpœna for the said Lee personally to appear at a day before your Honors, to answer the premises, and that your orator may be relieved therein, according to justice, equity, and good conscience.

And your orator shall ever pray, &c.

To the Hon'ble Robert Mason, Esq., Chancellor, and Walter Barefoot and John Hincks, Assistants of the Court of Chancery.

The humble petition of Richard Martyn humbly sheweth—

That whereas your petitioner was, by John Cutt, Esq., President, and Richard Waldron, William Vaughan, Thomas Daniel, Elias Stileman, Samuel Dalton, John Gilman, Job Clements and Christopher Hussey, Esqs., members of the Council, who were the former Government of this Province of New-Hampshire, chosen and appointed treasurer of said Province; which said President and Council did order and command your said petitioner to receive all rates and fines which were levied and impressed, or to be levied and impressed by the said Government, upon the inhabitants of said Province, and to dispose of them for the support of said government: In obedience to whose commands your petitioner did receive said rates and fines, and dispose of them according to the order of said President and Council, and have rendered them an account of the same to their satisfaction and approbation. But since the change of government in this Province, the Honorable Edward Cranfield, Esq., the present Governor, and Robert Mason, Esq., have each of them commenced an action against the petitioner, at the court of pleas, held at Great Island, the first Wednesday in February last past, for the said fines so received and disposed of by your petitioner, and have recovered judgment against him for near eighty pounds, which sum, if it be levied upon your petitioner, will ruin both him and his family. And your petitioner, finding no other way of relief, but by applying himself to a court of chancery,—

Your petitioner doth therefore humbly request that your Honor would grant him relief in this case, and put him into a capacity to recover the said sum of money, of the persons above named, or of the of those of them which are deceased, that your petitioner may be capable of said judgment against him, that so the burden thereof may not lay upon himself, and your petitioner shall ever pray, &c.

Richard Martyn.

NEW-HAMPSHIRE.

To JAMES SHERLOCK, *Provost Marshal, or his Deputy.*

In his Majesty's name you are hereby required forthwith to take the body of John Redman, senior, of Hampton, yeoman, and convey him to the prison of Great Island, and Richard Abbott, the prison-keeper thereof, is hereby required to receive the said John Redman into the said prison, and him safely keep till he shall give security (with sureties), of three hundred pounds to his Majesty's use, to appear at the next quarter sessions of the peace, and answer to this charge on his Majesty's behalf, for his scandalous words reflecting on the court and jury, and other his profane words, and insolent, contemptuous carriage in court, and in relation to Mr. Mason's trials; and for his being of the good behavior the mean time towards his Majesty and his good subjects.

Dated the 6th of December, by order of the court.

R. Chamberlain, *Prothon.*

The Deposition of Charles Allen, aged about sixty years.

This deponent testifieth that Capt. Champernoon did build a house on his, the said Champernoon's farm, at Greenland, to which this deponent did help to dig a well to said house, and Champernoon did improve land and meadow to said farm, part of which Leonard Weeks doth now improve the land in controversy.

Charles Allen, his X mark.

Sworn in court:

R. Chamberlain, *Prothon.*

Walter Neale, aged about fifty years. This deponent testifieth that Leonard Weeks does improve land and meadow at Greenland, commonly called Capt. Champernoon's farm, and saith it is his own, and that he bought it of Mr. Vallentine Hill. But this deponent testifieth that Capt. Champernoon did formerly improve the said farm by building, planting, and

fencing, and making use of the meadow: The said land and meadow in controversy cutting upon Ninicott River, and that said Champernoon did improve said land several years before said Weeks came there. Further saith not.

Walter Neale.

Sworn in court:

R. Chamberlain, *Prothon*.

1683-4.

NEW-HAMPSHIRE.

At a council held at Great Island, January 15, 1683:

Present, the Governor, Robert Mason, Esq., *Proprietor*; Walter Barefoot, R. Chamberlain, Nathan Frior, Robert Elliot, John Hinks, Esqs.

Whereas the General Assembly refused to pass any bill for supporting the charge of the government, and his Majesty hath, by his royal commission, bearing date the 9th of May, 1682, given power to the Governor and Council to continue such taxes and importations as have been and are now levied and imposed upon the inhabitants—In pursuance thereof, Ordered by the Governor and Council, that a committee of the Council do forthwith inspect former accounts, what monies have been formerly levied and collected for the purposes aforesaid, and to make their report thereof to the Governor in council, to the end such monies as shall be found necessary may be forthwith raised and committed to the hands of the constables of the respective towns, and paid to the Treasurer of the Province for the time being.

NEW-HAMPSHIRE:—*By the Governør.*

Whereas Robert Mason, Esq., hath made complaint unto me that very few of the inhabitants have come to him to take deeds of their lands in this Province from him, according to the conditions laid down in his Majesty's royal commission of the 9th of May, 1682, notwithstanding he hath been upon the place for almost five months' time, ready to grant the same upon the terms aforesaid. But now in regard several persons may still expect the same benefit, after the prosecution of his

claim, he hath desired me to signify to all persons concerned that they have one month's time, after the date hereof, to make an agreement with himself (if they think fit); otherwise I am desired to certify to his Majesty such their refusal, that the said Mason may be discharged from such obligation.

Given under my hand, and the seal of the Province, the 17th of February, 1683-4.

Edward Cranfield.

Vera copia from the original:

Teste: Richard Chamberlain, *Secretary.*

NEW-HAMPSHIRE, NEW-ENGLAND.

To Joseph Rayn, gent., Sheriff and Provost Marshal, or his Deputy.

Whereas, on or about the ninth day of January, last past, one hogshead of tobacco, imported into the said Province in the ketch Mary, of Kittery, in the Province of Maine (one Winkley, master), contrary to an act of Parliament made in the twenty-fifth year of his Majesty's reign, entitled An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trades, was then seized for his Majesty, and, upon information exhibited to the court of pleas, held at Great Island the 5th instant, by judgment thereof, condemned: These are therefore to require you, in his Majesty's name, to take in execution, for his Majesty's use, the said hogshead of tobacco. Fail not, and make your return according to law.

Dated the 13th of February, 1683-4.

R. Chamberlain, *Prothon.*

NEW-HAMPSHIRE, IN NEW-ENGLAND.

To Joseph Rayn, gent., Sheriff and Provost Marshal, or his Deputy, and to the Keeper of his Majesty's Province, in Great Island.

Whereas complaint upon oath hath been made before us, Robert Mason and Walter Barefoot, Esqrs., his Majesty's justices of the peace for the said Province, this 18th of February, 1683, by Thomas Thurton, late deputy searcher of his Majesty's customs in the said Province, of his being affronted and

beaten by William Vaughan, Esq., of Portsmouth, in the execution of his said office, whereby he, the said William Vaughan, hath incurred the penalty mentioned in the statute of 14th king Charles the Second, our now sovereign lord: These are, therefore, in his Majesty's name, to require you to take the body of the said William Vaughan and carry him to the prison of Great Island; and you, the said prison-keeper, are hereby required to receive the said Will. Vaughan into the said prison, and keep him till the next quarter sessions of the peace, to be held for this said Province, then to be prosecuted as the law directs. And for so doing this shall be your sufficient warrant. Given under our hands and seals, this 18th day of February, 1683, and in the 36th year of the reign of our sovereign lord, king Charles the Second.

NEW-HAMPSHIRE.

To JAMES SHERLOCK, *gent*, Sheriff, and Provost Marshal of the said Province, or his Deputy.

In his Majesty's name you are hereby required to take and apprehend the body of William Vaughan, of Portsmouth, Esq., and carry him to the prison at Great Island, and Richard Abbot, the prison-keeper thereof, is hereby required to receive the said Vaughan into the said prison, and there keep him in safe custody till he shall give good security to our sovereign lord the king, his heirs and successors, for his (the said Vaughan's) good behavior toward the same, our sovereign lord the king, *he having refused to find security for his said good behavior.*

The sixth day of February, 1683. Given under my hand and seal, the said sixth day of February, 1683-4.

Edward Cranfield, [L. s.]

To the worshipful Justices of Peace for his Majesty's Province of New-Hampshire, assembled at their quarter sessions at Great Island, February the fifth, 1683.—The petition of John Redman, senior, of Hampton, in the Province abovesaid—

Humbly sheweth—That whereas your petitioner was convicted some time since of evil speeches, reflecting upon jurors,

and bound over to answer for them, at this session,—Your humble petitioner doth heartily acknowledge his fault, and judge and condemn himself for the same, hoping and desiring it may be a warning to him for the future; and as I formerly owned, so I still say, was not *compos mentis* when I uttered those words that are witnessed against me, for which I unfeignedly grieve; and as I beg pardon of the Almighty, so I humbly crave your worships' favor, hoping your clemency may engage me to take heed that I offend you no more.

And so I am your humble suppliant,

February the 5th, 1683.

John Redman, senior.

NEW-HAMPSHIRE IN NEW-ENGLAND.

The Deposition of Thomas Thurton, aged about thirty-five years, taken before us, Robert Mason and Walter Barefoot, Esqrs., Justices of Peace in the said Province, the eighteenth day of February, 1683, and in the 36th year of the reign of our sovereign lord, king Charles the Second.

This deponent, Thomas Thurton, makes oath that Edward Randolph, Esq., by his Majesty's royal commission under the great seal, bearing date the 15th day of October, in the 33d year of his Majesty's reign, was constituted and appointed collector, surveyor and searcher of his Majesty's customs in New-England, to be executed by him, the said Edward Randolph, or his sufficient deputy or deputies, by virtue whereof the said Edward Randolph, by writing under his hand and seal, dated in Boston, in New-England, the 25th day of January, 1681, did constitute and appoint this deponent deputy-searcher of his Majesty's customs in the Provinces of New-Hampshire, Maine, and the Isle of Shoals, with power to go on board and search all ships and vessels coming into any river or harbor in the said Provinces; and to seize, to his Majesty's use, such as should be found trading contrary to law. In pursuance whereof this deponent, about the beginning of March, 1681, did go on board and search a ketch, in the river of Piscataqua, which came from Virginia, and there lay at the wharf of William Vaughan, of Portsmouth, Esq., then one of the council of the said Province of New-Hampshire;

and this deponent being come ashore upon the wharf of the said William Vaughan, he, the said William Vaughan, came to him and forced his (this deponent's) staff from him, and therewith struck him ten blows upon the shoulder and arm, whereby this deponent was much bruised, and doth suffer pain thereby to this hour. And this deponent being got into the highway, the said Vaughan gave him one blow there, saying these words: viz., You are now in the king's highway, you may be like a rogue as you are; and that Mr. Randolph was as bad as any; and had Randolph been there, he would have given him much. The said Vaughan called the seamen rogues, for not ducking this deponent at the yard arm, or flinging him overboard into the river, and that, had the said Vaughan been there, he would have thrown this deponent overboard himself.

Thomas Thurton.

Taken upon oath, before us:

Robert Mason.

The Deposition of Francis Mercer, of Portsmouth, aged about forty-six years, taken before Walter Barefoot, Esq., Justice of Peace for Portsmouth aforesaid, the 11th March, 1683-4.

This deponent testifieth and saith, that on Thursday last, in the afternoon, there came to his house Edmund Hammond and John Hole, to seek for John Pickering, of Portsmouth aforesaid, according to an appointment, who was there with Samuel Hall, of Exeter. They went away, and the said Hall desired this deponent to watch which way they went, because he had an execution against one Samuel Kene, of Kittery, which he would serve upon him; and this deponent told him they were gone up to the Bank. Then the said Edmund Hammond, John Hole, and the said Nathan Kene, came to this deponent's house in the evening, and there met the said John Pickering about making an agreement between the said Hall and Kene; and thereupon they, being in the kitchen, the said Hall said to Daniel Matthews (who was also in the kitchen), "Marshal, there is the man; do your office," and the said Matthews took him, the said Nathan Kene, as prisoner in execution. Then the said Pickering, Kene and Hall went into another room: viz., the bed chamber, to see if they could agree;

and the said Mathews went in to them several times, and asked them if they were agreed, as he told this deponent. Then they, not agreeing, the said Pickering went into the kitchen where Anthony Nutter was; and the said Mathews and Hall being together with the said Hole, in the hall at the table there, the said Mathews had the prisoner, Nath'l Kene, with him, and charged the said Hall to assist him. About an hour after, the said John Pickering being in the kitchen asked where the said Kene was, and this deponent told him he was in the hall, and the marshal's prisoner, who would not let him go. Then the said John Pickering arose up and went thither into the hall, and this deponent presently after, hearing a rushing and rustling noise therein, went in, desiring the said Anthony Nutter to go in with him, who went part of the way, and went back again into the kitchen; and this deponent found two persons struggling upon the ground in the dark part of the room, and took up the uppermost, to part them, whom this deponent found afterwards by the light at the table to be the said John Pickering, and the said Daniel Mathews coming towards the table, and seeing the blood run down his face, struck the said Pickering one blow with his hand on the side of his head; the said Samuel Hall and Nathan Kene sitting, and the said John Hole standing at the table. And further this deponent saith not.

Francis Mercer, his X mark.

Sworn the day and year above written, before me :

Walter Barefoot.

*Order of the Governor and Council respecting the Currency in
New-Hampshire—1683.*

NEW-HAMPSHIRE IN NEW-ENGLAND.

By the Governor and Council :

Whereas, there was an act passed in this Province in January last, in hopes of bringing plenty of money into this Province, that pieces of eight royals of Spain, or dollars of Séville, Mexico, and pillar, and all lesser pieces (provided they be good silver), shall pass in payment at six shillings eight pence by the ounce, Troy weight:—which said act, it is found by

experience, doth not answer the ends it was intended for: It is, therefore, hereby ordered that the piece of eight royals of Spain, or dollars of Seville, Mexico, or pillar, shall pass at six shillings the dollar; at three shillings the half dollar; at one shilling six pence the quarter dollar; at nine pence the royal; and all other money or bullion of the fineness of the standard of England, at seven shillings the ounce, Troy weight; and the dollar of Peru at five shillings: and so proportionably for lesser coins: All which moneys shall continue to pass current within this said Province till our sovereign lord the king, his heirs or successors, shall think fit to alter and change the same.

Dated the fourth of October, in the thirty-fifth year of the reign of our sovereign lord, Charles the Second, king of England, &c., A. D. 1683.

Vera copia from the council book.

Teste: R. Chamberlain, *Clerk of Council.*

NEW-HAMPSHIRE IN NEW-ENGLAND. *Robert Mason's Deposition—1684.*

I, Robert Mason, Esq., proprietor of the Province of New-Hampshire, and of his Majesty's Council there, do make oath that I did first propose to the Governor and Council the putting a value upon Spanish money, as it is worth in his Majesty's mint in the town of London; and to that end I drew up a paper that Spanish dollars of Seville and Mexico should pass at six shillings the piece, Massachusetts money, which is four shillings six pence English money; or at seven shillings the ounce, Troy weight; which is five shillings three pence, English money. To which the Council agreed, and afterwards it was approved by the honorable Edward Cranfield, Esq., Governor of the said Province into an order of Council.

Robert Mason.

Taken upon oath, the 28th of October, 1684, before me:

R. Chamberlain, *Justice Peace.*

Vera copia from the original.

Teste: R. Chamberlain, *Justice Peace.*

Walter Barefoot and Robert Elliot, Esqs., both of the Council, made oath to the truth of the above written affidavit, made by Robert Mason, Esq., relating to an order of council for the setting a value upon coin, which was first propounded by the said Mason, and agreed to by William Vaughan, Esq., one of the Council, and the rest of the Council.

Walter Barefoot,
Robert Elliot.

Taken upon oath the 18th of October, 1684, before me :

R. Chamberlain, *Justice Peace.*

Vera copia from the original.

Teste :

R. Chamberlain, *Justice Peace.*

REV. JOSHUA MOODEY.

Copy of Cranfield's Order for the Administration of the Sacraments, according to the Mode of the Church of England.

At a council held at Great Island, December 10, 1683, by the Governor and Council.

NEW-HAMPSHIRE.

It is hereby required and commanded, That all and singular the respective ministers within this Province for the time being, do, from and after the first day of January next ensuing, admit all persons that are of suitable years, and not vicious and scandalous in their lives, unto the blessed sacrament of the Lord's Supper, and their children unto the baptism. And if any persons shall desire to receive the sacrament of the Lord's Supper, or their children to be baptized according to the liturgy of the Church of England, that it be done accordingly, in pursuance of the laws of the realm of England, and his Majesty's command to the Massachusetts government. And if any minister shall refuse so to do, being thereunto duly required, he shall incur the penalty of the statutes in that case made and provided, and the inhabitants are freed from paying any duties to the said minister.

The aforesaid order was published :

R. Chamberlain, *Clerk Council.*

Warrant and Mittimus against the same.

NEW-HAMPSHIRE IN NEW-ENGLAND.

To James Sherlock, gent., Provost Marshal and Sheriff of the said Province, or his Deputy :

In his Majesty's name you are hereby required forthwith to take and apprehend the body and person of Joshua Moodey, of Portsmouth, in the said Province, clerk, and carry him to the prison at Great Island, in the said Province; and the prison-keeper, Richard Abbott, is hereby required to receive him, the said Joshua Moodey, and keep him in safe custody in the said prison, he having been convicted of administering the sacraments contrary to the laws and statutes of England, and refusing to administer the sacraments according to the rites and ceremonies of the Church of England, and the form enjoined in the said statutes; there to remain for the space of six months next ensuing, without bail or main prize. Fail not.

Dated the 6th day of February, 1683-4.

Walt. Barefoot, [SEAL.]

Peter Coffin, [SEAL.]

Hen. Green, [SEAL.]

Hen. Roby. [SEAL.]

Vera copia : *Teste :* Richard Chamberlain, *Cler. P.*

Copy of the Information against Rev. Joshua Moodey, 1683.

NEW-HAMPSHIRE IN NEW-ENGLAND.

To Walter Barefoot, Esq., judge of the court of pleas of the crown, &c., now sitting at Great Island, and to Nathaniel Fryer and Henry Green, Esqs., assistants :

The information of Joseph Ryan, his Majesty's Attorney-General for the said Province of New-Hampshire, against Joshua Moodey, of Portsmouth, in the said Province, clerk in his said Majesty's behalf.

The said Joseph Ryan informeth, that the above said Joshua Moodey, being the present minister of the town of Portsmouth aforesaid, within the dominions of our sovereign lord, Charles the Second, king of England, is, by the duty of his place, and

the laws and statutes of the realm of England, viz., the statutes made in the fifth and sixth of king Edward the Sixth, and the statute of the first year of the reign of the late queen Elizabeth, which is confirmed by the statute made in the thirteenth and fourteenth year of the reign of our sovereign lord, king Charles the Second, required and commanded to administer the sacrament of the Lord's Supper in such a manner and form as is set forth in the book of common prayer and administration of the sacrament, and other rites and ceremonies of the church of England, and shall use no other manner or form than is mentioned and set forth in the said book. Nevertheless, the said Joshua Moodey, in contempt of the said law and statutes, hath willfully and obstinately refused to administer the sacrament of the Lord's supper, according to the manner and form set forth in the said book of common prayer, unto the honorable Edward Cranfield, Esq., governor of his Majesty's said Province of New-Hampshire, Robert Mason, Esq., proprietor, and John Hinks, Esq., of the said Province: and doth obstinately and willfully use some other form than is by the said statutes ordained, contrary to the form thereof: Therefore, the said Joseph Rayn, in behalf of our sovereign lord, the king, doth pray that the said Joshua Moodey, being thereof convicted according to law, may suffer such penalties as by the said statute are made and provided in that case.

Copy of a second Information against the same.

NEW-HAMPSHIRE IN NEW-ENGLAND.

To the honorable Walter Barefoot, Esq., judge of the court of pleas of the crown, and other civil pleas, held at Great Island, and now sitting, this 6th February, 1683-4, &c. The information of Joseph Rayn, his Majesty's attorney-general for the said province, in his Majesty's behalf, against Joshua Moodey, of Portsmouth, clerk.

Whereas the said Joshua Moodey hath, in open court of the quarter sessions of the peace, held at Great Island aforesaid, upon record, confessed and owned, before the justices, that he hath administered the sacraments contrary to the rites and ceremonies of the church of England, and the form prescribed

and enjoined by the statute made in the first year of the late queen Elizabeth, and so stands convicted of the said offense before the justices at the said sessions; Joseph Rayn, his Majesty's attorney-general for the said Province, who prosecutes for our sovereign lord the king, doth (according to the ancient law of the statute, made in the forty-second year of the reign of king Edward the 3d, now in force) in his Majesty's behalf, exhibit his information to this honorable court, against the said Joshua Moodey, for that he, having for many years had the appearance and reputation of a minister of God's word, in the said Province, being within the king's dominions, and having wilfully and obstinately refused to administer the sacraments according to the rites of the church of England, hath administered the sacrament of baptism and the Lord's Supper in other manner and form than is appointed and commanded by the statute of the first of queen Elizabeth, and other statutes, contrary to the form thereof, and in contempt of his Majesty's laws: and doth pray the court's judgment, and that the said Joshua Moodey may suffer the penalties by the said statute in this case made and provided.

NEW-HAMPSHIRE.

The Examination of Robert Elliot, of Great Island, Esq.

The examinee being asked who were the persons that were at the meeting of Mr. Joshua Moody, at Newbury, saith, that all supped at Mrs. White's. There were Richard Waldron, Esq., and Mr. Richard Waldron, his son, Elias Stileman, Esq., Reuben Hill, Henry Penny, Mr. Pike, the minister of Dover, John Fletcher, and Thomas Roberts.

Then, being asked how he durst advise Eli Nichols to go away when he was at anchor within bow shot of the port, this examinee answered that he did advise him to ride at the Isles of Shoals, to tarry there till he got his loading of fish, but denied that he advised the said Nichols to go away.

Robert Elliot.

Taken upon oath the 6th of September, 1684, before

Walter Barefoot,	} <i>Justices of the Peace.</i>
Richard Chamberlain,	
James Sherlock,	

Copy of Cranfield's Order for raising Money without an Assembly.

NEW-HAMPSHIRE.

At a Council held at Great Island, Feb. 14, 1683-4.

By the Governor and Council.

Whereas, we have lately had intelligence, by a letter from Capt. Hook to Capt. Barefoot, one of the council of this, his Majesty's Province, that he had advice from the captain of the fort at Casco of a sudden rising and onset intended by the Indians upon the English at the eastward; and whereas the assembly have been lately tendered a bill for raising a revenue for the fortifying and defending ourselves against his Majesty's enemies, did absolutely refuse and reject the same without giving any reason for so doing, or preparing any other for defraying the charge of the public service, we, his Majesty's Governor and Council, finding the public treasury so empty and bare that there is not so much money as to pay a single messenger, and those persons that are the support of the Province have not estates to support themselves in the war (if any should happen) without due payment for their service, in consideration of the premises, by virtue of his Majesty's royal commission, bearing date the ninth of May, 1682, and also of his Majesty's royal instructions to the governor, bearing date the 29th of April, 1682, have—for the raising a revenue for fortifying and defraying the necessary charges of the government, that there may be a magazine of ammunition and provision, and of money to pay indigent soldiers, as also for such emergencies as a war will necessarily produce—thought fit to continue, and do hereby continue, all such taxes and impositions as have been formerly laid upon the inhabitants (excepting only the rate of the penny in the pound, raised in time of usurpation without a general assembly); commanding and requiring all and singular the constables and collectors forthwith to perform their duty in levying and collecting the same, and paying it into the treasury.

A List of those that were warned for Jurymen, for the Trial of Edward Gove and his Accomplices.

Portsmouth—Oba. Morse, Sam'l Clarke (by order left at his house), Tho. Jackson, John Feabens, George Feabens, Richard

Webber, Jno. Seward, Leonard Weeks, Sam. Haynes, Mathias Haynes, Jno. Sherburne, Sen., Richard Sloper.

Great Island—Robert Elliot, Jno. Hinks, Sam'l Wintworth, Hen. Crowne, Jno. Lewis, Will Haskins.

Hampton—John Redman, Sen., Natha. Bachelder, Francis Page, Jno. Tucke, Tho. Page, Joseph Smith, Hen. Roby, Tho. Marston, Hen. Molton, Sen., Hen. Dow, Jno. Molton, Morris Hobbs, Sen., Will Sanborne, Sen.

Exeter—Humphrey Willson, Peter Folsom, Dan. Gilman, Leat. Hall, Moses Gilman, Sen., Ensign More, Edward Gilman.

Dover—Job Clements, Phil. Cromell, Jno. Tuttell, Jos. Kenny, Joseph Beard, Jno. Hall, Jr., Jno. Robert, Peter Mason, Edwd. Allin.

Edward Randolph's Letter to the Lords of Trade and Plantations, giving an Account of the Rebellion in New-Hampshire, 1683.

To the right honorable the lords of his Majesty's most honorable privy council, appointed a committee for trade and plantations: A short narrative of the late transactions and rebellion in the Province of New-Hampshire, in New-England, humbly presented by Edward Randolph, collector of his Majesty's customs there:

His Majesty, having thought fit to establish his royal authority more immediately in New-England, was pleased, by his commission under the great seal, to appoint Edward Cranfield, Esq., to be governor of that Province, who arrived in New-England upon one of his Majesty's frigates about the beginning of October, 1682.

The countenance, with his indulgence to the people, obtained his easy admission into the government, in which he was very obliging to all, but especially to the late ruling party; but, withal, made it his business to put the fort, which commandeth the mouth of the harbor and militia, into safe hands, and put good men into places of civil administration; and likewise provided as well as he could, during the short time the frigate lay there, for the future quiet and settlement of that government. Upon the fourteenth of November following, a general assembly of the Province was called, wherein, after several

warm debates, some laws were made and passed by the governor, and adjourned that assembly till the 9th of January following, being at that time unwilling to break with them, in hopes they would better understand for the future. Some time in December following, the governor, with Major Waldron, late president of the Province, Mr. Moodey, minister, and other chief men amongst them, go to Boston, where he is civilly entertained. But his main design in that journey was to feel the temper of that government, and the rather because he found they had such an influence upon the people of this Province that they advised and adhered to them in the conduct of all their public and private affairs, which, in a little time, began to discover itself; for, no sooner had Governor Cranfield openly discoursed with me, in Boston, about my prosecuting a seizure made by me, at Portsmouth, in October last, of a Scotch vessel belonging to one Jeffreys, a Scotchman, a church member and inhabitant of that Province, but it discomposed the whole party; and it was contrived, in their return home, that I might have no better success in his Majesty's immediate government than in my former trials at Boston; to which end Mr. Hammond, candidate for a magistrate the ensuing year in that colony, and brother-in-law to Mr. Moodey, comes in extremity of bad weather, upon the 19th December, to Portsmouth (although two or three days before he had declared he would not go thither till spring). Governor Cranfield, being returned from Boston, appoints a special court for a trial of the Scotch vessel, and I went to Portsmouth to attend to it; but the party, believing the governor to be wholly their own, and one of the chief of them openly saying, "whatever came out of the ketch should never come into my hands," so continued the matter, that she was carried by the fort out of the river at Piscataqua in the day time, although Major Stileman, one of the committee, was commander of the fort, had express order from the governor to stop her; whereupon the governor put him out of all office, and made Capt. Barefoot, one of the present council, captain of the fort, and of the foot company belonging to the Great Island, upon which the fort is built. Now, the better to color this matter, it was presently given out, and by many believed, that the

master and sailors aboard, without consent or knowledge of the owner, had run away with the ketch, as Jeffreys, upon his oath, voluntarily did avouch, taken before the governor. The party, hoping by this means to persuade the governor to take no further notice of it, the rather because the frigate was then gone out of the river. But I had certain advice that one of Jeffreys' servants was privately sent out of the way, harbored in a very obscure place in the Province of Maine; upon which Mr. Martin, by his letter, desired the justices of the peace there to send their constables with a warrant to bring Jeffreys' servant before the governor to be examined, what they knew concerning [] away the Scotch ketch. They conferred and deposed that Mr. Jeffreys, the owner, employed them, and, being upon the place, stood by, gave orders and directions when and how the ketch should be carried away, so that the governor, by this means, finding it out to be a mere continuance, advised me to continue my prosecution on his Majesty's behalf, against the ketch, and all persons concerned in her escape. The party now find no way to avoid the trial. However, it is so ordered that the jury, on which were four leading men, church members, are prevailed upon, that, against clear proof of the breach of the acts of trade, they find against his Majesty's intention to admit them upon the statute made in the 23d of Henry VIII., for preventing perjuries and false verdicts, which so startled them all that some of the council intercede on their behalf, and prayed liberty to amend their verdicts; which, being by the court agreed to, they found for his Majesty, and the ketch was condemned.

January the 9th. The assembly being adjourned to that day, meet. The governor recommended to them several good bills that had passed the council, but instead of their concurrence they either rejected or put them into such a disguise as rendered them altogether useless, and afterwards would not take notice of any bills which did not arise from themselves. They likewise peremptorily insisted to have the nomination of judges and the appointing courts of judicature, powers solely invested in the governor by commission from his Majesty; and lastly, they had prepared bills repugnant to the laws of England, upon which the governor, finding them to act without

any regard to his Majesty's service, or benefit of the Province, after he had passed some bills, not knowing where these matters would end, dissolved the assembly. In a short time after, one Edward Gove, who served for the town of Hampton, a leading man, and a great stickler in the late proceedings of the assembly, made it his business to stir the people up to rebellion, by giving out that the governor, as vice-admiral, acted by his royal highness' commission, who was a Papist, and would bring popery in amongst them; that the governor was a pretended governor, and his commission was signed in Scotland. He endeavored, with a great deal of pains, to make a party, and solicited many of the considerable persons in each town to join with him to recover their liberties, infringed by his Majesty's placing a governor over them; further adding, that his sword was drawn, and he would not lay it down till he knew who should hold the government. This he discoursed at Portsmouth, to Mr. Martyn, treasurer, and soon after to Capt. Hull, of Dover, which they discovered to the governor, who immediately dispatched away messengers with warrants to the constables of Hampton and Exeter, to apprehend Gove; and fearing he might get a party too strong for the civil power, (as indeed it proved, for justice Weare and a marshal were repulsed), the governor (although much dissuaded) forthwith ordered the militia of the whole Province to be in arms, and understanding by the marshal that Gove could not be apprehended at Hampton, by himself and a constable, but was gone to his party at Exeter, from whence he suddenly returned with twelve men, belonging to that town, mounted and armed with swords, pistols and guns, a trumpet sounding, and Gove with his sword drawn riding into Hampton at the head of them, was taking horse, and with a part of the troops intended to take Gove and his company; but the governor was prevented by a messenger from Hampton, who brought word that they were met withal, and taken by the militia of that town, and secured with a guard: the trumpeter forcing his way, escaped, after whom a hue and cry was sent to all parts, but as yet he is not taken. This rising was, unexpectedly to the party, made up on the 21st day of January last. It is generally believed many considerable persons, at whose houses Gove then either

sent or called to come out and stand up for their liberties, would have joined with him, had he not discovered his designs, or appeared in arms at that time. For, upon the 30th day of January, being appointed by the governor a day of public humiliation, they designed to cut off the governor, Mr. Mason, and some others whom they affected not. The governor sent a strong party of horse to guard the prisoner, then in irons, from Hampton to Portsmouth. They were brought and examined before the governor and council, where Gove behaved himself very insolently. They were all committed to custody, and Capt. Barefoot, having the trained band of Great Island then in arms, was ordered to take care of the prisoners, and keep a strict watch upon them, in regard the prison was out of repair. All this while the governor was at great charge and expense in suppressing this rebellion and keeping up guards, to secure the peace of the Province. We therefore judged it necessary to bring them to a speedy trial; and to that end directed a commission of oyer and terminer to Richard Waldron, Thomas Daniel, and William Vaughan, Esqrs., for their trial, to be had upon the first day of February next, at which time Gove and the other prisoners were brought to the court, then holden at Portsmouth in the said Province. The grand jury found the bill. The next day they were all arraigned and indicted upon the 13th of the king, for levying war against his Majesty. Gove pleaded to the indictment, not guilty; then Mr. Martyn, treasurer of the Province, and Capt. Hull, both of Portsmouth, with two justices of the peace and a lieutenant of the foot company at Hampton, who was at the taking of them, were all sworn in court. Then Gove owned the matter of fact; and, to justify his taking up of arms, pleaded against the governor's power, that he was only a pretended governor, by reason his commission, as he said, was sealed in Scotland; likewise that the governor had, by his proclamation, appointed the 30th January to be annually observed and kept a day of humiliation, and obliged the ministers to preach that day. That the governor had at his house discoursed to Gove, and showed him, out of the 10th chapter of St. Mark, the necessity of childrens' baptism. This he urged to be a great imposing upon the ministry. The other

prisoners pleaded not guilty, but had little to say in defence for themselves, further than they were drawn in by Gove. The jury, after long consideration, found Gove guilty of high treason upon the indictment, and all the rest in arms; upon which the court proceeded to give judgment, and passed the sentence of condemnation upon Gove; but in regard to the other prisoners were specially found. The governor ordered the court to respite their judgment till his Majesty's pleasure should be known therein; most of them being young men, and altogether unacquainted with the laws of England. Herewith I humbly present your lordships a particular account of their trial.

Signed by RICHARD WALDRON, Esq., judge of that court, and passed under the seal of the Province.

[The foregoing, was copied from the Massachusetts colony files, and communicated by Mr. Joshua Coffin, S. H. S., Mass. to the late John Farmer, Esq.]

1684.

The Warrant and Mittimus whereby William Vaughan, Esq., was committed to Prison.

NEW-HAMPSHIRE.

To James Sherlock, gent., Sheriff and Provost-Marshal of the said Province, or his Deputy.

In his Majesty's name you are hereby required to take and apprehend the body of William Vaughan, Esq., of Portsmouth, and convey him to the prison of Great Island, and Richard Abbot, the prison-keeper thereof, is hereby required to receive the said Vaughan into said prison, and there keep him in safe custody till he shall give good security to our sovereign lord the king, his heirs and successors, for his, the said Vaughan's, good behavior toward the same, our sovereign lord the king, *he having refused to find security for his said good behavior*, the sixth day of February, 1683. Given under my hand and seal, the said 6th day of February, 1683-4.

Edward Cranfield. [L. s.]

NEW-HAMPSHIRE.

Whereas Richard Waldron, of Cochecho, in the precincts of Dover, Esq., hath refused to pay the rate continued by virtue of his Majesty's royal commission, bearing date of the 9th of May, 1682, as appears by the oath of John Gerrish, a constable of Dover: These are, therefore, in his Majesty's name, to require you forthwith to apprehend the body of the said Richard Waldron, and convey him to the prison of Great Island, if he do not immediately discover some part of his estate to satisfy the said rate; and the prison-keeper is hereby required to receive him and safely keep him till he shall pay the said rate, or give security so to do, according to an act of this Province, made the 14th of November, 1682, and this shall be your sufficient warrant. Fail not, as you will answer the contrary at your peril.

Given under our hands and seals, at Great Island, the first day of September, in the 36th year of the reign of our sovereign lord, Charles the Second, king of England, &c., A. D. 1684.

Walter Barefoot, }
Richard Chamberlain, } *Justices of the Peace.*

To JOHN GERRISH, one of the Constables of Dover: You are hereby required to take one shilling for this warrant and two shillings for serving it.

James Sherlock, *Justice of the Peace.* [L. s.]

NEW-HAMPSHIRE.—*By the Governor.*

Whereas I have received an order of council, bearing date at Whitehall, the 27th of August last, wherein his Majesty doth strictly command and require all governors in his Majesty's respective plantations, to cause a law forthwith to be enacted within their said jurisdictions and governments, entitled an act for the restraining and punishing of privateers and pirates, in such method and form as was passed and agreed upon by the Governor, Council and Assembly of _____, for the punishing of the aforesaid offenders, and the preservation of his Majesty's subjects, and all others who are in amity and peace with the crown of England. In obedience to the said com-

mand from his sacred Majesty, Edward Cranfield, Esq., his Majesty's lieutenant governor and commander-in-chief of this said Province, do, in his Majesty's name, hereby command and require you to call together the freeholders of the town of Hampton, and the said freeholders are hereby required and impowered to meet on Monday next, being the 19th of May instant, to elect and make choice of able and loyal freeholders to serve in the General Assembly for the said town of Hampton, in order to their convening at Great Island, at the house late in the possession of George Jaffrey, on Tuesday, the twenty-seventh of May instant, for the passing the said acts, and doing such other further matters as may tend to the support and honor of his Majesty's government.

Given under my hand and the seal of the Province, the sixteenth day of May, 1684, and in the 36th year of his Majesty's reign.

To MR. DANIEL MATHEWS, Sheriff, or his Deputy.

The like was sent to the three other towns in said Province.

NEW-HAMPSHIRE.

Whereas the Honorable Edward Cranfield, Esq., Governor of this, his Majesty's said Province, and Robert Mason, Esq., proprietor of the same, did in February last obtain judgments against Richard Martin, of Portsmouth, in the said Province, Esq., late treasurer thereof, for the respective sums of twelve pound two shillings, and fifty-nine pound fourteen shillings, with costs of court respectively, being for so much by him received for fines and forfeitures: viz., from January, 1679, to May, 1682, legally due to the said Robert Mason, and from May aforesaid to October following, legally due the said Edward Cranfield: And *whereas* the said Richard Martin hath petitioned the said Robert Mason as chancellor of the said Province, and Walter Barefoot and John Hinks, Esqrs., assistants of the court of chancery, therein setting forth that he did receive the aforesaid sums of money, and disposed thereof by order and command of the late President and Council, that the whole sum may not be levied solely upon him, but that the Council

then in being may make contribution and draw equal proportion thereof: This court, therefore, taking into consideration the equity of the said Richard Martin's case, doth hereby order Richard Waldron, of Cochecho, in Dover, Esq.; William Vaughan, of Portsmouth, Esq.; John Gilman, of Exeter, Esq.; Christopher Hussey, of Hampton, Esq.; and Elias Stileman, of Great Island, Esq., late members of this said Council; as also Reuben Hull, guardian to John Cutt, executor of John Cutt, Esq., late President, deceased; Bridget Daniel, executrix of Thomas Daniel, Esq., late of the said Council, deceased, and Mehitable Dalton, executrix of Samuel Dalton, Esq., late of the said Council, deceased, and Job Clements, executor of Job Clements, late of the said Council, deceased, To be and appear at Great Island, before the said Robert Mason, Chancellor, and Walter Barefoot and John Hinks, assistants, on the 19th of this present month of May: there to show cause why they shall not be equally charged with the said Richard Martin to pay their proportions of the said suit, and costs sustained thereby.

Dated the twelfth day of May, 1684.

By order: R. Chamberlain, *Clerk per Council.*

To the honored Court sitting at the Great Island, this 6th of November, 1684.

Your humble petitioner humbly sueth that the worshipful court would please to show some pity and compassion towards him, and to take so far notice of his present distress as to afford him what relief may be. There was two that swore against your humble petitioner for speaking certain words against the authority of this place, which he doth profess himself to be utterly ignorant of; which, if they were true, doth confess himself to be strangely transported beyond reason, and humbly craveth your Honors' pardon thereof, being, by reason of old age, subject to manifold passions, and subject to miscarry, which he doth not at all allow himself in, but hopes he shall keep so narrow a watch over himself as not to offend in any such sort. Now, whereas it hath pleased this honored court to pass a fine upon your poor petitioner, he humbly

craveth your Worships to consider his age and inability to shift in the world, and to remit part or the whole, hoping that reformation—the end of the law—being obtained, your Worships will find a way to show some favor to a poor offender, wherein you will forever oblige him to pray for your Honors' prosperity, and shall rest

Your Honors' humble petitioner,

Peter Clanfield.

Mary Rann, being aged thirty years, or thereabout, witnesseth, that the 21st day of March, 1684, being in company with Seabank Hog, I heard her say it was very hard for the governor of this Province to strike Sam Lane before he spoke. The said Hog said also, that it was well the said Lane's mother was not there for the governor, for if she had been, there had been bloody work for him. I heard the said Hog say, also, that the governor and the rest of the gentlemen were a crew of pitiful curs. And did they want earthly honors? If they did, she would pull off her head clothes and come in her hair to them, like a parcel of pitiful beggarly curs as they were;—come to undo us both body and soul. They could not be contented to take our estates from us, but they have taken away the gospel; also, wish the devil would have them for it. And as for John Tuften, she said she could take down his breeches and whip his ass!

Sworn in the court of pleas, held at Great Island the 7th of November, 1684.

R. Chamberlain, *Sec.*

NEW-HAMPSHIRE IN NEW-ENGLAND.

I, Richard Chamberlain, Esq., Secretary of the said Province, and prothonotary of the court of pleas there, do hereby certify that, about the 13th of November, 1682, upon an information exhibited by Edward Randolph, Esq., then attorney-general for the said Province, for riotous meeting and contemptuous behavior against Joseph Dow, of Hampton, and others; the others submitting to the court were discharged;

but the said Dow persisting in his said contemptuous carriage, refusing to take the oath of allegiance, according to the methods and known practice of the laws of England, was bound over by recognizances to answer the premises at the next quarter sessions of the peace, and was not committed to prison, but, since that, is gone out of the Province.

All which I humbly certify the 29th of November, 1684.

R. Chamberlain, *Sec., &c.*

Memorandum—That the 10th of November, 1684, came before me, Richard Chamberlain, Esq., one of his Majesty's justices of peace for the said Province, Robert Hodge, master of the brigantine called the Philadelphia Merchant, of Pennsylvania, and acknowledged to be indebted to our sovereign lord the king, his heirs and successors, the sum of five hundred pounds of lawful money of New-England, upon condition, namely, that he shall not carry any persons in the said brigantine out of the said province, but such whose names shall first be entered in the secretary's office before the departure of the said brigantine.

R. Chamberlain, *Justice of the Peace.*

NEW-HAMPSHIRE.—*Memorandum.*

That the 19th day of December, in the 36th year of the reign of our sovereign lord, Charles the Second, king of England, &c., came before me, Richard Chamberlain, Esq., one of his Majesty's justices of peace for the said Province, George Snell, of Portsmouth, in the said Province, master of the ship Richard, and acknowledged, by way of recognizance, to be indebted the sum of five hundred pounds, of lawful money of New-England, to be paid to our sovereign lord the king, his heirs and successors, upon condition that he shall not carry any person in the said ship out of this Province, but such as those whose names shall first be entered in the secretary's office before the departure of said ship.

R Chamberlain, *Justice of the Peace.*

NEW-HAMPSHIRE.

The Deposition of Thomas Thurton, Provost Marshal of the said Province.

This deponent testifieth and saith, that on Thursday last, he, being at Strawberry Bank, at John Pickering's house, doing his office in collecting the rates, the wife of William Cotton said to him that he was a rogue and a rascal, and all he was concerned with were rogues and rascals; and she threatened to scald him with hot water, and would pistol him when he came to their house. And likewise the wife of Nehemiah Partridge, at her house door, called this deponent rogue and rascal, and said that they were a parcel of rogues that this deponent was concerned withal, and threatened to scald him; and said she would do his business at once, and he should not be troubled to come any more.

Thomas Thurton.

Taken upon oath the 8th of December, 1684:

Before me: R. Chamberlain, *Justice of the Peace.*

Copy of Nath'l Weare's first Complaint against Cranfield.

To the king's most excellent Majesty, and the lords of his most honorable privy council: The humble representation of Nathaniel Weare, inhabitant and planter in your Majesty's Province of New-Hampshire, in New-England, in America, on behalf of himself and other your Majesty's loyal subjects, inhabitants and planters there, whose names are subscribed to the four annexed petitions, as follows:

1. That the honorable Edward Cranfield, Esq., your Majesty's governor of the said Province, upon his first entrance on that government, in order to the enlargement of his power as governor there, beyond the just bounds and limits, your Majesty was, by your royal commission, pleased to set him, and to engross the whole power of erecting courts, with all necessary fees, powers and authorities thereto, into his own hands, exclusive of the general assembly there. The said Mr. Cranfield, at the first general assembly there, when the words

of his commission ran, "And we do hereby give and grant unto you full power and authority to erect or constitute and establish such and so many courts of jurisdiction and public justice within the said Province and plantation, within your government, as you and they shall think fit and necessary for the hearing and determining all causes, as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees and privileges belonging unto them," caused his commission to be entered in the council books there, and delivered a copy thereof to the General Assembly without the words [*and they*], affirming those words to have been put in by mistake of the clerk in engrossing the commission; whereby the said Mr. Cranfield has enhanced the fees upon trials there to his own advantage, as will appear in one of the articles following.

2. Although your Majesty has been graciously pleased, by your said commission, to interpose between the inhabitants of the said colony and Mr. Robert Mason, *pretended* proprietor thereof, and to direct "That, on non-agreement between those inhabitants and Mr. Mason, the said Mr. Cranfield should interpose, who, if he could not end the differences between, was by the said commission directed to transmit to England such cases, impartially stated, with his opinions and reasons on the same, that your Majesty, with advice of your privy council, might hear and determine the same." That, nevertheless, the said Mr. Cranfield, instead of keeping himself indifferent between the contending parties—Mr. Mason and the said inhabitants—hath, by purchase or mortgage from Mr. Mason, made himself owner of the Province. And, the better to come by what he hath so purchased, he hath, under color of the authority of your Majesty's commission, made courts whereof both judges and jurors have agreed with Mason for their own lands, and some of them have taken grants from Mason of other men's lands: That, nevertheless, this jury is continued from month to month, and kept for this service: That Mr. Mason has cast forty persons on suit by that jury, the court rejecting all pleas, and though the verdict be given for Mr. Mason according to

your Majesty's royal commission (which directs as before), and the judgment entered accordingly, yet, upon the execution the inhabitants are turned out of their lands and houses, as it hath fared with Wm. Vaughan and others, and deprived of all subsistence.

3. That the charge of every action is raised from 20s. to 6*l.*, which is exacted in money; and though goods tendered (as usual), the persons are imprisoned for want of money in kind, and Mr. Cranfield himself takes —— of the 6*l.*

4. That the said Mr. Cranfield, under color of trying actions, has, by setting the fees so extraordinary, forced several to quit their claims for want of money to carry on the suit.

5. That the said governor, taking upon himself the power of pricing money not entrusted with him by his commission, hath, against the agreement of the General Assembly, by advice of his council, ordered pieces of eight, however wanting in their weight, to pass for 6s.

6. That the said governor, without good and lawful cause, hath taken upon him to commit several men to prison, particularly Wm. Vaughan, until bonds given for their appearances and good behavior, when nothing further objected to them.

7. That the said governor and his council took upon them to make laws and put them in execution, without the General Assembly.

8. That, to prove the articles above against Mr. Cranfield, the complainants have successlessly endeavored to procure warrants or summons from the secretary, to summon their witnesses to be sworn (which cannot otherwise be so), the seeking of such summons has occasioned being bound to the good behavior, so as the complaining of a wrong done one, does, under Mr. Cranfield's management, but draw a new punishment on the afflicted, but no manner of redress.

All which the said Nath. Weare humbly lays at your Majesty's feet, imploring your Majesty's present hearing what your petitioner is able to make out of the premises, and ordering some commission to examine the truth of the residue of the said allegations (since your Majesty's governor on the place will not admit of such evidence); that, on the return thereof, your Majesty's subjects in that Province may find

such relief as to your princely wisdom shall seem meet; and that, in the mean time, Mr. Cranfield be admonished not to exceed the bounds of his commission.

And your petitioner shall ever pray, &c.

Reference of the same to the Lords of Trade, at the Court at Hampton Court this 11th day of July, 1684.

By the king's most excellent Majesty and the lords of his Majesty's most honorable privy council.

Upon reading this day, at the board, the petition and complaint of Nathaniel Weare, inhabitant and planter in his Majesty's Province of New-Hampshire, in New-England, in America, in behalf of himself and others, his Majesty's loyal subjects, and inhabitants and planters there, whose names are subscribed to the four petitions thereto annexed against Edward Cranfield, Esq., his Majesty's governor thereof: His Majesty was pleased to order that the said petition and complaint be, and they are hereby referred to the right honorable, the lords committees of this board for trade and foreign plantations, who are to consider thereof, and to report to his Majesty at this board their opinion thereupon, and then his Majesty will declare his further pleasure.

A true copy: Philip Lloyd.

A Letter from William Vaughan, Esq., containing a Journal of Transactions during his Imprisonment, &c., to Nathaniel Weare, Esq., Agent, in London.

Portsmouth, 4th of February, 1683-4.

Mr. Nathaniel Weare: *Sir*,—These serve to give covert to the enclosed, which were unhappily mislaid, and so brought to Portsmouth, instead of being carried by you to London, though on the other hand you carried many papers to London which ought to have been at Portsmouth. There were several papers in the bundle which were very important unto your business, and the transporting of them very prejudicial to some here. Your especial care about them is expected, yet may

be safely returned with you, if not transmitted by you before your return. We are now a doing about getting evidences sworn, which you shall have a further account by the first, though retarded much by having no copies of them, as we expected. Since your departure much ado has been made: many executions extended: viz., upon Messrs. Cutt, Daniel, myself, Mr. Fletcher, Moody, Hunking, Earl, Pickering, Booth, &c. I went to prison, but was redeemed with money. Several doors were broken open by Matthews, the marshal's deputy; chests, also, and trunks, and carried out of the houses till redeemed with money.

John Partridge and William Cotton are in prison, and have been sundry days. No pay (as fish, sheep, horses, &c.), would be taken for their execution, so their bodies were levied upon, and there they lie. Our minister, for refusing to administer the sacrament to the governor, is bound over to the quarter sessions, to sit to-morrow. The issue we know not, but six months' imprisonment threatened. Your wife and family well. Great bluster at Hampton about the petition; some weaklings were wheedled into a confession, and they discovered the persons that carried the petition, who were, by justices G. and R., bound over to the quarter sessions: but last Saturday night (on what ground know not), Mr. Green burnt their bonds and only told them they must appear when called for. Charles Hilton is lately dead. As other news arrives shall hand it to you by all occasions, and do you the like by us.

5th. Quarter sessions are come, and there Capt. Barefoot, Messrs. Fryer, Coffin, Greene, Roby, and Edgerly, were justices. Raines was attorney. It was brought in as a plea of the crown. Mr. Moody pleaded his not being ordained, having no maintenance according to statute, and therefore not obliged to do that work which the statute required. Besides, these statutes were not made for these places; the known end of their removal hither being that they might enjoy liberty in these foreign plantations, which they could not have by virtue of the statutes at home, and were allowed to have here, especially our commission granting liberty of conscience. These things were pleaded, but to no purpose. After a short pleading, and that not without many interruptions and smiles by the prag-

matic, busy, impertinent attorney, he was committed to the marshal, (viz., Long Matthews), and held in custody that night, though permitted to lodge at Capt. Stileman's. The justices debated a little: four of them entered their dissent: viz., Messrs Fryer, Green, Roby, Edgerly; but Capt. Barefoot and Coffin were for his condemnation. Judgment of the case every man's was entered by secretary over night, but, being deferred till next morning, information was given to some body, who came in and threatened and hector'd after such a rate that Green and Roby also consented, as you see by the enclosed, and he was committed to prison. Petition was by him made to the court, and afterwards to the governor, that he might step up at night to his family and settle matters there, and that he might not go into the dismal place—the common prison. The court could not, the governor would not of first, though in fine gave leave to the marshal to drop him at Capt. Stileman's, where he is confined to his chamber, though not without leave to go down stairs, or into the back side, and this was done 6th instant. At night, I having moved for the taking of evidences, which was in words owned, went to the secretary for summonses, intending to begin with Lieut. Hall and Thomas Wiggin. He refused to give summonses, but first (I suppose) must inform some body I was sent for by the marshal, huffed and hector'd strangely, threatened, &c.; in fine, must give bonds to the good behavior. I refused: thereupon he made and signed my mittimus to the prison, though, by the way, I know not how, was also dropped at and confined to Mr. Moody's chamber, where we have been these two nights, very cheerful together.

Poor Wadleigh, who was left to the governor's mercy, is come out upon security for forty pounds money, and your Gove for a like sum, only William Partridge is to do it in work—building, fencing, &c. The actions go on, and are turned off hand apace, *twelve at a clap*, after the old manner. Roby, though a justice, is still of the jury. A new trick is on foot. Several of us that were executed upon and paid our money the first suit, are sued again for illegally withholding possession, though the marshal (who was, by execution, required to give possession, never came to demand it); the issue of which we know not, matters being yet depending.

9th. The prisoners, Vaughan and Mr. Moodey, were fetched out of prison to plead their cases at the court. Messrs. Cutt, Daniel, John Partridge, myself, and Mr. Moodey, were sued, and all cast but the last, who had something particularly to say; and so he cast Mr. Mason, though we thought we all said enough to cast him: namely, that he had an execution for the land sued for; and, when he levied his execution, might have taken the land also, with many other things,—enough of, we thought, to have turned the case against him before any indifferent judges and jurors. But thus we are treated.

But, above all, our minister lies in prison, and a famine of the word of God is coming upon us. No public worship, no preaching of the Word. What ignorance, profaneness and misery must needs ensue! By the premises, you see what need there is you should be vigorous and speedy as you may about your business, to do what may be to the preventing of utter ruin.

My imprisonment is a present stop to the getting what evidence is needful; and it is like we shall not make any further attempt here, but with what convenient expedition will be done what is needful and necessary. Mr. Martin was sued at the court in two actions: one by Mr. Mason, for fines and forfeitures, collected and received by him as treasurer, from seventy-nine to eighty-two; and another action, by the governor, for fines, &c., from April, eighty-two. He is cast in both actions to the value of about seventy pounds, although he pleaded that what he received was disposed by order of the authority which made him treasurer, and had as good commission from his Majesty as that was in being. Neither did it legally appear that either Mr. Mason or the governor have any right to fines and forfeitures,—the king appointing all public money to be disposed, or improved, for the support of the government. However, it is but ask and have. Their demands, in any case, have the force of an execution.

10th. The Sabbath is come, but no preaching at the Bank, nor any allowed to come to us. We had none but the family with us—the poor people wanting for lack of bread. Motions have been made that Mr. Moodey may go up and preach on the Lord's day, though he come down to prison at night; or

that neighbor ministers might be permitted to come and preach; or that the people might come down to the prison and hear, as many as could. But nothing will do; an unparalleled example amongst christians to have a minister put out, and no other way found to supply his place by one means or other. Mr. Fryer was severely threatened for refusing to subscribe Mr. Moodey's commitment, but hath obtained fairly a dismissal from all public offices. Justice Edgerly also cashiered, and bound over to the quarter session.* It is said that Justice Green is much afflicted for what he has done, but Roby not. Peter Coffin can scarce show his head in any company.†

14th. News came from the fort at Casco that there was great danger of the Indians rising, which hath occasioned a meeting of the council and some discourse, but hear no more since, and hope it may vanish.

15th. Good Mrs. Martin was buried, being not able to live above one Sabbath after the shutting up of the doors of the sanctuary. Somebody has said that the imprisoning of the minister is none of his work,—he did but constitute the court. They did it themselves; though also hath said he would have done it himself if they had not.

17th. Another sad Sabbath.

18th. Came Messrs. Mason, Barefoot, our secretary, with Thurton, who swore against me a false oath, of which I have enclosed a copy. Thurton said he was sent for on purpose to give in his testimony against me. They went away; and soon after came the enclosed *mittimus*, directed to Mr. Raines, who is sheriff and marshal in Mr. Sherlock's room, that have been out of favor of late, though now it is said in favor, but

* Tho. Edgerly was, by the governor's order of the session, discharged from being justice of the peace, and of being in any other public employment.—*Records of Court of Q. S.*

† Mr. Moodey, in the church records, remarks thus on his judges: "Not long after, Green repented, and made his acknowledgment to the pastor, who frankly forgave him. Roby was excommunicated out of a mpton church for a common drunkard, and died excommunicate, and was by his friends thrown into a hole near his house, for fear of an arrest of his carcass. Barefoot fell into a languishing distemper, whereof he died. Coffin was taken by the Indians, at Cochecho, 1689,—his house and mill burnt, himself not being slain but dismissed. The Lord give him repentance, though no signs of it have yet appeared."

not in place again. Mr. Estwick is also put out of all office. Note: That when I went to him for taking oaths, he said all oaths should be taken before the governor and council, but now could send to justices to do it. We had for some nights our key taken away from the chamber door, about 8 or 9 at night, but have since left off that trade. Sewall, of Exeter, is dead.* Several overtures were made this week to John Partridge and William Cotton, by Raines, to come out of prison, he giving them three months time to provide money, or any other current pay, though they tendered fish, planks, &c. Before they were put in, they refused to accept.

24th. This Sabbath our wives, children, and servants came down and spent the day with us in our chamber, and we yet hear nothing said against it.

25th. The marshal goes and levies upon John the Greek's † sheep and cattle, for the execution, for which he had lain about three weeks in prison, and then came and ordered him to go about his business; fifteen sheep, sundry lambs, and two heifers seized for six pounds, odd money. This day also Mr. Jaffrey, having had sundry warnings the week before to clear his house, because Mr. Mason would come and take possession of it, went, nevertheless, to the Bank upon business. Meanwhile came Mr. Mason with the marshal, and turned all his servants out of doors, set another lock on the door, and at night, when his servants came home wet, they would not suffer them to come in, but there lodged Matthews and Thurton all night. Mr. Mason said, while about this work, that he was sorry Weare had no more of this news to carry home with him. The governor having sent to Mr. Cotton, ‡ that when he had prepared his soul, he would come and demand the sacrament of him, as he had done at Portsmouth already. Mr. Cotton, the latter end of the week before last, went to Boston, and has been out two Lord's days already. All is well with yours there, as far as I can learn. I cannot go to see, else might have given them a visit. One word more about my business. I am under imprisonment about Thurton's business being seized by the marshal, and committed, when in

* Probably Edward Sewall, who died in 1684.

† This person is called in the Records of the Court of Quarter Sessions, John Greek, *alias* Amazeen.

‡ Rev. Seaborn Cotton, of Hampton.

prison before, for not giving bond for the good behavior, though nothing charged upon me, any more than before, which you well know. I know nothing but they intend to keep me here endlessly. It is said I must pay one hundred pounds for striking one of the king's officers, and must have my name returned into the exchequer, and must lie in prison till the money be paid, and I am discharged from the exchequer. The design, you may easily see, is to seize me, and how vain my pleas will be you may easily guess.

Though I have many things to say: namely, that Thurton was either no officer, or at least not known to be so, however not sworn, nor did I strike him in the highway, as he swears, nor is there any proof but his own single testimony, which, how far it avails in such a case, would be considered. It is also worthy of inquiry whether ever that law was intended for us here, being no customs to be gathered, no exchequer to be applied to, and therefore how these methods can be observed is not intelligible. You may easily imagine how things will be if I am forced to comply with their humors. Pray consult, consider, and see if something may not be done to put a stop to such arbitrary proceedings. A trial on the place, by indifferent, unconcerned judges and jurors, if at least there can any such be found, who will not be forced into what some will have done; but I shall not need to instruct you. There you have better counsel than I can give you, and of your fidelity to inquire and remit by the first, what is needful on this account, I doubt not.

I have given you but a taste. We that see it know more than can possibly be understood by those that only hear. In a word, such is the height of their heat and rage, that there is no living for us long in this condition. But we hope God will be seen in the Mount.

I should have inserted what fell out after the dissolving of the rebellious assembly. There was discourse of constables, and instead of the freemen choosing as formerly, they took a short and cheaper course, and at the Quarter Sessions constables were chosen; and to begin with Mr. Speaker,* he has

* Richard Waldron, who, it appears from the records of the Court of Quarter Sessions, was appointed constable for Portsmouth, February 5, 1683-4, but refused to serve.

the honor to be constable for Portsmouth; Capt. Gerrish, Lieut. Anthony Nutter, and John Woodman, for Dover; John Smith,* the cooper, for Hampton; John Foulson, at Exeter. Whether Mr. Speaker shall sue or fine, is not yet determined. And now I am speaking of the General Assembly, must hint what was formerly forgotten: namely, that they convened on the Monday, and the choice of the speaker (their old one), in words highly approved, and he complimented *alamode*. Then a bill was sent them down, (of which, if I can get it, being now in prison, shall inclose a copy), which they talked a little of, and then broke up for the night and went up to the Bank to lodge, (the tide serving very well to go and come), the report of which highly disgusted, and the next morning the answer to the bill vehemently urged, which was in fine a negative. Hereupon, in a great rage, telling them they had been up to consult with Moodey, an utter enemy to church and commonwealth, with much of like nature, he dissolved them, which was done on the Tuesday, after which he came up to the Bank, and gave order for a sacrament on the next Lord's day, as you have heard, and since the assembly-men pricked for constable.

By the premises you will see how the governor is making good his word. *He came for money, and money he will get*, and if he gets it you know who must lose it, and how miserable must our condition quickly be, if there be no remedy quickly provided. He contrives and cuts out work, and finds civil instruments to make it up, and these same among ourselves. Thus we are cloven by our own limbs.

28th. Since Mr. Jaffrey was dispossessed, Raines offered him five shillings per annum quit-rent to Mr. Mason, he should have his house again, provided he would own him proprietor; but, he refusing, it is said he shall never have it again. The talk is that his house must be court-house and prison both; and standing so near the governor it is judged suitable, for both those ends, that he may have the shorter journey to court, and the prisoners may be always under his eye.

29th. John the Greek having lain some weeks in prison upon execution, his goods having been levied upon, (as above),

* John Smith, of Hampton. Records of C. Q. Sessions.

was by Raines locked out of the prison, and bidden to be gone; but he would not; keeps his quarters still with the other two. This day his goods were sold by the marshal, and bought by Thurton.

Mr. Cotton* is come home from Boston. Great offence taken here at a sermon he preached in Boston, on Acts xii. v., though pleasing to the hearers.

March 2d. This day Mr. Jaffrey's goods were all turned out of doors by the sheriff, &c.; his man received and disposed of them. Against Jaffrey there are two oaths taken, single oaths, but, being for the king, will pass, and orders are given for warrants to apprehend him. He appears not.

5th. It is said that they are going this day to Major Waldron's, to serve him as they have done Mr. Jaffrey, and it is given out that the rest will be treated in like manner. The court was adjourned yesterday to the next month; probably that they might levy the executions that are in bank before they cut out any more work. Justice Green seems something troubled for sending the minister to prison, and saith he will never do such a thing again; but Peter Coffin saith it is a nine days' wonder and will soon be forgotten, but others think otherwise. If they go on thus we are utterly ruined; must go away or starve, if at least we be not so confined that we cannot go away neither. I question whether any age can parallel such actions. In my last I sent you a letter to Sir Josiah Child, my master, of which also you have another copy herewith. My design is that you carry the letter yourself, wait on him while he reads it, and if he will please to hear you, (as I hope he may), that you amplify matters, inform him what further intelligence you have, and attend his directions, if God move his heart to do aught for us. This day the governor sent us word by the marshal that we must remove to Mr. Jaffrey's house to-morrow, which house is made the prison. We hope the news of the rising of the Indians will fall to nothing.

Ditto 5th. Thus far was sent you by way of Barbadoes. It follows. The governor did say to a Salem man that Moodey might go out of the prison, if he would go out of the Province,

* Rev. Seaborn Cotton, of Hampton.

but we hear no more since. James Robinson under great wrath and in much danger only for speaking something to Thurton (of his being a pitiful fellow, &c.), while said Thurton was active in turning out Mr. Jaffrey's goods.

6th. Matthews and Thurton hunted for Mr. Jaffrey; searched in Mrs. Cutt's house; went into every room above and below stairs; searched under her bed, where she lay sick in it, but found him not. They carried it very rudely and basely in their work. Matthews said he would catch him, or have his heart's blood, but he was not there. Mr. Jaffrey's goods were carried to the other side by night.

It is said that our imprisonment has much alarmed the whole country, and made them more fond of their liberties. This night Matthews was beaten at Mercer's;* (some fuddling about it, it is like); but it is made a mighty thing on; said to be a deep plot,—deeper than Gove's,—managed by strong heads, and abundance of that nature, and because the persons concerned were under the influence of Vaughan and Moodey, they should suffer for it, for not teaching them better. Though we know no more of it than you, nor is there aught in it worth notice, but thus we are treated. The governor went up to the Bank and made great inquiries about it. Capt. Pickering and others that were in the fray, are bound over.

7th. They had six pounds five shillings of Obadiah Morse by way of execution. Raines was discarded, being put out of being sheriff, &c., though he had his commission under the seal but the other day. Matthews is made provost marshal (at least) in his room, and Thurton marshal's deputy. Good birds for such offices. Lord, have mercy upon us! They had also eighteen shillings from Samuel Case.† The rest is deferred, and he has put away his goods, and intends to remove or go to prison, and so we must all.

11th. The Indian news occasioned an order to the trustees to get ammunition. They came down and pleaded their time was up. It was said, You shall keep in during my pleasure. They said they had no money of the towns in their hands, nor could any be raised without a General Assembly. "Then

* Francis Mercer, who was an ale-house keeper.

† Probably Cass.

lay out your own money, or else woe to you;" and this they are fain to comply with. He said and swore that if Mason would not acknowledge a judgment next court, of six hundred pounds, he would take all his business from him, and sue in his own name. He swore he would turn out that rogue Ellet, who is as bad as any other.

Mr. Waldron being sent for by warrant to come before the justices to take the constable's oath, appeared before Mr. Mason and Capt. Barefoot; but excusing it, and giving good reason, was dismissed upon paying five pounds; but poor Capt. Barefoot was most fearfully rated at for his labor; many oaths sworn that Waldron should either take the oath or either take up with a goal. The next day (though the justices, whose business it is, had fairly dismissed him,) he was convented again, the oath tendered, he threatened with a prison immediately, but told them he knew the law better than so. They then took his own bond to answer it at quarter sessions; and so far of that matter as yet. Another constable is chosen: namely, Capt. Pickering, though he has as yet waived the oath, having lately served in that place, and pleading his being bound to good behavior for that last fray. He talks much of frigates, to scare the poor people.

14th. Council sat, and could not agree about raising money, which highly provoked somebody. They said the General Assembly only could raise money. The governor told Mr. Jeffrey's negro he might go from his master—he would clear him under hand and seal; so the fellow no more attends his master's concerns.

15th. This day the secretary was, in a great rage, turned out of all offices, except secretary to the council (an empty name, little profit), and the books sent for out of his hands. He is much concerned and dejected.

I am credibly informed, and you may believe it, that the governor did, in the open council yesterday, say and swear dreadfully, that he would put the province into the greatest confusion and distraction he could possibly, and then go away and leave them so, and then the devil take them all. He also then said that Mr. Mason said he would drive them into a second rebellion, but himself would do it before, and I wonder

he has not; such actings are the ready way, but God hath kept us hitherto, and I hope he will do so still. He also said and swore that any person that should have any manner of converse with us, or any of our mind, he would count them his utter enemies and carry toward them as such.

17. The governor having formerly prohibited the prisoners from making shingles, went himself this day to the prison, and prohibited John Partridge from making shoes; bade the marshal throw them into the sea.

This day Raines, being not willing to give up a warrant that he had executed during the short time of being sheriff, was sent for by the governor, and, not appearing, the governor came to his chamber, and did beat him dreadfully, and bade the marshal carry the rogue to jail. He remains out of favor still. The governor also went over to Capt. Hooke's and got him to give warrants to the constables on the other side, to search all houses for Mr. Jaffrey, and bring him over, but they found him not, nor is he yet found, though proclamation was made at Wells' court for his seizure, though not yet done.

March 18. This morning came Mathews to our chamber, and said the governor sent him to carry me to prison, where I am, where I still lie; being put in only for Thurton's action, and kept in, though I offered security to respond it. I think they have let fall the other about the good behavior, seeing they can make nothing of it, and before my coming in, John the Greek's bed, &c., was turned out of prison, and he forced away, who would not depart before.

21. Mr. Martyn came to discourse about the money he was cast for, which they have not yet levied upon him, but intend to lay it upon all the old council equally, that each may bear his share. At the same time, the governor told Mr. Martyn that he would send his execution. Said Mr. Martyn, You know it is not my due to pay the money. No matter (said he) *I want money, and will have it. But I have none*, said he; then I will take your house. He added also, to Mr. Martyn, that he was a church member, and he would watch him and all such, and be sure to pay them off if he could catch them.

22*d.* The sorest storm and the highest tide that ever was known. Many thousands of pounds damage in Boston, and

much here. The bridge to the Great Island broken off in the middle, to the great joy of many.

24th. The governor went to Boston in Fox's sloop, intending thence to New-York, pretending to discourse Colonel Dungan, and bring down two hundred Mohawks to kill the eastward Indians. What is at the bottom, or will be the issue, God knows. He had a cold treat at Boston; staid not a night in town. Since his going, we have had little news worthy of your notice, but all things have been very quiet hitherto.

I have not enlarged upon these particulars to my master Child, but if he will take any notice of the thing, and be concerned about it, he will then give you opportunity of discoursing him, and you may inform what is further needful.

31st. This month passed out and the other came in without any noise, unless the great joy that was at the Bank, by Mr. Moodey's going up thither, and my going once or twice after, with our keepers, by Mr. Mason's permission, who presides in the governor's absence: but we soon returned to the place from whence we came.

April 8th. Nathaniel Fox, who married Mrs. Stileman's daughter, sent Matthews to arrest Capt. Stileman for his wife's portion, (though it was often tendered him in such pay as the court ordered it, but he would have it in money.) Capt. Stileman gave his own house, and all that was in it, for security to answer the action; but Matthews, bringing Thurton with him at his instigation, who was terribly insolent, they arrested the woman—Mrs. Stileman—and carried her to prison with much violence and course usage, though her husband had given security. She was carried in the evening. Capt. Stileman wrote to Mr. Mason: He protested against it, and wrote to the marshal it would not do. He went again, and Mr. Mason wrote again, but to no purpose. They kept her there till the next morning; a thing not to be paralleled in the English nation! Complaint hath been made, but no remedy. Abbot being up at the Bank with me, Thurton took the key of the prison, and, when Abbot came, would not permit him to go in, but turned him away. Brave doings! No tongue can tell the horrible imperiousness and domineering carriage of

that wretch. The next morning Mr. Mason (much ado) got Mrs. Stileman out, and the jailor into his place again.

Mr. Mason gave leave for any minister to come and preach at the Bank, so that we got Mr. Phillips* for two Lord's days: namely, thirteenth and twentieth, having been nine Lord's days without a sermon.

14th. Came H. Greene to Mr. Moodey's chamber, and made a confession of his fault, and begged his pardon for putting him in prison, and said he would get him out quarter sessions, &c. Good words, but——. Capt. Barefoot went to the prison and told John Partridge that if he would give an order to allow so much as his charges came to, out of what the Provinces owed him about Gove, for the soldiers, &c., he should come out of prison, and they would pay him the remainder, the whole being about thirty pounds; but he was not forward lest he should in so doing quit them of false imprisoning him; but if they would do it themselves, stop so they might. Nothing is done in it.

15th. Matthews and Thurton were sent to Hampton to levy execution and serve attachments, and warn jurymen for the court in May. They arrested seven, among which Capt. Sherburne was one, warned the old jurymen, executed upon William Sanborn, took four oxen, which were redeemed by money, drove away seven cows from Nathaniel Bachiler, went to your house, met your son Peter going with his four oxen into the woods, commanded him to turn the oxen home; he would not; they cursed, swore, drew upon him, threatened to run him through, beat him, but he did not strike again. They came to your house, were shut out, your wife fearfully scared for fear of her son who was out with them. At length she let them in, laid three pounds on the table, which they took, and then levied on several young cattle, but released and left them. Your son came hither to advise, but complaining is bootless, such a dismal case are we in. They took away two beds from old Perkins, but his son offered his person, and they took it, and quitted the other. What more they did there we as yet hear not. Capt. Gerrish, John Woodman, Lieut. Nutter and Nathaniel Bachiler are sworn constables.

* Rev. Samuel Phillips, of Rowley.

17th. I went to Mr. Mason, at Capt. Barefoot's house, and had several witnesses with me, and desired him to take depositions, that I might send them home, about my case, and the rest of the cases, but he refused. The governor had put me in prison when I asked him, and now, in his absence, the deputy-governor denies to grant them. I hope this will be matter of just complaint, that we should be hindered from applying to his Majesty for relief under our oppressions. You will have evidence of his denial sent home, sworn before some of the Bay magistrates. We can do no more unless the Bay should assist us, which they are loath to do, and we are loath to put them upon, as matters are circumstanced with them; but we think it should be taken very heinously by all that love justice and are willing to administer it, that his Majesty's subjects should be thus treated. Surely they are afraid or ashamed of their actions, (and they may be both), else they would not be so shy of having them known. This is what offers here; what more needful, cousin? Waldron will advise from Boston.

With due respects remain your assured friend and servant.
For Nathaniel Weare, in London.

A Discourse with the Governor about my Imprisonment May, 1684, subjoined to the foregoing Letter.

At a sessions held the 6th of May, 1684, I was denied counsel, and to have witnesses sworn. Mr. Waldron, Captain Stileman and Captain Frost were presented.

10th. The governor was with me in prison. Mr. Chamberlain, Mr. Hinks, and Mr. Sherlock with him. The governor proffered me (that, whereas, I was fined by the justices in Thurton's case, I might think they had not done me right) that, if I would prosecute it (giving security so to do) in the king's bench, at Westminster, the exchequer, or before king and council, I should; though, by his commission, he could not do it. My answer was, Unless I could have security given me that, in case I should recover, I might have my charge and damage made me good, it would be no benefit to me. He said there was no reason for that, because it was for the

king; though it was his, because Mr. Mason had resigned up to the king all fines and forfeitures, and the king had given it to him. But he said if I would deposit a valuable sum he would do the like, and would give bond and have it tried as above said. My answer was, I thought the forty pounds was enough, and that I expected execution would come out at the time, and should endeavor, by the time, to provide enough for it, but, withal, told the governor it was at his liberty to remit it, if he pleased, by virtue of his commission. Also, for my being in prison for not giving bond for my good behavior. When the sessions came I was not brought up to my trial for that, but remanded to prison again. At ditto time the governor told me he had put me in prison on that account, and he would abide by it till I would give two hundred pounds bond. My answer was, I had rather lay in prison than give bond to tempt such a fellow as Thurton (or such others), that had sworn against me already, and falsely; and judged it might be no scruple to him to do the like again. And withal told him that if his Honor pleased to let me out of prison, I would engage myself, by bond, to live out of the Province, though that would be very detrimental to my concerns, and by that I hoped he would have no thoughts of my misbehaving myself that would be detrimental to the king's government here, or himself. Not that I scrupled giving bond for my good behavior, though not accused for any thing, but for laying a temptation to some base minded person or persons to forswear themselves, as one had done before, in another case relating to me.

12th. Was informed that whereas Thurton had a commission to be prison-keeper (and, withal, had vaped, and said the prison was too good for Vaughan, and the room that he had fitted up did intend to keep it himself, and that Vaughan should take his quarters where he would assign it, and that the prisoners should not be waited on as Abbott had done, for he would keep them locked up, only come morning and evening,) lost his pocket-book, wherein was his commission and sundry papers of concernment.

A Brief of Cranfield's Commission, and of the Evidences in support of the Complaint, and against it.

NEW-HAMPSHIRE IN NEW-ENGLAND.

1. IX no. Maii. XXXIII. to Car. 2 di. The king by letters patent, under the great seal of England, constitutes Edward Cranfield, Esq., lieutenant governor and commander-in-chief of all that part of New-Hampshire Province, in New-England, extending from three miles northward of all or any part of Merrimack river unto the Province of Maine. To execute all things belonging to his commission, as per instructions therewith, or such further powers and instructions as, under his Majesty's sign manual, shall be sent, and according to the reasonable laws in being there, and such other as shall be made and agreed on by him, with the advice and consent of the council and assembly there, as hereafter.

2. Robert Mason, Richard Waldron, Thomas Daniel, William Vaughan, Richard Martyn, John Gilman, Elias Stileman, Job Clements, Walter Barefoot, and Richard Chamberlain, Esqrs., to be of his Majesty's council there, and to assist in the government. Cranfield to take an oath for the due execution of his office and trust, to be administered by any five of the said council; and he to give the oaths of allegiance and supremacy, and the test in the act for the prevention of dangers from Popish recusants, and the oath for due execution of their places and trusts.

3. Power of suspending members in just cause, five to be a quorum. To certify vacancies, by death, departure or suspension, that now may be appointed under his Majesty's sign manual. Power to Cranfield, out of the principal householders, to fill up the council, when less than seven on the place, and not more, till they are confirmed, or others made under the sign manual.

4. *Suspended or displaced Members not to be of the General Assembly.* Power to call assemblies of freeholders, with consent of the council, till further pleasure signified, which assemblies are to take the oaths of allegiance and supremacy, or be incapacitated. And the governor and assembly to make laws, agreeable as near as may be to those of England, to be allowed or disallowed by his Majesty under the sign manual.

5. Governor to have a negative voice in making laws, with power to dissolve and prorogue general assemblies at pleasure, and to use the public seal. Power to give the oath of allegiance by himself, or others, to whom he pleases. Power to himself to erect what courts he thinks necessary for law and equity in matters both civil and criminal. To make judges, justices of the peace, sheriffs, and other necessary officers, and to administer necessary oaths to them. Power to pardon criminals, (except in treason and wilful murder), and to relieve therein also, until his Majesty's pleasure be known; and to remit fines, &c.

6. Appeals to the king and his council, in all actions, real and personal, of above £50 value, and not under, the appellant giving good bail, to answer costs and charges, which shall be awarded by his Majesty here, and execution not to be suspended by the appeal.

In cases of life or limb, (wilful murder excepted), the party convicted either to be sent to England, or his case, and execution respited until orders therein returned by the king or his council. Power to levy men and transfer them from one place to another in America.

7. To execute the office of captain-general, and martial law in time of war. The governor, with consent of the council, to erect forts, platforms, castles, cities, boroughs, towns, and fortifications necessary, and the same to fortify or dismantle. Invasion to be repelled by force of arms. To discourage vice and encourage virtue. Liberty of conscience to all Protestants, and those of the church of England to be principally encouraged.

8. The present taxes to be continued until the general assembly fix others. Public money to be issued by the governor's warrant, with consent of the council, and to be used for support of the government, and not otherwise. The governor to be vice-admiral of all the seas and coasts belonging to his government, and to receive instructions therein from the D. of Y., lord high admiral there. Power to appoint fairs, marts, and markets, with advice of the council. The like for ports, harbors, havens, &c., for shipping, &c., and custom-houses and officers for the same, and those to alter and displace, following the rules of the acts of trade and navigation.

9. All officers and inhabitants to be aiding to the governor in execution of the said powers. Power to appoint and displace a deputy governor, who is to be of the council. The council to govern on the death of the governor, and in his absence, when no deputy appointed.

10. Recites that the land in New-Hampshire was held and improved by several under title from the Massachusetts, since evicted, and Mr. Robert Mason's claim thereto; for prevention of whose, being unreasonable in his demands, his Majesty had obliged him, under hand and seal, to demand nothing for the time past, until the 24th June, 1679, nor molest any for the time to come, but make them titles forever, paying 6*d.* per pound for the true yearly value of all houses built, and of all lands, whether gardens, orchards, herbal or pasture, improved by them, which shall be bounded to them, provided Mason have the residue to make the best of.

11. On non-agreement between the inhabitants and Mason, the governor to interpose, who, if he cannot end the differences between them, is to transmit to England such cases, impartially stated, with his opinion, and reasons on the same, that his Majesty, his heirs and successors, with advice of the privy council, may hear and determine the same. The governor to hold his office and said powers during his Majesty's pleasure. The commission of 18th September, 1679, to be void.

William Vaughan will depose that at a court on Great Island, 6 November, 1683, Walter Barefoot, deputy governor, Nathaniel Fryer and H. Greene, judges, Robert Mason, plaintiff, W. Vaughan, R. Waldron, N. Weare, and Eleanor Cutt, widow, defendants, concerning title of lands, judgment was given for the plaintiff, from which the defendants appealed, and their appeals were admitted. And the 16th following Mr. Mason promised to attend at Mr. Vaughan's house, to take the security, when the appellants and security attended, but no Mr. Mason nor secretary. But appellants and security went and found out the secretary, to whom they tendered security, who said he had no orders to take it, and refused taking it, whereby the seizin and appeal lost.

That, in order for the trials of Mr. Mason's land: 1. There

is a standing jury kept from month to month. 2. That, by report, those jurymen have agreed with Mason for their lands. 3. That several pleas have been refused, and the defendants told by the judges they would not make record for them by entering their pleas. 4. That the courts refused reading the stat. 27 Eliz., c. 6, sec. 2; *Coke's Inst.*, lib. 2, cap. 12, p. 156, and other statutes.

17th February, 1682. The governor, Mr. Cranfield, by note affixed on the church doors, gave notice that, if the inhabitants of that Province came not in within a month, to take leases from Mr. Mason, pursuant to his Majesty's commission, he would certify the refusal to his Majesty, that Mr. Mason might be discharged from his obligation to grant such.

Signed: Ed. Cranfield.

4th January, 1683. Joshua Moodey will depose that Gov. Cranfield, about December, 1682, showed the deponent writings, under the hand and seal of Robert Mason, conveying his right to New-Hampshire Province to Mr. Cranfield.

4th Jan. 1683. William Vaughan and Richard Waldron, Jr., will depose the same.

4th Jan. 1683. Reuben Hull will depose that, in December last, Mr. Cranfield said Mason had given him deeds for his Province, which he had shown to Mr. Vaughan and Mr. Waldron, and intended suing Mason at the next court for the same. William Fifield, Jr., Richard Sanborn and Nathaniel Sanborn will depose that, in October, 1683, being at J. Sanborn, senior's house, when Robert Mason, Sherlock the marshal, and James Leach, came to give Mason possession, when Sanborn, not opening the door, Leach, by the marshal's order, broke it open, and gave Mason possession, and Sherlock took Sanborn prisoner; when Mason openly told the people, "This is what you shall all come to."

13th April, 1683. Thomas Wiggin swears, that in March last he and Robert Mason and Robert Hall, being at deputy governor Barefoot's house, Mason said he would seize Major Waldron's, Joshua Moodey's, John Partridge's and Capt. Tippen's lands, who should not have one foot in the Province, and that he would live on Andrew Wiggin's farm, being a good one: That the people had been in one rebellion, and he would

force them into a second, and then hang them: That, shortly, there would be a frigate there with soldiers, whom he would quarter in the Province at the people's cost, and that then they would rebel: That, let Wadleigh go for England if he would—New-England had now no friends in the council or committee, but formerly they had the lord privy seal: That he and his two sons would fight any six there for the Province, at sharps.

Sworn before Wm. Vaughan, *Justice of the Peace.*

18th April, 1683. Lieut. Robert Hall, justice of the peace there, swears the same before justice Vaughan.

14th April, 1683. Shadrach Walton swears that, about three weeks before, he heard Mason say that he looked for a frigate with soldiers, and would quarter ten at each house, till they eat up all the people's cattle and sheep, and beggar them; and that then he would see what they would do: And, upon inquiring of the reason why, said it was because they would not comply with him according to his Majesty's order: Said he would speedily seize Major Waldron's, Mr. Moodey's and J. Partridge's estates; and bade deponent tell Lieut. Nutter his estate was going after the rest.

Sworn before W. Vaughan.

27th September, 1683. Against us, R. Mason, R. Chamberlain and Joseph Rayne swear that, 25th September, 1683, in a trial between Mason and R. Waldron, the defendant excepted against the whole jury, and openly told the people they were all concerned; that his would be a leading case, and that they must all be Mason's tenants; and that they, being all parties, could not be of the jury: That Barefoot, being the judge there, would have committed him for the words as mutinous: That the said Waldron, in March, 1680, said they were not the more bound to believe the king's letter because the king had writ it. Thomas Philbrick speaks of some discourse between him and Henry Greene, Esq., about Henry Roby and Nathaniel Boulter—two standing jurymen—having had land from Mason, which was worth £100 above the 2d. per acre to be paid. Note: H. Greene is one of the judges. Henry Dow can testify that the 11th October, 1683, Henry Roby had land

measured out to him of one hundred acres, upland and marsh, appointed him by Mason; and Nathaniel Boulter, Sen., and his sons, had twenty acres, which he said was too little, in that Mason promised him thirty; and Robert Smith had a piece of marsh land, he claiming the same from Mason: That these grounds were part of the unfenced pasture, where the milch cows of Hampton inhabitants used to feed, the loss whereof is of great prejudice to the town. Ephraim Marston says the same.

17th July, 1683. R. Waldron, John Windeat and Thomas Roberts certify that, upon the governor's summons of the 17th February, 1682, above, within the time set, attended the governor to know his pleasure therein, who bade them agree with Mason; on discourse with whom, in another room, the governor, overhearing, came in and told Col. Waldron that they should not hector so in his house, and bade them begone; that they propounded to Mason to refer the matter to the governor, or otherwise that the governor should state the case to his Majesty, according to the commission; which Mason refused, saying, that unless they owned his title, he would have nothing to do with them.

Richard Waldron, Sen., fined £5 for mutinous words spoke at a trial, between him and Mason, and fined £10 for words spoken to the dishonor and contempt of his Majesty, from which sentences he desired leave to appeal.

Certified by Richard Chamberlain, *Prothon.*

11th Sept., 1683. Warrant to James Sherlock, marshal of deputy, to attach the goods, or, for want thereof, the body of R. Waldron, and take bond with sureties of £4000 for his appearance in trespass for lands held and woods felled to £4000 value, ad. s., R. Mason, Sept. 19, 1683. The warrant served on part of the defendant's goods in the name of the whole, 6th Nov. 1683.—Judgment for the plaintiff, 10s. damages, and £5 8s. costs. The defendant appeals, which allowed £200 security before the 16th to pay the cost of the appeal, and to prosecute it in six months. 23d Nov., 1683.—Warrant for costs.

10th Dec., 1683. The governor and council commanded the

ministers there to admit all persons, not scandalous, to the sacrament, and their children to baptism: That if any desire the sacrament or baptism, according to the liturgy of England, it be done pursuant to the laws of England and his Majesty's command to the Massachusetts; ministers refusing, being duly required, to incur the penalty of the State, and the inhabitants freed from paying tithes or other duties to such minister. And the governor ordered Joshua Moodey, minister of Portsmouth, personally to read that order at his meeting-house the next Lord's day.

4th Dec. 1683. The governor and council ordered all the ministers in New-Hampshire to attend, the Monday following, to give their reasons why they did not administer the sacrament according to his Majesty's letters sent the Massachusetts, and the statute in that case.

15th Jan. 1683-4. James Sherlock gives Moodey notice, in writing, that Cranfield, Barefoot, Chamberlain and Hincks would receive the sacrament, according to the liturgy of the church of England, the next Sunday.

April, 33 Car. 2, di. 1681. By indenture between Robert Mason and Richard Rich, Mason, in consideration of 20s., bargains, sells, enfeoffs, &c., to Rich and his heirs, a house and orchard at Dover, a field of eight acres, two acres on the common; another field of three acres and a half, and six acres of land at Hilton's Point of twenty acres; three acres marsh land, ten acres upland, leaving highways, with liberty of feeding cattle and cutting necessary woods, excepting mines and minerals, and pine trees of twenty-four inches and more diameter. Habend, to Rich and his heirs as parcel of *Dover manor*, reddend 25s. per annum, with a clause of distress. Covenant for the grantees building two houses in two years, at Hilton's Point, and to pay 2s. per annum rent for each to Mason and his heirs. Covenant for quiet enjoyment under the said rents, and against incumbrances. Covenant for the grantees' payment of said rents, and preservation of the boundaries. The grantees, &c., at every ten years to deliver engrost terrars[?] of the premises.

Robert Mason.

24th May, 1681. Robert Mason, by writing, made Nicholas

Sharpleigh his attorney, with power to make deeds to the inhabitants for the lands they now possess, and what other they had occasion for, which he obliged himself and heirs to ratify. Gave notice he would return from England the next spring, and by his Majesty's grace ease them of the heavy taxes then imposed.

Robert Mason.

1684.


7th January, 1683-4. Richard Waldron, William Furber, senior, and Henry Langstaff* offer to depose that the twenty acres on Hilton's Point, granted by deed above, of the 29th April, 1681, with some other lands therein, were fenced in for pasture fifty years ago, and so held by the people of Dover ever since.

The deposition of Richard Martyn testifieth that some time in the month of June next comes, will be two years since (to my best remembrance), I did, at Capt. Elias Stileman's house, marry Nathaniel Fox and Mary Stileman, junior.

Richard Martyn.

Sworn in the court of pleas held at Great Island, the 8th May, 1684.

R. Chamberlain, *Prothon.*

hipped, by the grace of God, in good order and well conditioned, by Mr. James Dobe master, in and upon the good ship called the ketch Diligence, of New-England: whereof is master, under God, for his present voyage, Nicho. Baker; and now riding at anchor in

* In Rev. Mr. Pike's MS. Journal, I find the following note on this person, who was at Piscataquay as early as 1631. "July 18, 1705, Mr. Henry Lancaster, of Bloody Point, deceased after ten days' sickness, occasioned by a fall into his Leanto, four stairs high, whereby, being grievously bruised, it brought an inflammation upon him. He was above 100 years old; a hale, strong, hearty man, and might have lived many years longer, if," &c.—*John Farmer.*

Virginia James River, and by God's grace bound for Piscataqua, New-England, to say, eleven hhd. of tobacco, upon and to the proper account and risks of Mr. James Dobe, being marked and numbered as in the margin, and are to be delivered in the like good order and well conditioned, at the aforesaid port of Piscataqua, New-England, (the danger of the seas only excepted), unto Mr. James Dobe, or to his assigns, he or they paying freight for the said goods, per hhd., with primage and average accustomed. In witness whereof the master or purser of the said ship hath affirmed to three bills of lading, all of this tenor and date, the one of which three bills being accomplished, the other two to stand void, and so God send the good ship to her desired port in safety. Amen. Dated in Virginia, this 19th of May, 1684.

Qualified, and conditions unknown.

For Nicho. Baker.

NEW-HAMPSHIRE.

Whereas, upon the petition of Richard Martyn, Esq., late treasurer of the said Province, you, whose names are after mentioned, was summoned to appear in his Majesty's court of chancery, to show cause why you should not contribute and be equally charged with the said Richard Martyn for the fines and forfeitures recorded against him at law, and did not all of you appear: These are, therefore, in his Majesty's name, to require you, Richard Waldron, of Cochecho, in Dover; William Vaughan, of Portsmouth; Elias Stileman, of Great Island; Christopher Hussey, of Hampton, Esqrs.; Reuben Hull, of Portsmouth, merchant; Bridget Daniel, of Portsmouth, widow; Mehitable Dalton, of Hampton, widow; and Job Clements, of Dover, tanner, to be and appear at said court of chancery at Great Island, at the house of Nathaniel Fryer, Esq., peremptorily, on Thursday next, being the 22d of May instant, at ten of the clock in the forenoon, then and there to show cause as above said. Fail not.

Dated the 19th May, 1684.

The Deposition of Deborah Munden and Nathan Bedford, taken in Court the 4th June, 1684.

This deponent saith that on the 10th of January last past, Sarah Winslow was burnt, and laid in a very sad condition for twenty days, her skin being as hard as pork, corruption being under, so that it stank. There was no enduring the scent. So remains in a very sad condition, all the fingers of one hand being off, and the hand like to be cut off, the other hand shrank up by the burn, and hath not had one farthing to support her, that they know of, from Nathaniel Fryer, in whose service her husband is.

Deborah Munden,
Nathan Bedford.

To the Honorable Walter Barefoot, Esq., Judge, and the rest of his Majesty's Justices of the Peace, now sitting in Court on the Great Island in his Majesty's Province of New-Hampshire.

Your poor petitioner humbly craves your Honors' clemency and relief, being under a great affliction, by an accident which happened unto me this last winter past, being almost burned to death by fire, and now very ill by means of sickness and my former wounds breaking out, and a cancer in my breast, which I fear will be my death, and am very poor, and having nothing wherewith to sustain myself, my husband being gone, I know not where. And what I had of my own is in the hands of Mrs. Munden, who is not yet satisfied for what pains she hath taken with me; I having paid myself and other ways, namely: By the honorable Governor paid her six pounds, and of myself forty shillings, humbly prays your Honors to take it into your consideration, and that I may be relieved and have of Mrs. Munden what she hath of mine in her hands. So praying your Honors to take some care of me, I may not perish, and for your care of the poor I hope God will reward you. So, not questioning your clemency and care towards the poor, I shall ever pray for your Honors' health and increase of honors.

Sarah Winslow.

We, under written, do affirm, upon the twelfth day of June, 1684, near about sun setting, being in my house we heard loud words about the path and near the broken pine tree, which path lieth from Justice Roby's to Capt. Sherborn's, we saw three men and two women. Two of the said men contended in hasty words a considerable time. One was Mr. Hooper and the other was Capt. Sherborn, and from words to blows, but Justice Green being the third man, parted them twice. The third time Mr. Hooper, being about a rod homeward from Samuel Sherborn's, the said Doctor Hooper run violently up to Capt. Sherborn, he keeping his ground, and striking home, and one at the other, but presently they two were upon the ground together, and Justice Green came the third time and parted them, and they went homeward—but for a stick or a staff I saw no use made of it in striking any man, not one blow.

Abraham Drake,
Jonathan Perkins.

Taken upon oath, before me, the 17th day of June, 1684:

Henry Roby.

Jonathan Perkins swore in court to the above written.

A List of the Jury of Trials for the first Tuesday in July, 1684, to be held at Great Island, for the Province of New-Hampshire.

HAMPTON.

Henry Roby,	Thomas Marston,
Nathaniel Boulter,	Christopher Palmer.

GREAT ISLAND.

Joseph Purmort,	Thomas Parker,
Sedrac Warlton,	Edw. Carter,
James Robinson,	Henry Russell.

STRAWBERRY BANK.

John Seward,	William Richards,
Sam. Clark,	Richard Webber,
Richard Jackson,	Richard Waterhouse.
John Jackson,	

EXETER.

William Hilton,

SANDY BEACH.

John Lock.

These men summoned upon the Jury by me,

Daniel Mathews, *Province Marshal.*

The Grand Jury for the first Tuesday in August, in the year 1684.

HAMPTON.

Henry Lamprel, Sen.,

Thomas Marston,

Abram Drake, Sen.,

John Readman, Sen.,

Francis Page,

Henry Dow.

EXETER.

John Gilman, Sen.,

Samuel Levit,

Peter Folsom,

Edw. Gilman.

SANDY BEACH.

Nath. Drake,

John Bracket.

LITTLE HARBOR.

George Wallace,

Richard W——,

John Odahorn,

Richard Waldon, Jr.,

Elias Stileman,

Ruben Hull.

These men, their names above written, summoned by me,

Thomas Thurton, *Province Marshal.*

September 11th, 1684. Sarah Reed, complaining to me of Richard Webber striking and abusing her on the river going toward the Little Harbor in a canoe, the day above mentioned, with one Sarah Westcott, and offering on her oath that said Webber struck her several blows and broke her head, kicking her down in the said canoe, swearing by God he would be the death of her, if it were seven years hence, if he had opportunity to do it. Said Webber, as we were going along, run his canoe on board ours, and did strike and swear as above said. The said Reed also affirmeth that she is afraid of her

life, that said Webber will take it away if he can have opportunity. She also affirmeth she said nothing to him, more or less, as she remembereth, but, "Lord, Jaffer Webber, are you minded to kill me?" and so I cried out *murder!* and he went away, and I got ashore to Mrs. Hunkins's, and she dressed my head.

her

Sarah × Reed.
mark.

Taken upon oath by Sarah Reed, this 12th of September, 1684,

Before me, Walter Barefoot, *Justice of the Peace.*

This is a true copy, as attest,

W. Barefoot, *Just.*

Sarah Westcott testifieth upon oath at the same time to all above, except being afraid of her life.

Sworn in court the 4th of November, 1684, at the sessions of the peace.

R. Chamberlain.

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Richard Webber, of Portsmouth, tailor, and take bond of him of five and twenty pounds, with sufficient security for his appearance at the court of pleas to be held at Great Island, the in to answer to the complaint of Sarah Reed, of Portsmouth, spinster, in an action of trespass of assault, battery and wounding done by the said Richard Webber to the said Sarah Reed, to her damages five and twenty pounds, or what shall appear justly due. Fail not, and make your return according to law.

Dated the of November, 1684.

To Mr. Thomas Thurton, Provost Marshal, or his Deputy.

R. Chamberlain, *Prothon.*

NEW-HAMPSHIRE.

The Examination of Rich. Abbot, the Prison-Keeper of Great Island. Taken before me, R. Chamberlain, Esq., Just. Peace, the 29th December, 1684.

To the question who was with the prisoner, Elizabeth Tibbets, on Saturday; he, this examinee, answered one Brodhead, that lives at Cochecho, and one Shadrac, a midshipman, in William Cotton's boat. Sara Beal was there also, and carried the maid Elizabeth Tibbets to the window, next to the river, and whispered, but what they said this examinee can not tell. And the said Shadrac said to the said Elizabeth Tibbets, Be of good cheer, I will be with thee to-morrow in the afternoon.

As to the said maid's going, walking about the room, she said several times: "I wonder our folks do not come down," and after that she went out of the prison to fetch a little water, and stooped down pretending to tie her shoe. Of a sudden she ran away, and as she came to the wall one of the fellows took her by the arm, and put her into the canoe, and put the canoe off, three persons being in the canoe, whereof the said Shadrac was one.

Taken upon oath the day and year above written.

Before me :

R. Chamberlain, *J. P.*

Deposition of John Foullsam—1684.

The deposition of John Foullsam, constable for the town of Exeter, in the Province of New-Hampshire in New-England.

This deponent testifieth and saith, that about mid-summer, last past, there came to my hands a list of the names of the several inhabitants in Exeter, with a certain sum annexed to each name, which sums, being in the whole about fifty pounds, I was required by a warrant under the hands of the governor and council, with a seal of the Province, to gather up and carry in to the Treasurer of the said Province; whereupon I demanded the same, but was answered by almost all of them that the commission directed the taxes should be raised by the General Assembly; but these being done by the Governor and Council only, they would not pay, which answer I gave

to the Governor and Council: and they then took the seal out of my hands and delivered it to Thomes Thurton, provost marshal, so got in, and I was ordered by a warrant from the secretary to assist him.

John Foullsam.

Plymouth, in his Majesty's Colony of New-Plymouth, in New-England.

Jurat. 11 die Decemb., 1684, Cor.

Tho. Hinckley, *Governor*.

Will. Bradford, *Deputy Governor*.

Copy of a Letter from the Governor and Council to the Lords of Trade.

Province of New-Hampshire, May 23, 1684.

May it please your Lordships,—Since Robert Wadleigh is returned from England, having lately had an appeal dismissed by the council-board, by taking lately advantage of Mr. Randolph's absence, who was attorney for the parties, he hath put the people of this Province into such a ferment and disorder, that it is not possible to put his Majesty's commands in execution, or any ways govern them. And, though notwithstanding, in obedience to your lordship's commands, we have called an assembly (a copy of the proclamation for that purpose being herein inclosed), we cannot think it prudent or safe to let them sit; they being of the same ill humor or worse, as when Gove went into arms, his design being hatched at the time the assembly sat. And it looks more like a design, they having those four constables into the assembly, that the king's peace may not be preserved (the whole number of the assembly being eleven), this Wadleigh being formerly an assembly man, and hath three sons condemned in Gove's rebellion (and himself now chosen again): the oldest of them I have pardoned, one of them is dead, and the other I keep in prison till I receive your lordships' further order, all the other offenders being pardoned. Major Waldron's son is constantly of the assembly and speaker (this being the third that hath been called). I wish his Majesty's clemency do not cause some great mischief to be done here. They have never given two

pence* to the support of the government, and that very rate that was made in the time of presidents Cutt and Waldron, we have according to his Majesty's royal commission continued; but do not think it safe to publish it, unless we had strength to countenance our proceedings.

This we conceive it our duty to inform your lordships, and are,

May it please your lordships,

Your most humble and obedient servants,

Edward Cranfield,

Robert Mason,

Walter Barefoot,

R. Chamberlain,

John Hinks,

James Sherlock.

The appellants claim by grant from Mr. Mason: and as for Wadleigh he hath been these sixteen days in the country, and though I have heard much of him, I have not yet seen him.

To the right honorable the Lords of the Committee of Trade and Plantation, at Whitehall.

Copy of a Letter from Cranfield to Sir Leoline Jenkins, of the same date.

May it please your honor,—We humbly beg, after your Honor hath perused this letter to the lords of the Council, you would be pleased to lay it before their lordships, and desire their lordships to come to some speedy resolution; for it is no longer in my power to promote the honor and interest of his Majesty here, without a small frigate to second his Majesty's broad seal and other his royal commands. As to the pirates, your Honor may be assured that myself and the Council will punish them according to their demerits, if they shall at any time happen to come within this jurisdiction, and carefully obey all other commands which shall be sent unto,

May it please your Honor,

Your Honor's most humble and most obedient servant,

Edward Cranfield.

* The first assembly voted two hundred pounds to the governor, but it is not certain that he accepted it, though he consented to the act.

I most humbly beseech your Honor, by the first opportunity, to send the king's letter to give me liberty to go off to Jamaica or Barbadoes, for my health; finding so great a weakness in my legs, which indisposition hath been contracted by the severity of the cold.

To the Right Honorable Sir Leoline Jenkins, one of his Majesty's principal secretaries of state, at Whitehall.

Order of Governor Cranfield—1684.

NEW-HAMPSHIRE—By the Governor.

[SEAL.] Whereas there hath been a petition and complaint lately preferred to his Majesty against me, Edward Cranfield, Esq., and Robert Mason, Esq., wherein it is alleged, among other things, that several persons have been imprisoned out of design to obstruct proofs for the making out of certain misdemeanors that we and others have been charged withal; and Colonel Richard Waldron and William Vaughan, Esqrs., are principally concerned in the said charge, who now stand committed by his Majesty's justices of peace for this province, for several misdemeanors: Therefore, to take away all ground of such false allegations as aforesaid, and to give them the better opportunity to make out their charge against us, I have thought fit to set at liberty the said Richard Waldron and William Vaughan, that they may bring their witnesses before Richard Chamberlain, Esq., one of his Majesty's Council, and Justice of the Peace, to be deposed in order to making out their charge; and he hath order from myself to give them copies of such affidavits or other records and papers, to the end to give his Majesty and the lords of the committee of trade and plantations due satisfaction. And they, the said Richard Waldron and William Vaughan, have hereby full and free liberty to go at large immediately, and farther for the space of two months from the arrival of his Majesty's original letter, which is to direct in the premises; and then they are to return to prison, unless they shall be discharged at the next quarter session of the peace, or gaol delivery by due course of law. And Richard Abbott, prison keeper of Great

Island, and John Sonter, prison keeper of Hampton, are hereby required and commanded to take notice of this order, and forthwith to give obedience thereunto, and set the said Richard Waldron and William Vaughan at liberty accordingly; and for so doing this shall be their sufficient warrant.

Given under my hand and seal at Great Island, the sixteenth day of October, in the six and thirtieth year of the reign of our sovereign lord, Charles the Second, king of England, &c., A. D. 1684.

NEW-HAMPSHIRE IN NEW-ENGLAND.

The Depositions of Peter Coffin and James Sherlock, Esqrs.

These deponents testify and say that Robert Mason, Esq., proprietor of the said Province, being at Mr. Chamberlain's house and demanding execution of him, the Governor being present, gave order to him, the said Richard Chamberlain, prothonotary, not to make out any executions as in the declaration above written, until his Majesty's pleasure shall be further known.

Peter Coffin,
James Sherlock.

Taken upon oath, the 10th of November, 1684.

Before me: R. Chamberlain, *Justice Peace.*

Courts erected by Gov. Cranfield.

NEW-HAMPSHIRE:—*By the Governor.*

Being charged in the petition of Nathaniel Weare (among other things), for erecting courts separate from the Assembly: and their lordships to whom his Majesty hath referred the consideration of the said Weare's petition, having required me to give a speedy answer to the several charges therein expressed, which I have already done by Capt. Bolston; I thought myself bound in modesty and duty both to his Majesty and their lordships, to suspend executions in Mr. Mason's concerns or my own until such time as his Majesty and their lordships'

pleasure be signified, whether the courts be legally constituted, which, if they are not, the proceedings had thereupon must consequently be illegal: The major part of the inhabitants of the said Province remaining of an opinion that the assembly ought to be joined with myself in the constituting of courts.

Given under my hand and seal at Great Island, the 10th day of November, 1684.

Governor Cranfield's Order.

NEW-HAMPSHIRE—By the Governor.

William Vaughan, Esq., of Portsmouth, pretending (as I am informed), that one of his witnesses, whom he desires may be deposed in relation to the complaint of Nathaniel Weare, is sick and can not come to Great Island for that end and purpose: And there being no directions in the letter from the right honorable the lords of the committee of trade and plantations, but only for one of the council or one justice of peace, to take such depositions: I have, for the giving the complainants the better opportunity to make out their charge, directed the following order:

Whereas, it hath been represented to Richard Chamberlain, Esq., whom I have appointed to take depositions (according to the letter of the right honorable the lords of the committee of trade and plantations) against myself, Mr. Mason, or for any matter relating to the Province: That some of the witnesses are sick, and incapable of coming down to the habitation of the said Richard Chamberlain; to the intent that the persons concerned may not be disappointed by the infirmity of any intended witness, in making out any of their allegations: These are, therefore, to empower any justice of the town or place where such witness, so being sick, doth reside, to take the depositions of the said witnesses, the complainant first making oath of such witness's being sick, or otherwise unable to travel, or come to be deposed before the person appointed.

Given under my hand the first November, 1684.

Edw. Cranfield.

To be published at the several meeting-houses throughout the said Province, by the minister.

1684-5.

NEW-HAMPSHIRE IN NEW-ENGLAND.

Henry Roby, of Hampton, in the Province of New-Hampshire, and one of his Majesty's justices of the peace, maketh oath, that on Friday, the second of this instant January, Samuel Levett and Moses Gilman, both of the town of Exeter, in the aforesaid Province, husbandmen, came to the house of the deponent about twelve of the clock at noon, and this deponent did speak to the said persons about their ill usage, which some of Exeter and Hampton had done to Thomas Thurton, provost marshal, and his deputy, in the execution of his office. Samuel Levett asked the deponent what the ill usage was. The deponent told him that the provost marshal had complained to this deponent that some persons had beaten and much bruised him, and a great company standing about him with their clubs; had jostled him in a very rude manner against the walls of the house, and other places, and took his deputy's sword from him, and endeavored to break it, and cut their bridles and turned their horses loose, and said that the provost marshal was a rogue, and had no power; and when the marshal told them he had his power from the Governor and Council—they should say that if the Governor came himself they would not obey him. Then Levett said to this deponent that he had spoke those words, and said again to this deponent that he was the same mind still, and that if any power came from the governor and council to take away their goods, we would oppose it—(meaning himself and the rest, that had beaten the marshal and his deputy). Upon hearing of these words, this deponent, according to the duty of his place, did make a mittimus for committing the said Samuel Levett to prison, and did in his Majesty's name charge the bystanders to assist him, the marshal and his deputy being then present, who did lay hold of the said Levett to carry him to prison. The said Levett called the marshal and his deputy a couple of rogues, and that they had no power, and said he would not obey them, and did strike the marshal in the presence of this deponent, several blows, and two of the persons that this deponent had charged to be assisting, to wit, Moses Gilman and Henry Lampell. The said

Moses Gilman did suddenly rise up, and said that Samuel Levett should not go to prison; thereupon he, the said Gilman, did strike this deponent several blows, and also this deponent's son, and caught this deponent by the neck-cloths, saying, Was this deponent a justice of peace, and suffer men to be run through with a sword in his presence? Whereas there was no sword drawn, nor any offered to draw any. And this deponent, to hinder the said Levett from striking the said provost marshal, did endeavor to hold the hand of the said Levett, but one Samuel Sherborn being also present, did violently pull this deponent away in order to rescue the said Levett. This deponent did also make a warrant for committing of Moses Gilman, which he delivered to the marshal. The said Levett and Gilman said they would not obey it. At the same time a little boy, the son of Samuel Sherborn, came to the house of this deponent to speak with Moses Gilman and Samuel Levett; and having whispered something to them, the said Gilman and Levett presently both said that they would obey the warrant, and go to prison; upon which they went from the house of this deponent with three keepers, to wit, the marshal's deputy, Ichabod Roby and Henry Lamprell. At about two hours after, the said three persons came to this deponent, telling him that the said Moses Gilman and Samuel Levett went very quietly when they came to Samuel Sherborn's gate, and then said they would go into that house, and would not go to prison, and that three or four persons came out of that house and rescued the said Gilman and Levett, and knocked the deputy marshal down: That about twelve of the clock at night the said Moses Gilman, with four club men, came to the house of this deponent, and Gilman commanded this deponent to open the door, or else he would break it open. The said Gilman did stay about the house of this deponent about five hours, and struck violently at his doors, to get in, at three several times, there being about one hour's space between each attempt to open the door; at which this deponent did bid the said Gilman not to strike any more at his door; if he did, this deponent would fire a gun at them; whereupon they ceased, and this deponent, upon discourse with Moses Gilman, he, the said Gilman, did say, that there was a paper writing to which he had

set his hand, which imported that they would oppose the government, and pay no rates but such as accorded with the laws.

Henry Roby.

Taken upon oath, the 5th January, 1684, before us, his Majesty's justices of peace for the said Province.

Robert Mason,
R. Chamberlain,
James Sherlock.

NEW-HAMPSHIRE IN NEW-ENGLAND.

Thomas Thurton, provost marshal of the Province of New-Hampshire, maketh oath—That he, this deponent, being at Exeter upon Monday, the 29th December last, in the execution of his office, demanding a fine of fifty shillings, set by the justices of the peace at the quarter sessions in November last, upon John Foulsum, constable of the said town of Exeter, for neglecting the duty of his office. The said constable said to this deponent that if he came to levy any execution at his house he should meet with a red hot spit and scalding water, and that he did not value any warrant from the Governor, Council, or Justices of Peace, and that this deponent might go like a rogue as he was: That this deponent being at the house of Edward Gilman, in Exeter aforesaid, there came thither the wife of John Gilman, sen., of Exeter, and told this deponent that she had provided a kettle of scalding water for him if he came to her house to demand any rates, notwithstanding none were then demanded; and the wife of Moses Gilman did say that she had provided a kettle of scalding water for him, if he came to her house, which had been over the fire two days: That Abraham Drake, junior, Joseph Cass, Samuel Cass, Jacob Perkins, Ebenezer Perkins, Joseph Swett, Daniel Clements, Samuel Calcot, John Sanborn, junior, and Aaron Sleeper, all of the town of Hampton, in the said Province, husbandmen, did follow this deponent and John Mason, of Hampton, husbandman, deputy marshal, from the town of Hampton; all on horseback, unto Exeter, being armed with clubs, unto the house of Edward Gilman, in Exeter aforesaid, and there came

to the said company John Cotton, minister of Exeter, with a club in his hand, and the said company did push this deponent and his deputy up and down the house, asking them what they did wear at their sides, laughing at this deponent and his deputy for having swords. From thence this deponent and his deputy went to the house of one widow Sewell, to refresh themselves and their horses, and the aforesaid company followed thither after them, and did abuse this deponent and his deputy, by thrusting them about the house with bad language, calling them rogues, and turned their horses loose, taking away their bridles; and this deponent and his deputy going to look after their horses, the said company followed this deponent out of the house and encompassed him, and one of the company did strike him with a club over the head, hands, and other parts of the body, so that he was stunned and bruised thereby. From thence this deponent and his deputy went to the house of Jonathan Thing, in the said town, to serve an attachment for his appearance at the court of pleas; and the same company still continuing to pursue them, and did say to this deponent that he should do no business relating to the execution of his office, and did question whether the governor had any power or no, and that they were all rogues; upon which this deponent said that the governor had his power from the king, by his royal commission, and that this deponent had this commission from the governor to be provost marshal. Whereupon some of the company said, "You rogue, let us see your commission!" Upon which this deponent said if they would go before any justice of peace they should see his commission,—he having it about him, but would not show it there, lest they should take it from this deponent. They said his commission signified nothing by law, for they knew the law of England as well as any of the rogues (meaning the governor and council), and that some of the company said that they would set all things right according to law and equity, and that they were all as one man. Upon Friday following, this deponent went to Hampton, to the house of Samuel Sherborn, to demand payment of a fine of five pounds, set upon him, the said Sherborn, by the justice of the peace at the quarter sessions in November last, for breach of his Majesty's peace, in beating,

wounding and drawing blood from Richard Hooper, chirurgion, in and upon the highway in the town of Hampton aforesaid. And this deponent demanding the payment of the fine aforesaid of the said Sherborn, he answered that he had nothing to pay; whereupon this deponent took the body of the said Sherborn in execution, and carried him to the house of Henry Roby, Esq., one of his Majesty's justices of the peace; and being in the said house were Moses Gilman, Samuel Levett and Henry Lamprell, fell upon this deponent, and did beat him, and also did strike the aforesaid Henry Roby; and during which time the said Sherborn did make his escape; and this deponent, missing the said Sherborn, he went immediately to the house of the said Sherborn, where he found the said Sherborn in company of between twenty and thirty persons, armed with clubs. This deponent told the said Sherborn that he had been very wicked to him in thus going away, and if he did not then make an end there, that he must go with him; all which the said Sherborn answered, "He had no business with this deponent, nor did he owe any money, nor did know upon what account it was, nor would he pay anything;" and so hastily went out of the room; and, this deponent following him, he took hold of the said Sherborn, telling him that he should pay him or else go with him; when, presently, a great company laid hold of this deponent, and did very much beat, wound and bruise this deponent, and they put a rope about his neck with intent to strangle him, and had so done, but this deponent, putting his hands between his neck and the cord, his hands were cut by the rope, by hard drawing thereof. Then the said persons, who had disguised themselves by handkerchiefs over their faces, threw this deponent upon the ground, and tied his hands and legs, and took away his sword, and about four pounds in money, and afterward hauled him out of the house by the rope that tied his hands, about half a quarter of a mile, and then untied his legs, and two persons did drive him before them about a mile and a half, one pulling him by the rope that tied his hands, while the other did beat him forward with a cudgel. Then this deponent, being unable to go farther, he fell down on the snow, at which the said two persons, to wit, Joseph Perkins and Jacob Barefoot, *alias* Cor-

retuck, forced this deponent along; but, being unable to go any farther, the said persons did grievously beat him, upon which this deponent cried murder in the hearing and seeing of several persons on horseback, about nine at night, inhabitants of the said town of Hampton, but not any one did rescue him out of their hands. Then a person coming from the said town of Hampton, supposed to be a stranger, upon a horse, the aforesaid Perkins and Barefoot said, "Stand, you dog — come not near here, at your peril!" Then one of them, to wit, Perkins, went to that man, seemingly to whisper to him, and then the stranger and Perkins came up to this deponent, and Perkins and Barefoot said, "We press your horse for his Majesty's service, and we have a commission for it;" at which the stranger said, "What hath this man done?" Perkins and the other replied, "He was a rogue and thief, and would not go." And then, his hand and legs being tied, they flung him, this deponent, across the horse, and in that manner carried him about a quarter of a mile. And this deponent, being in extreme pain and near death, it being, beside, a very cold, frosty night, he did pray those persons, for the sake of God, to let him ride upon the horse, and then let them carry him where they pleased. Afterward, they untied his legs and let him ride upon their horse, his legs tied under the horse's belly, and carried him out of the Province, there being two other persons that followed on horseback some distance all the way, and kept him in custody at the house of one Smith, belonging to the town of Salisbury, under the jurisdiction of the Massachusetts government, about forty hours, and then left him; and that the next day, being Saturday, about eight in the morning, he did see Samuel Sherborn and Jonathan Wedgwood, in the town of Salisbury, riding by the house of the said Smith.

Thomas Thurton.

Taken upon oath the 6th of January, 1684, by us, his Majesty's justices of peace.

Robert Mason,
R. Chamberlain,
James Sherlock.

NEW-HAMPSHIRE.—*By the Council.*

Forasmuch as the fifth part of the rents and revenues of the said Province were assigned by Robert Mason, Esq., proprietor, to his most excellent Majesty, our sovereign lord, Charles the Second, king of England, &c., for the use and benefit of the governor of the said Province, for and toward his better support and maintenance during his abode in his government; and whereas, through the perverse obstinacy of the most part of the inhabitants who have opposed the said proprietor, the said rents and revenues have been so inconsiderable that the said governor hath had no benefit or advantage by the said assignments; and for that the Honorable Edward Cranfield, Esq., governor of the said Province, did in March last make a voyage to New-York, at the desire of his Majesty's council of the said Province, to treat with the Honorable Colonel Thomas Dongar, in order to secure the peace of this said Province against the attempts of the Indians, who then threatened a general insurrection, which he successfully effected at his own great charge and expense of upward of forty pounds—

We, therefore, his Majesty's said council of the said Province of New-Hampshire, for the reasons above said, do give and hereby allow to the said Honorable Edward Cranfield, Esq. the present governor of the said Province, £100 per annum, from the time of his first arrival, to be paid, together with the £40 expense of his journey to New-York, out of the present rate now collecting by virtue and authority of his Majesty's royal commission, bearing date the ninth of May, 1682; and that the residue of the said rate be disposed of for and toward the payment of salaries to the several officers, and discharging the public debts of the said Province, which have been contracted since the arrival of the said Governor.

Given under our hands, and the seal of the said Province, the 2d of January, 1684, and in the thirty-sixth year of his said Majesty's reign.

Articles of Complaint against Lieutenant-Governor Cranfield—
1685.

1. That at the first session of the general assembly, Mr. Cranfield challenged the power of legislature and settlement

of affairs to himself against the words of his commission, which are (you and they, &c.), meaning the general assembly, shall, &c., which words (and they) he affirmed were put in by mistake of the clerk in engrossing his commission, and so entered it in the council books, and desired the assembly to make like entry, and delivered a copy of his commission without those words (and they).

2. He hath, by purchase or mortgage from Robert Mason, made himself owner of the Province, and so is not likely to act impartially between Mason and the inhabitants.

3. He hath made courts whereof both judges and jurors have agreed with Mason for their own lands, and some taken deeds from him of other men's lands, so as they are engaged in interest to set up Mr. Mason's title.

4. That Mason has sued forty persons and cast all, and the governor's interposal to state the cases, as by his commission he is directed, was refused, though desired: That the defendant's pleas, grounded on the laws and statutes of England, were rejected.

5. That they can not reconcile the verdict with the attachment, nor the execution with the verdict, nor their practice under color of execution with either.

6. That the charge of every action is £6, though nothing done in court but part of the commission read, and some blank grants without hand or seal, and those not read for one case in time.

7. The court charges are exacted in money, which many have not, who, though they tender cattle, are imprisoned for them.

8. The ministers, contrary to his Majesty's commission, which grants liberty of conscience to all Protestants, have their dues withheld from them, even those due before Mr. Cranfield came, and are threatened with six months' imprisonment for not administering the sacrament according to the liturgy of the church of England.

9. That though the General Assembly agreed Spanish money should pass according to weight, the governor and council have ordered pieces of eight shall pass at £6, each thousand light.

10. That men are commonly compelled to enter into bonds of great penalty to appear and answer what shall be objected, when no crime is signified.

11. That they have few laws but those made by the Governor and Council, when his commission [directed] the General Assembly should make laws.

12. That the courts are kept in a remote corner of the Province, and the sheriff a stranger and of no visible estate, and so not responsible for jailers.

NEW-HAMPSHIRE.

Christopher Palmer, of Hampton, in the Province of New-Hampshire, yeoman, maketh oath, that upon Thursday last, being the first day of January, he was at the town of Exeter, and heard a report from several persons, that a certain paper was carried about to get hands to stand together to oppose all persons that should come to demand any thing of them, and that the said paper was tendered to one James Rich, to be signed, as he informed this deponent, but that he, the said Rich, did refuse to sign the same. The next day, being Friday, this deponent returned to the town of Hampton, and at the house of Justice Roby, he, this deponent, met with Moses Gilman, of Exeter, and upon some discourse this deponent told him what he had heard at Exeter of a paper that was carried about to get hands. Moses Gilman said it was true there was such a paper, and he had signed it, and this deponent, asking of him what it did import, he, the said Gilman, answered, "It was to defend themselves and maintain the king's laws." And this deponent doth verily believe the said paper was in order to an association to oppose the government in all things that did not agree to their humors :

Christopher Palmer.

Taken upon oath the 5th of January, 1684, before us, his Majesty's justices peace for the said Province :

Robert Mason,
R. Chamberlain,
James Sherlock.

Address and Petition of the Inhabitants of Exeter, Hampton, Portsmouth, and Dover, against Cranfield.

To the king's most excellent Majesty:

The humble address and petition of sundry of your Majesty's loyal subjects, the freeholders and inhabitants of your Majesty's Province of New-Hampshire, in New-England, most humbly sheweth, That your petitioners' predecessors, having, under the encouragement of your Majesty's royal ancestors, by their letters patent to the Great Council of Plymouth, removed themselves and some of us into this remote and howling wilderness, in pursuance of the glorious ends proposed; namely, the glory of God, the enlarging his Majesty's dominions, and spreading the gospel among the heathen; and, in order thereunto, either found the lands we now possess *vacuum domicilium*, or purchased them of the heathen, the native proprietors of the same—or at least by their allowance, approbation or consent—have sat down in the peaceable possession of the same for the space of above fifty years; hoping that, as we had attained the ends, so we should have shared in the privileges, of these royal patents above mentioned, and thereupon did the more patiently bear and cheerfully grapple with those innumerable evils and difficulties that must necessarily accompany the settlers of new plantations, especially in such climates as these, besides the calamities of the late Indian war, to the loss of many of our lives and the great impoverishment of the survivors. We were also further encouraged, from your Majesty's princely care in taking us, by your late commission, under your Majesty's immediate government, and appointing some among ourselves to govern us according to those methods there prescribed, being particularly bound to discountenance vice and promote virtue and good living, and to keep us in a due obedience to your Majesty's authority and continuance of our just liberties and properties, together with liberties of conscience in matters of worship, and all in order to our living in all godliness and honesty, fearing God and honoring the king, which we profess to be our desire to do.

But contrariwise, partly by the unreasonable demands of

our pretended proprietor, Robert Mason, Esq., and partly from sundry other reasons, that are either effects or concomitants thereof, we are in a far worse condition than any other your Majesty's plantations, and reduced to such confusions and extremities that necessitate our humble application to your Majesty, upon whose clemency and justice only, under God, we depend for our relief :

Your poor, distressed and oppressed petitioners do therefore most humbly supplicate your most gracious Majesty that you will vouchsafe to give leave unto one of ourselves, Mr. Nathaniel Weare, whom we have sent for that end, to spread before your sacred Majesty, and your most honorable privy council, our deplorable estate, the beholding of which we doubt not will move compassion towards, and your Majesty's propensity to justice will incline to, the using such means as to your wisdom shall seem best, that the oppressed may be relieved, wronged ones righted, and we, your Majesty's almost undone subjects, now prostrate at your feet, may, upon the tasting of your equity and goodness, be raised and further engaged in all humility and thankfulness, as in duty bound evermore heartily to pray, &c.

[The following names having been derived from copies, not originals, there occurred a number of mistakes in the former editions, which I have endeavored to correct.]—*John Farmer.*

Andrew Wiggin,	David Robinson,
Thomas Wiggin, Sen.,	Kinsley Hall,
Thomas Wiggin, Jr.,	Bily Dudley,
Robert Smart, Sen.,	James Sinkler,
John Young,	Christian Dolhoff,
John Foulsham,	Philip Charte,
Edward Smith,	Jeremiah Low,
Peter Foulsham,	Ralph Hall,
Theophilus Durdly,*	Samuel Hall,
Richard Morgan,	John Sinkler,
Samuel Leavitt,	John Wadleigh,
John Cotton, Jr.,	Samuel Foulsham,†
John Gilman, Sen.,	Eleazer Elkins,
Edward Gilman,	Ephraim Foulsham,

* Probably Theophilus Dudley, son of Rev. Samuel Dudley.

† This name is now written Folsom.

Moses Leavitt,
Jonathan Robinson,
Thomas Rawlins,

Humphrey Wilson,
Nathaniel Foulsham,
Jonathan Thing.

The like petition from the town of Hampton, in said Province, signed by—

Nathaniel Bachiler,*
John Marston,
James Philbrick,
John Tucke,
John Smith,
Thomas Page,
Jacob Browne,
Thomas Browne,
Henry Lamper,
Jonathan Wedgwood,
Henry Moulton,
John Moulton,
Joseph Smith,
David Wedgwood,
James Cheuse,
James Perkins,
Morris Hobbs, Sen.,
Joseph Moulton,
Benjamin Moulton,
Thomas Leavitt,
Thomas Dearborne,
John Leavitt,
Henry Dearborne,
Aratus Leavitt,
Christopher Hussey,
Philip Towle,
Josiah Sanbourne,
William Sanbourne, Sen.,
Ruth Johnson, widow,

Benjamin Langre,†
William Fuller,
John Sanbourne,
Hesron Leavitt,
Samuel Sherborne,
Francis Page,
Peter Weare,
Benjamin Browne,
Thomas Philbrick,
Timothy Blake,
Jacob Perkins,
Jonathan Philbrick,
Ebenezer Perkins,
Caleb Perkins,
Joseph Perkins,
Joseph Dow,
John Clifford, Sen.,
Samuel Philbrick,
Joseph Shaw,
John Clifford,
Benjamin Shaw,
Samuel Cogg,
Timothy Hilliard,
Anthony Stanyan,
John Stanyan,
Joseph Sanbourne,
Isaac Perkins,
Moses Swett,
Joseph Swett,

* Son of Rev. Stephen Bachiler, died January 2, 1710, aged 80.

† Perhaps Benjamin Lavers.

Richard Sanbourne,
 Thomas Walker,
 Isaac Godfrey,
 Humphrey Perkins,
 David Lamprey,

Joseph Cass,
 Duel Clemens,
 Samuel Cass,
 John Sanbourne, Sen.

The like petition from Portsmouth, in said Province, signed
 by—

George Hunt,
 Peter Ball,
 John Sherburne, Sen.,
 Samuel Wentworth,
 Splan Lovell,
 Richard Webber,
 Richard Waterhouse,
 William Davell,
 John Cotton,
 Colomart Mashawes,*
 John Barsham,
 John Shipway,
 John Johnson,
 John Light,
 William Pitman,
 James Jones,
 William Cotton,
 James Levitt,
 Jethro Furber,
 Edward Ball,
 Thomas Cotton,
 Daniel Duggen,
 Francis Jones,
 John Pattridge,
 Robert Purinton,
 Nehemiah Partridge,†
 John Sherburne, Jr.,
 Thomas Pickering,
 Thomas Walcombe,
 Obadiah Mors,

Nicholas Morrill,
 Samuel Keats,
 John Dennett,
 John Tooke,
 Edward Melcher,
 George Lavers,
 Jacob Lavers,
 John Brackett,
 Matthias Haines,
 Samuel Haines,
 Samuel Haines, Jr.,
 William Fifield, Sen.,
 Walter Neal,
 Jonathan Lewis,
 Anthony Brackett,
 Leonard Weeks,
 Nathaniel Drake,
 John Hunking,
 Richard Jose,
 Jane Jose,
 John Fletcher,
 Richard Martyn,
 Ph. Suret,
 Richard Waldron,
 Ben. Hull,‡
 John Cutt,
 William Vaughan,
 George Jaffrey,
 John Pickering,
 John Bruster.

* Probably Matthews.

† Yartridge in the former edition.

‡ This name appears to be Rheuben in contemporary records.

The like petition from the town of Dover, signed by—

Job Clements,	Paul Wentworth,
Thomas Roberts,	Gerard Gyner,
Edward Allen,	Jenkins Jones,
William Furber, Sen.,	Joseph Canne,
Henry Senter,	Richard Waldron,
John Winget,	John Hall, Jr.,
John Gerrish,	Robert Burnham,
William Wentworth,	Samuel Burnham,
John Heard,	Jeremiah Burnham,
John Roberts,	Samuel Hill,
Richard Rowes,	Ralph Wormley,
Anthoney Nutter,	William Horn,
John Dam,*	Peter Mason,
William Furber, Jr.,	John Woodman, Sen.,
John Dam, Jr.,	John Woodman, Jr.,
John Nutter,	Jonathan Woodman,
Thomas Row,	John Davis, Sen.,
Edward Row,	John Davis, Jr.,
John Meadow,†	Joseph Fields,
Philip Chesley,	John Bickford,
Joseph Stevenson,	Thomas Bickford,
Thomas Chesley,	Thomas Edgerly,
Joseph Kinneder,‡	John Hill,
Stephen Jones,	Charles Adams,
Edward Small,	Samuel Adams,
Nathaniel (Lomax?)	William Parkinson,
James Huckins,	Joseph Hill,
Gatharias Jerlld,	Nathaniel Hill,
Ezekiel Wentworth,	John Roberts.

* Now spelled Dame.

† Probably John Meader, who was of Dover.

‡ Perhaps Joseph Kennedy.

|| A Nathaniel Lomax, or Lummus, from Ipswich, was of Dover about this time.

Letter from the Lords of Trade to Edward Cranfield.

After our hearty commendations to you, his Majesty, having received the petitions and complaints of divers of his subjects

inhabitants and planters of New-Hampshire, against you for certain irregular proceedings alleged by them to be had by you in the execution of your commission and administration of justice; and it being ordered in council that the said petitions and complaints be examined and considered by us, that we may report to his Majesty our opinions, to the end his Majesty's further pleasure may be signified thereupon: We have, therefore, herewith sent unto you copies of the said petitions and representations, that you may return your particular answer thereunto with all speed, and that we may the better distinguish the truth of what is alleged or complained of, and of such defence as you shall be able to make. We do think fit that all persons whatsoever have full liberty to depose upon oath what they know, and to take copies of all records, in these or any other cases relating to yourself or the said depositions, taken in writing by any member of the council or justice of the peace in that colony whom you are duly to authorize thereunto; and as we cannot believe that you will put any restriction or discouragement whatsoever upon the taking and transmitting of all necessary proofs and records, attested by the proper officers, for the clearing of truth in the matters complained of, so we think it requisite that copies of all affidavits be interchangeably delivered to each party concerned, as soon as they shall be taken; and so, not doubting of your compliance herein, we bid you heartily farewell.

From the council chamber in Whitehall, this 23d day of July, 1684.

Your very loving friends,

Radnov,	Guilford, C. S.,	Halifax, C. P. S.
Craven,	Rochester,	Ernle, Godolphin.
		L. Jenkins.

To our very loving friend, Edward Cranfield, Esq., Lieutenant Governor and Commander-in-Chief of his Majesty's Province of New-Hampshire in New-England.

A true copy:

William Blathwayt.

The Deposition of Peter Coffin relating to Cranfield's Conduct towards William Vaughan.

The deposition of Peter Coffin, Esq., one of his Majesty's justices of the peace for New-Hampshire, being sworn, saith that, some time in the beginning of February, A. D. 1683, I, the deponent, was present at the house of Mr. John Hincks, in company with the Hon. Edward Cranfield, Esq., governor of this Province, where I heard the said governor send for Mr. William Vaughan; and when the said Vaughan came the governor inquired of him what affidavits those were he had that day desired to be taken. The said Vaughan answered, Those that concern his cause against Mr. Mason. The governor asked him who they were. He answered, if he might have summons, he would bring them before his Honor to be sworn. And then the governor break out into a passion, and told him, the said Vaughan, that he was a mutinous fellow, and asked him what he went lately to Boston for? The said Vaughan answered, he went about his own business. Then the governor said he went to carry a mutinous petition, to be sent to England by Weare, and asked him what vessel Weare went in. Mr. Vaughan answered that he left Weare in Boston. Then the governor said that, by the next ships after Weare was got to England and presented his petition, he should have an account of the persons' names that subscribed it returned to him, and that it would be the best haul he ever had, for it would be worth £100 a man. The governor further said that the said Vaughan was a mutinous fellow, and required of him bonds to the good behavior. Mr. Vaughan answered, he knew none of the king's laws he had broken; but, if he could be informed of his crime, he was ready to give bonds. And that, in the whole discourse, Mr. Vaughan demeaned himself with a great deal of moderation and submission; notwithstanding which the governor commanded a mittimus to be writ, and signed the same with his own hand, whereupon the said Vaughan was forthwith committed to prison.

Peter Coffin.

Peter Coffin, Esq., the above named deponent, appearing in the town of Kittery, in the Province of Maine, this 27th of January, 1684-5, made oath to the above written,

Before me, Charles Frost, *Justice of the Peace.*

A Brief, containing the Substance of the Affidavits, Objections and Replies at the Hearing before the Lords Committee of the Council of Trade and Plantations, 10th of March, 1684-5.

To the first article of the complaint, Anthony Nutter and John Woodman depose: That Mr. Cranfield declared in the Assembly that the words [and they] were inserted in his commission by mistake, and del. a copy without those words: That Mr. Cranfield accordingly made Capt. Barefoot a judge of the pleas and chief justice of the Province, without the council's advice, and appointed a court once in every month: That the fees for trying all actions were first set at 20s. A former bill of costs in the like case but £1 1s.; another but £1 10s. But now there is added to that 20s., by the said judge £5 1s. 2d., in Mr. Mason's case.

Note.—The costs are signed by the judge and not by the governor.

Note.—The witnesses in Mason's cases were always some of the jury.

1st Objection. That the assembly were of opinion that the governor alone had the power of erecting courts of judicature.

Answer. That in November, 1682, the assembly then disputed this matter, and the order produced has no date. Besides, Tipping signs the assembly's acts, and this is only signed by Chamberlain.

2d Objection. Mason swears that the governor gave copies of his commission, with the words [and they] inserted. Mr. Elliott swears the same, and that the council set the fees, which the governor afterward allowed.

Answer. The council were at the governor's pleasure.

3d Objection. Walter Barefoot, the judge, swears that the late president and council took 20s. for every action, before it should be called, and there is now no more taken; and the plaintiff's or defendant's costs or charge, were, as now, taxed by the court, and are very reasonable. That Waldron, when judge, made Randolph pay £8 2s. 6d. costs, in a trial for the king, besides damages.

Answer 1. That the fact is otherwise, as will appear, costs being now altered; £3 to Mr. Mason, in every action, and twelve of them in a day tried.

2. That Randolph's costs were for a special court for that one trial.

To the second, Reuben Hull deposes, that Mr. Cranfield owned he had bought the province of Mr. Mason. William Vaughan and Richard Waldron, that he shewed his deeds from Mason, of purchase of that Province, to the deponents. Nathaniel Foulsham proves possession given Mason of Capt. Gilman's house and lands. Benjamin Moulton and William Fifield the like of Sanborn's house and lands, and the imprisoning of Sanborn. No more turned out of possession, but execution granted against several.

To the third. The raising of the costs from 20s. to £6 is proved in the first. Nathaniel Weare, to prove that costs were, before, always taken in goods and not in ready money, and that, where goods to be had, the persons never taken.

John Pickering and William Cotton: That for Cotton's costs to Mason, plank or other goods would not be taken, but for want of money Cotton was imprisoned.

Christopher Noble: The same fully.

H. Axwell, John Partridge, William Cotton and Richard Nicholas: That Partridge's costs, goods tendered as before, but refused and Partridge imprisoned; that he was forbid to work in prison, and forced to live upon his friends' charity.

John Geare and Walter Windsor. The same to Thomas Pickering.

John Smith. The same to Christopher Hussey. Mr. Weare knows him to be eighty-six years old.

To the fourth. Jacob Perkins and Timothy Hilliard. That seeing how others were dealt with, by Mr. Mason, by imprisonment for want of money to pay court charges, they were forced to yield to Mason's demands.

To the fifth. 14 *November*, 1682. The general assembly ordered pieces of eight rials and dollars, to pass at 6s. 8d. per ounce, Troy weight.

4 *October*, 1683. Mr. Cranfield and his council reciting an act of January, then last, but must intend that above, of *November*, order those pieces should go at 6s. apiece, without respect to the weight, so that some dollars, not worth 3s. by weight, pass at 6s.

Note.—That at first, Mr. Cranfield gave public notice that all persons might come in and agree with Mr. Mason. But John Winget, Thomas Rogers, and Elias Stileman, deponents, came in, and the governor would not intermeddle.

William Sanborn swears he lost 16s. in receiving £5 Spanish money, by reason of the order above.

Jacob Browne—That he lost a sixth part of £5, Spanish money, by reason as before.

Objection. Mason swears that he first proposed to the governor and council putting a value on Spanish money, as it is in London, his Majesty's mint. That the council agreed thereto, and the governor approved it. Walter Barefoot and Robert Elliott swear the same.

Answer 1. It is pretty bold swearing, he first proposed it.
2. His proposing it does not make it lawful for the governor and council to do it without the assembly.

To the sixth. The mittimus for sending Mr. Vaughan to prison until £500 bail to the peace. *October* 22, 1683. No crime alleged, nor particular breach of the peace. Upon this commitment the jailor took Mr. Elliott's and Mr. Daniel's bond for his appearance. The same day Mr. Vaughan was discharged from being of the council.

The next day the governor, by a new warrant, taking notice of the bond taken by the jailor, and that the taking such was an escape in the jailor, orders his commitment anew, until he gave £500 security for the peace and good behavior.

25 *October*, 1683. Mr. Vaughan and Mr. Daniel gave the governor a recognizance of £500, conditioned for Vaughan's being of good behavior and keeping the peace, and should appear at the next quarter sessions, to answer what should be objected against him.

6 *November*, 1683. At the next quarter sessions Mr. Vaughan appeared, but, there being no prosecution, he and his bail were discharged.

Objection. 24 *October*, 1684. Thurton swears that in September, 1683, he desired Mr. Cranfield to bind Mr. Vaughan to his good behavior expressly to said Thurton, which he did not.

February, 1683. One Joseph Dow, and other jurymen, passing by the governor's house, were invited in and friendly received. But on asking the question whether they might not, when they were sworn, (as before they had done), hold up their hands instead of kissing the book, the governor fell into a rage, and asked them how they came there? To whom Dow

replied, "at your honor's invitation;" that Mr. Cranfield, complaining of this matter to the next court as a riot, Dow was forced to give £100 bond, for his appearance next sessions. When Dow appeared, nothing being alleged against him, he was discharged and his arms restored. But at another session after, Dow was called again on the same bond, and penalty was estreated against him, and he forced to fly out of the Province, with his wife and nine children, leaving his house and grounds, with the corn in the ground, to the governor. This Mr. Vaughan and Mr. Weare can also prove.

February 6, 1683-4. The governor again committed Mr. Vaughan for want of security for his good behavior. Upon which Mr. Vaughan lay in prison nine months.

Peter Coffin swears, February, 1683, that Vaughan demeaned himself civilly to the governor, and offered to give security to the peace, if the governor could give one instance wherein he had broken the law. But the governor, in great heat, charged him with having gone to Boston, with a mutinous petition to his Majesty, and said he would make a good hand of it, and get £100 of every man that had signed that petition, and then ordered his commitment, as above.

August 5, 1684. Mr. Vaughan petitioned the president, Barefoot and the rest of the justices, at the then quarter sessions, that he might be brought by *habeas corpus*, to answer to what should be objected, and so be either acquitted or condemned.

August 5, 1684. Mr. Cranfield writes to that court, and instances many crimes, in general, against Mr. Vaughan, as promoting tumultuous petitions, &c., and then requires their binding him over to the next sessions; and then concludes, not doubting of their care, that he wholly left the determination of it to them, urging that, if he denied the matter, he had evidence to prove it. The same day the court continued him in custody accordingly.

September 16, 1684. Mr. Barefoot and the other justices, when the governor was present, committed Vaughan to Hampton prison until he gave good security for his good behavior, and for his appearance next sessions, to answer misdemeanors objected against him on his Majesty's behalf.

October 18, 1684. After two quarter sessions past, and

nothing objected against Mr. Vaughan, when his Majesty's letter came over on Mr. Weare's complaint, Mr. Vaughan was released by the governor's warrant, but to return to prison in two months.

September 12. 35 *Car.* 2. Mr. Joshua Moody, being to take a journey out of the Province, was forced to give a recognizance of £200 to return in three weeks, if alive and well.

To the seventh. *December 22,* 1683. The governor and council order sale of goods taken on execution to be sold by outcry in fourteen days; that they impose taxes on the inhabitants to £500, without the general assembly; that the justice empowered the marshals, by warrant, to levy the same on the constables refusing; that the justices fined the constables for not collecting the rates, and that the marshals levied these taxes.

October 22, 1683. The governor and comp. order no vessels or sloops should come from any other colonies, unless licensed by him, which is in effect setting up a license office, whereby the governor got as follows :

7 November, 1684. Daniel Gent, master of a sloop of Boston, swears that he paid 2*d.* per M. for 100,000 feet of boards, landed at Broad Island in Gov. Cranfield's time, and never any thing before.

8 November, 1684. John Usher proves the same paid for the like, though Mr. Cranfield had, by letter, promised they should go free.

6 November, 1684. William Ardel proves the same for the like.

To the eighth. William Vaughan and John Pickering prove that in February, 1683, the secretary denied to swear their witnesses, or to attend the governor therein, or grant any summons for witnesses to prove that the governor's secretary would not grant summons to bring in witnesses, to be sworn, to make out Mr. Weare's complaint, nor swear any that came in without summons, unless his secretary might have the modeling of their evidence as he pleased; though his Majesty had commanded affidavits should be taken indifferently.

6 November, 1684. Thomas Wiggin and Thomas Graffort prove the denial of swearing twenty-eight persons in the mat-

ters in question. And Mr. Vaughan was committed the same day, as appears by commitment before, for desiring the same.

11th December, 1684. John Foulsham and Nathaniel Bachiler swear that in July last the governor said he would fine all the petitioners £100 each, and that it should be the best toll that ever came to his mill.

11th December, 1684. John Partridge and Nehemiah Partridge swear that the secretary denied them copies of several records; the governor in March, 1682-3, having ordered the contrary.

Objection. James Sherlock swears that the 16th of October, 1684, Mr. Cranfield offered Major Waldron to call a council, and swear his evidences before Weare went to England. Walter Barefoot, the same, and that the governor offered him what copies of records he desired.

Answer. This is true in fact. The offer was made, but, when it was desired, Vaughan was committed.

Found among Weare's MSS.

Report of the Lords of Trade against Cranfield, and the King's Order.

At the court at Whitehall the 8th of April, 1685, by the king's most excellent Majesty, and the lords of his Majesty's most honorable privy council :

Upon reading a report from the right honorable the lords of the committee of trade and plantation, in the words following:—

“*May it please your Majesty,—*

“Having received an order in council, dated the 11th day of July last, upon the petition and complaint of Nathaniel Weare, inhabitant of your Majesty's Province of New-Hampshire, in New-England, in the behalf of himself and others, your Majesty's subjects and planters there, against Edward Cranfield, Esq., your Majesty's governor of that Province, whereby we were directed to report our opinions upon the said complaint: We did accordingly transmit a copy thereof to the said Edward Cranfield, and, upon receiving his answer, and hearing what the complainants could allege and make out against him, we find that the said Edward Cranfield has not pursued his

instructions, in reference to the propriety of soil which Robert Mason, Esq., claims in that Province, inasmuch as the said Edward Cranfield by his instructions is directed that in case the inhabitants of New-Hampshire should refuse to agree with the said Mason, he should interpose and endeavor to reconcile all differences, which, if he could not bring to effect, he was then to send into England such cases, fairly and impartially stated, together with his opinion, for your Majesty's determination; whereas, instead thereof he has caused courts to be held in New-Hampshire, and permitted titles of land to be decided there, and unreasonable costs to be allowed, without first representing the particular cases to your Majesty. As to the complaint of his having raised the value of coins against the laws of the assembly there, we are most humbly of opinion that although it be your Majesty's undoubted prerogative to set and determine the price and value of coins within your dominions, yet your Majesty's governor ought not to have made any alterations therein, without having received your Majesty's special directions; all which we humbly propose may be signified to him by your Majesty's order, and that the differences depending between the said Robert Mason and planters in that part of New-Hampshire, may be at length decided. We further offer, that William Vaughan, one of the complainants attending this board, may have opportunity allowed him of appealing to your Majesty, within a fortnight, from all verdicts and judgments given in New-Hampshire, in his private case; upon hearing whereof, and by the relation it has with others, your Majesty will be best able to judge of the right and title of the said Robert Mason to that part of the Province of New-Hampshire aforesaid, and, upon bringing the said appeal, that all proceedings at law relating to the said title may forthwith cease, until your Majesty's further pleasure be known.

All which is nevertheless most humbly submitted:

Rochester,	Arlington,
Halifax, P.,	Oxford,
Clarendon, C. P. S.,	Chesterfield.
Beaufort,	

Council Chamber, 27th March, 1685."

His Majesty in council was graciously pleased to approve of the said report, and to order that his Majesty's pleasure therein be signified to Mr. Cranfield accordingly.

It was also *Ordered*,—That Mr. William Vaughan be allowed to appeal to his Majesty within a fortnight from all verdicts and judgments given in his private case, in New-Hampshire, according to the said report.

A true copy:

Wm. Bridgeman.

The king's Order for hearing Vaughan's Appeal.

At the court at Whitehall, the 29th of April, 1865—Present, the king's most excellent Majesty in council.

Upon the petition of William Vaughan and Nathaniel Weare, of New-Hampshire, in New-England, setting forth among other things that in obedience to a late order of-council, the petitioner, William Vaughan, hath appealed against several verdicts and judgments, one fine and one decree, given, entered up, imposed and ordered against him, in New-Hampshire, as in the petition is at large set forth, it is this day ordered that copies of the said petition and appeal be sent to the right honorable the lords of the committee for trade and plantations, who are to examine the allegations thereof, and to report to this board how they find the same, together with their lordships' opinion thereupon.

Phil. Musgrave.

Letter from the Lords of Trade to Cranfield.

After our hearty commendations unto you, we have, in obedience to his Majesty's commands, received and examined your answer to the complaint of Nathaniel Weare, inhabitant of his said Province of New-Hampshire, in behalf of himself and others of his Majesty's subjects and planters there; and having likewise heard what the said Weare could bring in evidence of the said complaints, and thereupon reported our opinions to his Majesty, we are commanded hereby to signify unto you that you have not pursued your instructions in

reference to the propriety of the soil which Robert Mason, Esquire, claims in the Province of New-Hampshire, inasmuch as you were directed that in case the inhabitants of New-Hampshire should refuse to agree with the said Mason, you should interpose and endeavor to reconcile all differences, which, if you could not bring to effect, you were then to send to his Majesty such cases, fairly and impartially stated, together with your opinion, for his Majesty's determination; instead whereof you have caused courts to be held in New-Hampshire, and permitted titles of land to be decided there, and unreasonable costs to be allowed, without first representing the particular cases to his Majesty. And yet, although it be his Majesty's undoubted prerogative to set and determine the price and value of coin within his Majesty's dominions, you have not done well in directing any alterations therein without his Majesty's special order. In both which you have been wanting in your duty to his Majesty. But, that the chief occasion of dispute in that Province may be removed, we are further directed to acquaint you, that, as to the differences depending between the said Robert Mason and the planters, his Majesty hath been graciously pleased, by his order in council, dated the 8th of this instant April, to permit William Vaughan, one of the complainants attending this board, to appeal to his Majesty within a fortnight from the date of the said order, from all the verdicts and judgments given in New-Hampshire, in his private case; upon hearing whereof, and by the relation it has with others, his Majesty will be best able to judge of the right and title of the said Robert Mason to that part of the Province of New-Hampshire. And his Majesty doth likewise think fit, that, upon bringing the said appeal, by the said William Vaughan, all proceedings at law, relating to the said title, do forthwith cease, until his Majesty's pleasure be known. Whereof you are to take notice, and to govern yourself accordingly. And so we bid you very heartily farewell.

From the council chamber at Whitehall, the 29th day of April, 1685.

Your loving friends,

(Signed) W. Cant,

Guilford, C. S.,

Bridgewater,

Chesterfield,

Rochester,	Sunderland,
Halifax,	Craven,
Clarendon, C. P. S.,	Alesbury,
Beaufort,	Middleton,
Lindshy,	Godolphin,
Arlington,	J. Ernle,
Huntington,	Geo. Jaffrey.

Directed, "To our loving friend, Edward Cranfield, Esq., lieutenant-governor and commander-in-chief of his Majesty's Province of New-Hampshire in New-England."

Copy of the Decision of King James II. against William Vaughan.

At the court at Whitehall, the 19th of November, 1686—

[L. S.] Present—The king's most excellent Majesty.

Lord Chancellor,	Earl of Plymouth,
Lord Treasurer,	Earl of Morray,
Lord President,	Earl of Middleton,
Duke of Ormond,	Earl of Melford,
Duke of Albemarle,	Earl of Tyrconel,
Duke of Beaufort,	Viscount Staunonberg,
Lord Chamberlain,	Viscount Preston,
Earl of Oxford,	Lord Bishop of Durham,
Earl of Huntington,	Lord Arundel of Wardour,
Earl of Peterborough,	Lord Dartmouth,
Earl of Craven,	Lord Dover,
Earl of Powis,	Mr. Chancellor of the Excheq'r,
Earl of Nottingham,	Mr. Chancellor of the Dutchy.

Upon reading this day at the board a report from the honorable the lords of the committee of council for trade and foreign plantations, bearing date the 6th day of November instant, setting forth that, in obedience to his Majesty's orders in council, of the 25th of April, 1685, and the 3d of July last, they have examined the appeal of William Vaughan from a verdict and judgment given against him on the 6th day of November, 1683, in his Majesty's courts in New-Hampshire, in New-England, at the suit of Robert Mason, Esq., as proprietor of that Province, for certain lands and tenements in Portsmouth,

in said Province, and that they having heard the said Robert Mason, and Nathaniel Weare, attorney for the appellant, and his council, learned in the law, are humbly of opinion that his Majesty be pleased to ratify and affirm the verdict and judgment aforesaid. His Majesty in council was pleased to approve of their lordships' said opinion and report, and to order the said verdict and judgment, given against the said William Vaughan on the 6th day of November, 1683, in his Majesty's courts in New-Hampshire, in New-England, at the suit of Robert Mason, Esq., as proprietor of that Province, for certain lands and tenements in Portsmouth, in said Province, be ratified and affirmed, and they are hereby ratified and affirmed accordingly.

William Bridgeman.

Vera copia, per

Richard Partridge, *Clerk*.

Copy as on file in the case, *Allen vs. Waldron*.

Exam. per

George Jaffrey, *Clerk*.

Letter from the same to the same, respecting Vaughan's Appeal.

After our hearty commendation, his Majesty hath received the petition and appeal of William Vaughan, an inhabitant of New-Hampshire, from several verdicts and judgments given against him in that Province, which, being referred to us by his Majesty's order in council of the 29th of April last, that we should examine the allegation thereof, and make report of the same, with an opinion thereupon, we have accordingly appointed to hear all parties concerned in the several cases therein contained, on the first Tuesday after midsummer day, which shall be in the year 1686. To which end we herewith send you a copy of the said petition and appeal, which you are to communicate unto Robert Mason, Esq., and to all others whom it may concern, who are to take notice thereof, and to give their attendance at that time, either by themselves or by their agents, sufficiently empowered by them to answer the said appeal, and to submit to such judgment hereupon as by his Majesty in council shall be thought fit. And you are likewise to permit all persons to have free access to and take copies of all records within that Province relating to the matters in dispute, and to depose upon oath what they know concern-

ing the same ; which depositions are to be taken in writing by any of the members of the council, or justices of the peace in that Province, without any hindrance or discouragement whatsoever, in order to be transmitted unto us for the clearing of truth in that appeal. And so we bid you heartily farewell.

From the council chamber in Whitehall, the 22d day of May, 1685.

Your loving friends,

Guilford, C. S.,	Rochester,
Halifax, Pr.,	Carendon, C. P. S.,
Ormond,	Sunderland.

Lieut. Governor of New-Hampshire, or Commander-in-Chief for the time being.

NEW-HAMPSHIRE IN NEW-ENGLAND.

The Deposition of Joanna Chesley, wife of Philip Chesley, sen., of Oyster river.

This deponent testifieth and saith, that about the 20th of this present month of April she heard Robert Burnham, of Oyster river, say, that there was no speaking of treason at present against the king, for there was no king, and that the Duke of Monmouth was proclaimed and crowned in Scotland, and gone for Ireland, and there he had raised an army, and that the Duke of York was not yet crowned, and it was a question whether he ever would be crowned.

Joanna Chesley, her X mark.

Taken upon oath, the 30th of April, 1685.

Before me : R. Chamberlain, *Justice of Peace.*

Philip Chesley swears to the truth of the above said deposition, which he heard the above said Robert Burnham say upon or about the 27th April instant.

Philip Chesley.

Taken upon oath the 30th of April, 1685.

Before me : R. Chamberlain, *Justice of Peace.*

Vera copia from the original.

Teste : R. Chamberlain, *Justice of Peace.*

NEW-HAMPSHIRE.

Memorandum—That the 15th July, 1685, came before me, Robert Mason, Esq., one of his Majesty's justices of peace for the said Province, Naomi Daniel, of Oyster river, widow; and acknowledged to be indebted to our sovereign lord the king, his successors, in the sum of ten pounds; upon condition that she shall personally appear at the next quarter sessions of the peace, to be held for the said Province, the first Tuesday in August next ensuing, and answer for her abusive and scolding language with divers of her neighbors, calling them wizards, witches, &c.; and in the mean time shall be of the good behavior towards his Majesty and his people, and especially towards captain Benjamin Matthews, William Durgin, and John Pindar, and their respective wives.

Robert Mason.

NEW-HAMPSHIRE.

Stephen Otis, of Dover, in the said Province, yeoman, made oath before me, that John Douglas, of Dover, yeoman, hath assaulted and beaten him; and further is afraid that he, the said Douglas, will beat, wound, maim, or kill him, or do him some other bodily hurt.

Stephen Otis.

Taken upon oath the 4th June, 1685.

Before me: R. Chamberlain, *Justice of Peace*.

NEW-HAMPSHIRE.

Henry Roby, of Hampton, Esq., deposeth that Henry Dow, of Hampton, yeoman, did lately put in a paper in writing to Mr. Cotton and some church members of the said town of Hampton, and also by word of mouth did say, that this deponent had acted contrary to the law of England, and his Majesty's royal commission, in setting his hand and seal for committing Joshua Moody, late preacher, of Portsmouth, to prison, and that he ought to be dealt withal for forcing Mr. Moody out of the Province, and that the secretary of the Prov-

ince (meaning Mr. Chamberlain), did use to expound laws as he pleased, and that Thomas Philbrook and William Sanborn did speak words to the same since.

Henry Roby.

Taken upon oath the 23d June, 1685.

Before me :

Robert Mason.

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to bring before us the body of Anthony Nutter, of Welshman's Cove, yeoman, to answer for his abetting and aiding Thomas Wiggin, of Swampscott, yeoman, in assaulting and wounding Walter Barefoot, Esq., deputy governor, and Robert Mason, Esq., proprietor of the said Province, (as we are credibly informed he did), to the high contempt and defiance of his Majesty's royal authority, and for so doing this shall be your sufficient warrant.

Given under our hands and seals, the 25th January, 1685, and in the fourth year of the reign of our sovereign lord, James the Second, king of England, &c.

R. Chamberlain, *Justice Peace.*

To Tho. Thurton and Will Godso, marshals, or their deputies, and to all the constables in the said Province, who are straightly required to give their special assistance.

J. Sherlock, *Justice Peace.*

NEW-HAMPSHIRE.

At the sessions of the peace held at Great Island, November 3, 1685—

The grand jury for our sovereign lord the king do present that Abraham Lee, late of Cochecho, in the said Province of New-Hampshire, chemist, not having the fear of God before his eyes, but instigated by the devil, did, in the month of April last past, falsely and traitorously, at Deal, in England, clip about three pounds of current money of England, and also in the month of July last past at the house of Will. Partridge, at Cochecho, in the said Province of New-Hampshire, in New-

England, falsely and traitorously make and coin nine shillings counterfeit to the money of New-England, against this faith and allegiance which he owes to our said sovereign lord the king, in contempt of his Majesty's laws, his crown and dignity, and against the peace.

R. Chamberlain, *Cl. P.*

The Deposition of James Sherlock, Esq.

This deponent testifieth and saith, that Mr. Joshua Broadbent told me, the said deponent, that Abraham Lee was burnt in the hand in Ireland, and this the deponent heard him say about the middle of August last past, and further saith not.

Dated 4th November, 1685.

James Sherlock.

I, Joseph Rayn, gentleman, do attest to the same above. Witness my hand this 9th November, A. D. 1685.

Jos. Rayn.

Sworn in court of pleas, 3d November, 1685.

R. Chamberlain, *Prothon.*

1685-6.

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Edward Smith, of Exeter, yeoman, and take bond of him of one hundred pounds, with sufficient security, for his appearance at the court of pleas to be held at Great Island on Tuesday next, to answer to an information in behalf of his Majesty for embezzling the records belonging to the town of Exeter aforesaid, which were lately in his custody. Fail not, and make your return hereof under your hand.

Dated the 24th February, 1685.

By order : R. Chamberlain, *Prothon.*

To Tho. Thurton, or William Godso, marshals, or their deputies.

NEW-HAMPSHIRE.

The Deposition of Francis Mercer, of Portsmouth, joiner; Nicholas Badcock, and John Pattee, mariners, now of Portsmouth aforesaid.

These deponents testify and say, that yesterday, being the 30th of September, about 12 o'clock in the night of the same day, being at the house of the deponent, Francis Mercer, where Thomas Parker and Joseph Alexander were, the said Parker's boy, Thomas Spencer, being sent by him to seek his paddle, the said boy went and hid himself in the pig sty, (having been beaten by his said master, as it was said), and being discovered ran away into the river a little way, and the said Joseph Alexander caught him and took him and dipped him in the water, (holding his head under water), several (about four or five), times; the said Thomas Parker crying out several times, "Drown the dog."

The mark of Francis X Mercer,
Nicholas Badcock.

Taken upon oath the 1st of October, 1685.

Before me: R. Chamberlain, *Justice Peace.*

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to bring the persons, here under written, to Great Island, at the quarter sessions of peace, to be held there on Tuesday next, to answer for their rescuing and by force taking certain goods out of the hands of the king's officers; namely, Thomas Thurton and William Godso, marshals, that were taken in execution by them, for menancing them, being in the execution of their said offices. Fail not, as you will answer the contrary.

Dated the 23d of February, 1685.

Jeremiah Burnham,
Samuel Burnham,
Joseph Davis,
David Davis,
John Bickford,
Thomas Bickford,

Nathan Lomucks,
Dennis Brian,
Stephen Jones,

Of Oyster River, laborers.

R. Chamberlain, *Cl. P.*, &c.

To John Davis, constable, of Oyster river.

Joshua Bradbent, of Boston, merchant, made oath that Abraham Lee, of Cochecho, chemist, hath threatened him to kill him; and that he doth require the surety of the peace against the said Lee, not of any malicious intent, for vexation, but for very fear and for the needful preservation of his body and goods in safety. So help him God.

Sworn in court of pleas, the 3d of November, 1685.

R. Chamberlain, *Cl. P.*

REV. SEABORN COTTON.

To the Honorable, his Majesty's Council for the Province of New-Hampshire, the Petition of Seaborn Cotton, of Hampton, in the Province abovesaid, humbly sheweth,—

That whereas, by an act of his Majesty's Council, in this Province, bearing date, as I conceive, December 10, 1683, the people in the several towns were left at their liberty, whether they would pay their ministers or no, after the first of January ensuing that act, unless their ministers would administer Baptism and the Lord's Supper to such as desired it, according to his Majesty's letter to the Massachusetts, which was never denied by me, to any that orderly asked it; yet too many people have taken occasion thereby, both to withhold what was my due before that act, for the year 1683, as also for the year 1684, and are likely to do so for the year 1685, except this Honorable Council see cause to pass an act and order to the trustees of Hampton, that I may have my due, according to the town's compact upon record, and their agreement with myself many years since. The time also drawing nigh when for this instant year I should have my rate made, doth hasten

me to present this address, and to request your Honors' favor therein. If your Honors send an order to our trustees, your Honors may possibly see cause to omit the naming myself as requesting it, all which I leave to your Honors' generous acceptance; and am your Honors' humbly devoted

Seaborn Cotton.

Hampton, September 5, 1685. In answer to this petition, the Council order that the petitioner be left to the law to have his remedy against the persons he contracted with.

R. Chamberlain, *Cl. Council.*

Gentlemen :—You, whose names are underwritten, being listed in the troop under my command, you and each of you are, in his Majesty's name, hereby strictly charged and required to meet me upon Friday next, by nine of the clock in the forenoon, at the house of John Sherborn, sen., at the Plains, with horse, sword, pistols, powder and shot, and hereof you are not to fail, as you and each of you will answer it at your peril.

Given under my hand the sixth day of January, 1684.

Robert Mason, *Captain.*

Reuben Hull,
Thomas Graffort,
Richard Waldron,
Henry Penney,
John Hunkins,
Richard Jose,

Samuel Clark,
Ant. Hutton,
Joseph Hall,
Pheasant Eastwick,
William Cotton.

Joseph Rayn, Gentleman, maketh Oath :

That he, having received a summons from Robert Mason, Esq., captain of the horse of the Province of New-Hampshire, dated the 6th day of January last, directed unto Reuben Hall, Thomas Graffort, Richard Waldron, Henry Penney, John Hunkins, Richard Jose, and several others, requiring and charging them, and every one of them, in his Majesty's name, to meet upon Friday, the 9th instant, by nine of the clock, completely armed, at the house of John Sherborn; this depo-

ment did go to the house of Reuben Hull, Thomas Graffort, John Hunkins, and Richard Jose, and did read the said warrant or summons at their respective houses, and that none of the parties were to be found, and that this deponent was informed that they were not at home, and that this deponent did read the said warrant publicly at the house of Samuel Wentworth, or declared the substance thereof unto him, the said Wentworth, who keeps a public ordinary at Portsmouth, who is neighbor unto the said persons; and that this deponent was at the house of Richard Waldron aforesaid, to give him a notice of the premises.

Joseph Rayn.

Upon oath, the 28th of January, 1684,

Before us: Walter Barefoot, } *Justices of Peace.*
 R. Chamberlain, }

NEW-HAMPSHIRE.—*By the Governor and Council.*

Ordered, That the meeting-house at Dover be immediately fortified, and a line drawn about it, which meeting-house shall be the main garrison for defending the inhabitants against the attacks of the enemy; also that the house, formerly called the Watch House, be a by-guard; likewise, that the houses of Peter Coffin, Esq. and Richard Otis be garrisons for Cocheco, for securing the inhabitants that dwell thereabout.

R. Chamberlain, *Clerk Council.*

Employment of Seneca and Mohawk Indians.

NEW-HAMPSHIRE IN NEW-ENGLAND.

By his Majesty's Council:

[SEAL OF THE PROVINCE.] There being an appearance of an insurrection of the Indians in this and other his Majesty's Colonies of New-England, with an intent to destroy his Majesty's subjects; it is therefore humbly desired by us of his Majesty's Council, that the honorable Edward Cranfield, Esq., the Governor and Captain General of this said Province, will be pleased to take upon him the trouble to go to the honorable Colonel T. Dungs, governor [illegible] and treat with him for procuring such a number of Mohawk, Seneca,

or other Indians, to march into the said Province, for defence and security thereof, as the honorable governor shall think needful, and to make such capitulations and agreement for their pay as his Honor shall find reasonable, and what his Honor shall do therein we shall agree unto it, and that the said Mohawk, Seneca, or other Indians, be paid out of such monies as shall be raised in the said Province, in pursuance of the powers granted by his Majesty's royal commission; and his Majesty's said Council do engage ourselves to see the Mohawks, Senecas, or other Indians, (as his Honor shall judge fit to be employed), paid out of the public moneys that are now raising for that purpose.

Given under our hands and the seal of the Province, the one and-twentieth day of March, 1683-4, and in the 36th year of his Majesty's reign.

Robert Mason,
W. Barefoot,
R. Chamberlain,
R. Elliot,
Jo. Hinks.

Note.—The name of Mason seems to be in his own hand writing, while the other names are evidently written by one hand. In place of the seal are the words: "seal of the Province." The body of the paper was written by R. Chamberlain, clerk of the council. Possibly the whole is but a copy or draft of the original.

Copy of a Letter from the Council to Governor Dongan.

Province of New-Hampshire, March 21, 1683-4.

Sir,—By several advices we have received of a sudden rising intended by the Indians in these eastern parts, to fall upon the English, we judged it absolutely necessary, without delay, to provide for the safety and preservation of his Majesty's subjects inhabiting this Province, and to give relief (if need be), to our neighboring colonies. We have, therefore, upon consideration of the best means for the securing of these Provinces, concluded it very necessary to entertain a number of southern Indians for soldiers, who are best acquainted with the manner of these Indians' skulking fight, and this being a work of piety and charity for preventing the effusion of

christian blood, and knowing that your Honor has an influence upon the southern Indians, our honorable Governor was willing to take the trouble upon himself of a journey to New-York, to treat with your Honor for sending of such a number of Mahignas, or other Indians, as may be convenient to assist in this service, and to make such capitulations and agreement as to his Honor shall seem reasonable. We doubt not your Honor's readiness in anything that may tend to his Majesty's service, and the safety of his subjects, having often heard a noble character of your Honor from our governor, whom we have intreated to present our letter, with our most humble service. We have committed all matters to his Honor's prudence and management, and what his Honor shall judge fit to be done, we shall see performed. So, praying for your Honor's health and prosperity, we subscribe ourselves, (being his Majesty's Council of New-Hampshire.)

May it please your Honor, your most humble servants,

Robert Mason,
Walter Barefoot,
R. Chamberlain,
Robert Elliot,
John Hinks.

To the Hon. Col. Thomas Dongan, governor of his Royal Highness's colony of New-York and the territories thereto belonging, humbly present.

Four Letters or Petitions from John Hogkins, commonly called Hawkins, one of the Sachems of the Penacook Indians.

May 15, 1685.

Honor governor, my friend :—You my friend, I desire your worship and your power, because I hope you can do some great matters this one. I am poor and naked, and I have no men at my place, because I afraid always Mohogs he will kill me every day and night. If your worship when please pray help me, you no let Mohogs kill me at my place at Malamake river, called Panukkog and Nattukkog, I will submit your

worship and your power. And now I want powder and such alminishon, shott and guns, because I have forth at my home and I plant there.

This all Indian hand, but pray you do consider your humble servant,

John Hogkins.

Simon Detogkom,
 Joseph X Traské,
 King ♪ Hary,
 Sam ♪ Linis,
 Wapeguanat ♪ Saguachuwashat,
 Old Robin, ♪
 Mamanosgues O Andra,
 Peter X Robin,
 Mr. George X Rondunnonukgus,
 Mr. Hope X Hoth,
 John X Toneh,
 John a. Canowa,
 John † Owamosimmin,
 Natonill † Indian,

Another from the Same.

May 15, 1685.

Honor, Mr. Governor,—Now this day I come your house, I want see you, and I bring my hand at before you. I want shake hand to you, if your worship when please; then you receive my hand, then shake your hand and my hand. You my friend, because I remember at old time, when live my grantfather and grantmother, then Englishmen come this country; then my grantfather and Englishmen they make a good government, they friend always, my grantfather living at place called Malamake river; other name Chief Natukkog and Panukkog, that one river great many names, and I bring this few skins at this first time, I will give you my friend. This all Indian hand.

John X Hawkins, Sagamore.

Another from the Same.

Please your Worship,—I will intreat you matther, you my friend now ; this if my Indian he do you long, pray you no put your law because some my Indians fool. Some men much love drunk, then he no know what he do ; may be he do mischief when he drunk. Ifso, pray you must let me know what he done, because I will ponis him what he have done you. You my friend ; if you desire my business, then sent me ; I will help you if I can.

Mr. John Hogkins.

Another from the Same.

Mr. Mason,—Pray I want speak you a few words if your worship when pleas, because I com purfas [on purpose]. I will speak this governor, but he go away, so he say at last night ; and so far I understand this governor, his power that your power now, so he speak his own mouth. Pray, if you take what I want, pray come to me, because I want go home at this day.

Your humble servant,

John Hogkins, Indian Sogmon.

May 16, 1685.

Letter from Captain Francis Hooke, advising of Danger from the Indians.

Capt. Barefoot, Sir :—

This is to inform you that just now there came to me a post, wherein I am fully informed that there is just ground to fear that the heathen have a sudden design against us : they having lately about Saco affronted our English inhabitants there by threatening of them, as also by killing their dogs ; but more particularly in that on Friday, Saturday and Lord's day last, they have gathered all their corn, and are removed, both pack and package. A word to the wise is enough. The old proverb is, "forewarned, forearmed." Myself and rest in commission with us are forthwith setting ourselves in a posture,

and to-morrow our council meet for to consider what is needful to be done. Nothing else, being in great haste, but remain, sir, your obliged servant,

Francis Hooke.

Kittery, 13 August, 1685.

Report of Persons sent to inquire into the above Matter.

(No date or signature.)

To the Honorable Walter Barefoot, Esq., and the Council of Great Island :

Gentlemen,—According to your command and order to me, bearing date the 2d instant, I have, to the utmost of my power, observed every particular. Upon our arrival there, on Friday night, they were all very courteous to us, and in the morning my orders were read, which were very kindly received by them, and the reasons why they deserted the places where they usually abode among the English were:—

1. That four Indians came from fort Albany to the fort at Penacook, and informed them that all the Mohawks did declare they would kill all Indians from Uncas, at Mount Hope, to the eastward as far as Pegypscot.

2. The reason of Natombamat sagamore, of Saco, departed his place was, because the same news was brought there, as himself declared, upon reading my orders at Penacook.

3. Natombamat, sagamore of Saco, is gone to carry the Indians down to the same place, where they were before departing from us, on Sunday morning, and desired Captain Hooke to meet him at Saco five days after.

4. Both sagamores of Penacook: viz., Wonalanset and Mesandowit, the latter of which is come down, did then declare they had no intention of war, neither indeed are they in any posture for war, being about twenty-four men, besides squaws and papooses.

5. Asking the reason why they did not come among the English, as formerly, they answered they thought if the Mohawks came and fought them, they should fly for succor to the English; that then the Mohawks would kill all the English for harboring them.

*Articles of Peace with the Indians inhabiting New-Hampshire and
Maine.*

Articles of Peace, agreed upon the 8th day of September, in the year of our Lord 1685, between the subjects of his Majesty, king James the Second, inhabiting the Provinces of New-Hampshire and Maine, and the Indians inhabiting the said Provinces :

It is agreed there shall be for the future a lasting peace, friendship and kindness, between the English and the Indians, and that no injury shall be offered by the one to the other :

That if any Englishman doth any injury to an Indian, upon complaint made to any justice of peace the Englishman shall be punished, and the Indian shall have present satisfaction made him. And if any Indian doth an injury to the English, or threaten to do any injury, the sagamore to whom that Indian doth belong shall punish him in presence of one of the king's justices of the peace :

That if any other Indian shall design any mischief or harm to the English, the Indians inhabiting the aforesaid Provinces shall give present notice thereof to the English, and shall assist the English :

That so long as the aforesaid Indians shall continue in friendship with the English, they shall be protected against the Mohawks, or any others, and may freely and peaceably set down by the English near any of their plantations.

Robert Mason,	Walter Barefoot,
Robert Elliot,	Henry Green,
John Davis,	Francis Hooke.

The mark (of Meoandowit,
The mark ∞ of Wahowah, *alias* Hopehood,
The mark ∞ of Tecamorisick, *alias* Josias,
The mark ∞ of John Nomony, *alias* Upsawah,
The mark W of Umbesnowah, *alias* Robin.

We, whose names are hereunto written, do freely consent and engage to employ and perform the within written articles, as our neighbors have done, and do further engage as followeth :

Lastly—That the Indians shall not at any time hereafter remove from any of the English plantations, with their wives

and children, before they have given fair and timely notice thereof unto the English, from whence they do so remove; and in case the said Indians shall remove with their wives and children, without such fair and timely notice given to the English, that then it shall be taken *pro confesso* that the Indians do intend and design war with the English, and do hereby declare that the peace is broken; and it shall and may be lawful to and for the English, or any on their behalf, to apprehend the said Indians, with their wives and children, and to use acts of hostility against them, until the sagamores shall make full satisfaction for all charge and damage that may arise thereby.

John Davis,
Francis Hooke.

The mark of Netambomet, sagamore of Saco;

The mark \bowtie of Wahowah, *alias* Hopehood;

The mark) of Ned Higgon;

The mark O of Newcome;

Kancamagus, *alias* John Hawkins, sagamore;

Signed this instrument, 19 7ber, 1685; his
C mark;

Bagesson, *alias* Joseph Traske, his O mark;

And agreed to all within written.

Teste :

Joseph Rayn.

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to attach the body of John Fletcher, of Portsmouth, in the said Province, chirurgeon, and take bond of him of five hundred pounds, with sufficient security for his appearance at the court of pleas, to be held at Great Island, the first Tuesday in February next ensuing, to answer to an information in his Majesty's behalf, for embezzling the records belonging to the town of Portsmouth aforesaid, which were late in his custody. Fail not, and make your return under your hand hereof.

Dated the 7th of January, 1685.

By order: R. Chamberlain, *Prothon., &c.*

To Thomas Thurton, provost marshal, William Godso, marshal, or either of them of the deputies.

JURY.

Hampton—Henry Roby, Nathaniel Boulter, Thomas Marston, Christopher Palmer.

Exeter—Capt. William Hilton, Samuel Levet.

Oyster River—Captain Benjamin Matthews.

Great Island—John Lock, John Lewis, Sidrick Walton, Thomas Purber, Joseph Purmott, Samuel Clark.

Hampton—John Smith, tailor.

I have summoned the men that their names are above written, upon the jury of trials for the first Tuesday in June.

Thomas Thurton, *Deputy Marshal*.

A PROCLAMATION—NO DATE.

Whereas it hath pleased Almighty God to call to his mercy our late sovereign lord, king Charles the Second, of most blessed memory, by whose decease* the imperial crowns of England, Scotland, France and Ireland, as also the supreme dominion and sovereign right of the plantation and colony of New-Hampshire, in New-England, and all his late Majesty's territories and dominions in America, are solely and rightfully come to the high and mighty prince, James, Duke of York and Albany, his Majesty's only brother and heir: We, therefore, his Majesty's governor and council, with the principal officers and inhabitants of the plantation and colony aforesaid, do now hereby, with one full voice and consent of tongue and heart, publish and proclaim, that the high and mighty prince, James the Second, is now, by the death of our late sovereign, of happy memory, become our only lawful, lineal and rightful liege lord, James the Second, by the grace of God King of England, Scotland, France and Ireland, and defender of the faith, supreme lord of the plantation and colony of New-Hampshire, in New-England, and all other his late Majesty's territories and dominions in America, &c.: To whom we do acknowledge all faith and constant obedience, with all hearty

* Charles II. died February 6, 1685.

and humble affection; beseeching God, by whom kings do reign, to bless the Royal King James the Second with long and happy years to reign over us. God save King James the Second.

Vera copia, from the original.

Teste :

R. Chamberlain, *Sect.*

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to attach the body of Nathaniel Weare, senior, of Hampton, and take bond of him of five hundred pounds, with sufficient security for his appearance at the court of pleas to be held at Great Island, the first Tuesday in March, next ensuing; to answer to an information on his Majesty's behalf for embezzling the records belonging to the town of Hampton, in the said Province, which were lately in his custody. Fail not, and make your return hereof, under your hand.

Dated the 11th of February, 1685.

By order: R. Chamberlain, *Prothon.*

To Thomas Thurton, provost marshal, William Godso, marshal, or either of them, or the deponents.

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Wm. Vaughan, of Portsmouth, in the said Province, Esq., and take bond of him of two hundred pounds, with sufficient security for his appearance at the court of pleas to be held at Great Island, the first Tuesday in February next ensuing the date hereof, then and there to answer to the complaint of Thomas Thurton, Province marshal, and deputy searcher of his Majesty's customs in the said Province, in an action of said battery, for that the said Wm. Vaughan, in the spring of the year 1681, did outrageously and violently strike and beat the said deputy searcher above said, in such an inhuman manner that the

plaintiff hath the pains thereof in his body still, and so much disabled thereby for his business; the plaintiff then being on or in the execution of his office as (deputy searcher of his Majesty's customs, king Charles the Second of blessed memory), when this outrage was committed upon him by said Vaughan, to his damage one hundred pounds, or what shall appear due. Fail not, and make your return according to law. Dated the 27th of January, 1685.

R. C., *Prothon.*

Copy of the Petition of the Inhabitants against Mason.

To the king's most excellent Majesty :

The humble petition and address of your Majesty's dutiful and loyal subjects, inhabiting in the Province of New-Hampshire in New-England, [1685.]

Most humbly sheweth,—That your Majesty's loyal subjects of this Province had for more than fifty years been peaceably possessed of the lands lately challenged by Mr. Mason; and having found the same an utter desert and forest land, with excessive cost and hard labor reduced the same to a tolerable support of ourselves and families, and lately maintained the same, with a vast expense of our estates and lives against the incursions of a barbarous enemy, who had otherwise reduced the same to utter confusion :

That upon his late Majesty's declaration and order for the settlement and government of this Province, we accounted ourselves happy for that therein we were, by his said Majesty's grace and favor, saved from the unreasonable demands which Mr. Mason might have made upon us by the limitations in the commission for government, wherein it was provided that the said president, or governor for the time being, should use all methods by his good advice, to settle and quiet the people in the matter of Mr. Mason's title, or otherwise impartially to state the case, and report the same to his Majesty, that a final determination might thereupon have been made by his Majesty in council, which, if it had been duly attended, had, we

doubt not, long since, by your Majesty's justice and favor, put us into a happy estate of quiet and repose :

That, notwithstanding his said Majesty's command and limitation, the said Mr. Mason hath been allowed to pursue many of the inhabitants, in several suits and actions, wherein the government have taken to themselves power of an absolute judgment, without any regard had to the said commands and limitations; and with that excess and rigor as to assign the said Mr. Mason sometimes ten pounds, other times twenty pounds costs, when damages have been sometimes not above two shillings—very seldom ten—according to the orders and limitations above said : That the said Mr. Mason, beyond and beside the said quit-rents, and directly against his Majesty's order in the said commission, wherein the tenure of improved lands is assured to the ter-tenants, upon payment of the said quit-rent, or otherwise, as his Majesty in council should determine, hath disposed, or given away the fee, to several persons of several lands which were, long before his challenge, fenced and improved by others, to the great damage and injury of his Majesty's good subjects ; beside many other irregularities in the management of the government, to the great oppression and destruction of trade within your Majesty's Province, and the utter impoverishing thereof : That for the last two years and upward, during the whole management of Mr. Mason's suits at law against your Majesty's subjects, there hath been generally one jury returned to serve all the said issues, with little alterations, and almost constantly one foreman, (who for that end we are apt to fear), was early complied with by Mr. Mason, for all the lands in his own possession formerly, with addition of several other lands, to his own profit : That, notwithstanding your Majesty's late gracious order, and inhibiting of any further procedure in the case of Mr. Mason's title until the cause were brought before your Majesty in council, Mr. Walter Barefoot, who was left deputy governor, hath, since the arrival of your Majesty's commands, permitted executions to be extended and persons thereupon imprisoned in causes concerning the said Mason's title, with excessive and unreasonable costs and damages.

And lastly, whereas your Majesty hath, upon complaint

made against the irregular proceedings done and suffered, been graciously pleased to permit Mr. Wm. Vaughan, one of the principal inhabitants and merchants in this Province, to take his appeal to your Majesty in council, for relief against several oppressive judgments, one whereof refers to the title of his lands within this Province, holden in the same form with the rest of his Majesty's good subjects here; we do, with all humble gratitude, acknowledge your Majesty's justice and favor herein; and for that the pursuance and issue of the said appeal will therefore necessarily affect the whole Province, and be introductory to the determination of all Mr. Mason's challenge, we have judged it our duty, in most humble manner, to prostrate ourselves at your Majesty's feet, and have therefore entrusted and fully impowered Mr. Nathaniel Weare, one of the inhabitants of this, your Majesty's Province, our agent, to lay before your Majesty and most honorable privy council the common case and condition of your Majesty's poor and distressed subjects in this Province, who is fully instructed humbly to represent the same, and the arbitrary and severe oppressions we have labored under, from which we are well assured of relief by your Majesty's most just and gracious determination, and to make an humble and entire submission of ourselves unto your Majesty's pleasure, most humbly beseeching that we may henceforward have our perfect and immediate dependance upon your Majesty and the crown of England, as well in the tenure of our lands as in the affairs of government, which gracious influence of your Majesty is only able to revive and restore this Province to its former flourishing estate and growth, whereby we may at length be made serviceable to your most sacred Majesty and the crown, which we are devoted to serve, resolving therein to be exemplary to all other your Majesty's subjects in the territory of New-England, and for which we shall ever pray, &c.

1685-6.

Joan Carter, wife of Edward Carter, and Wilmot Martin, wife of John Martin, of Great Island, do make oath, that they, hearing Mr. Mason's servant maid crying out that her master

would be murdered, did run into Capt. Barefoot's house, and did see Thomas Wiggins, Capt. Barefoot and Mr. Mason fighting, and a tall, big man, called Anthony Nutter, was walking about the room in a laughing manner; that the deponent Carter did say to Nutter, "For God's sake, part them; will you stand by and see men murdered? pray, put Wiggins out of the room." Nutter said to the deponent, Carter, "Will you save me harmless, then?" But the said Nutter did not give any assistance to the deputy governor, nor did endeavor to part them, and the deponent Carter did take up Capt. Barefoot's velvet cap which lay behind the fire.

The mark of Joan X Carter.

Taken upon oath the 9th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

Prudence Gatch, aged sixteen years, servant to Robert Mason, Esq., maketh oath, that Thomas Wiggins and Anthony Nutter, being in her master's kitchen, Thomas Wiggins did give her master ill language; that her master bid Thomas Wiggins several times to be gone out of the house, and one Mrs. Hall, who was then present, did beg of Thomas Wiggins to go out, but he would not; that she, seeing Thomas Wiggins laying hold of her master by the cravat and hair, did run forth to call the neighbors, crying out that her master would be murdered, and when she came back into the kitchen she did see fire sticking to her master's clothes, and his periwig burned. And she did also see Thomas Wiggins fighting with the deputy governor, who was thrown down upon the floor; that at that same time Anthony Nutter did walk about the room in a laughing manner.

The mark of Prudence X Gatch.

Taken upon oath the 9th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

I, Walter Barefoot, Esq., Deputy Governor of the Province of New-Hampshire, do make oath that upon the 30th of December last, Thomas Wiggins and Anthony Nutter, yeomen, being

at my house, Wiggins did give Robert Mason, Esq., proprietor of the Province, very provoking language, so that Mr. Mason bid him several times to go out of the house, and I did also intreat the said Wiggins to be gone, fearing some mischief might also ensue; telling him that Mr. Mason had the use of the house during his stay in the country, and the servants were his; but Wiggins would not go out, being encouraged to stay by the said Nutter, who did speak to Wiggins not to go, but to stay. Then Mr. Mason opened the door, and took Thomas Wiggins by the arm, bidding him be gone, for that he should not stay there. Thereupon Thomas Wiggins laid hands upon Mr. Mason, and threw him upon the fire, and by force kept him down, so that I had great difficulty to pluck him off; and I do verily believe Mr. Mason had been murdered had it not been for me. And Thomas Wiggins did also assault me, and threw me into the same fire, and fell upon me, so that two of my ribs were broken, and one of my teeth came out.

Walter Barefoot.

Taken upon oath the 8th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

I, Robert Mason, Esq., proprietor of the Province of New-Hampshire, do make oath, that upon the 30th day of December last, being in my lodgings at the house of Walter Barefoot, Esq., deputy governor, and seeing Thomas Wiggins and Anthony Nutter, of the said Province, yeomen, talking with the deputy governor, I bid them welcome, and invited them to stay to supper. After supper, upon some discourse, Wiggins said he and others had read the papers I had set up, but they did not regard them or value them at a rush, for I had nothing to do in the Province, nor had one foot of land therein, nor ever should have, and withal did give very abusive and provoking language, so that I commanded Wiggins to go out of the room, which he did not, but asked the deputy governor whose the house was, Barefoot's or Mason's. The deputy governor told him that the house and servants were mine, and entreated him to be gone and not to make a disturbance. I then opened the door, and took Wiggins by the arm to put him forth, saying he

should not stay there to affront me in my own house. Whereupon Wiggins took hold of my cravat, and being a big, strong man, pulled me to the chimney and threw me upon the fire, and lay upon me, and did endeavor to strangle me by grasping my windpipe, that I could hardly breathe. My left foot was much scorched and swelled, my coat, periwig and stockings were burnt, and had it not been for the deputy governor, who was all that time endeavoring to pluck Wiggins off from me, I do verily believe I had been murdered. I was no sooner got out of the fire but the said Wiggins laid hands on the deputy governor, threw him into the fire, and fell upon him so that two of the deputy governor's ribs were broke. I did with much difficulty pull Wiggins off the deputy governor. Wiggins being risen upon his feet did again assault me and the deputy governor, and threw the deputy governor down; thereupon I called to a maid servant to fetch my sword, saying the villain would murder the deputy governor. The servant coming with my sword in the scabbard, I took hold thereof, but it was snatched out of my hands by Anthony Nutter, who was present in the room, and did see the assault made both upon the deputy governor and myself, and hindered me from relieving the deputy governor. Nor did the said Nutter give any help or assistance to the deputy governor.

Robert Mason.

Taken upon the 8th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

NEW-HAMPSHIRE.

March 9, 1685.

Joseph Ryan, gentleman, attorney general for our sovereign lord, James the Second, by the grace of God king of England, Scotland, France, Ireland, &c., doth exhibit this information against Thomas Wiggins, of Swamscott, yeoman, that whereas Walter Barefoot, Esq., being, by virtue of his Majesty's commission, deputy governor of this Province, and Robert Mason, Esq., proprietor, being one of his Majesty's council in the said Province, the said Thomas Wiggins, upon the 30th day of December last, did wilfully and maliciously make an assault

upon the said Walter Barefoot and Robert Mason, in the dwelling-house of the said Walter Barefoot and Robert Mason, and them, the said Walter Barefoot and Robert Mason, he, the said Thomas Wiggins, did throw into the fire, whereby two of the said Walter Barefoot's ribs were broken, and one of his teeth came out, and the foot of the said Robert Mason was much scorched and swelled, his periwig and clothes burned; and that he, the said Wiggins, did endeavor to strangle the said Robert Mason, by grasping his windpipe, in high contempt of his Majesty's royal authority, and against the peace of our sovereign lord the king, his crown and dignity, &c. Therefore pray judgment in behalf of his Majesty.

Joseph Rayn, *Attorney-General*.

NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to attach the body of John Hall, sen., of Dover, yeoman, and to take bond of him of five hundred pounds, with sufficient security for his appearance at the court of pleas to be held at Great Island, the first Tuesday in February next ensuing, to answer to an information on his Majesty's behalf for embezzeling the records belonging to the town of Dover aforesaid, that were late in his custody. Fail not, and make your return according to law.

Dated the 7th of January, 1685.

By order: R. Chamberlain, *Prothon*.

To Thomas Thurton, provost marshal, William Godso, marshal, or either of them, or their deputies.

EDMUND ANDROS.

[Sir Edmund Andros was appointed Governor of New-England in May, 1686; arrived in Boston on the 20th of December, the same year, and his commission was published the same day.

He was deposed by the people for his arbitrary and tyrannical proceedings, 18th of April, 1689, and sent prisoner to England.]

Commission of Sir Edmund Andros, as Governor of the Territory and Dominion of New-England.

James the Second, by the grace of God king of England, Scotland, France and Ireland, defender of the faith, &c—To our trusty and well beloved Sir Edmund Andros, knight, greeting:

Whereas the government of that part of our territory and dominion of New-England hereafter mentioned, is now in our hands, and being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner for their security and welfare—We, therefore, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Sir Edmund Andros, out of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said Sir Edmund Andros, to be our captain general and governor-in-chief, in and over all that our territory and dominion of New-England in America, commonly called or known by the name of our colony of the Massachusetts Bay, our colony of New Plymouth, and our provinces of New-Hampshire and Maine, the Narragansett Country, otherwise called the King's Province, with all the islands, rights and members to the said colonies and territories in any wise appertaining; and, for your better guidance and direction, we do hereby require and command you to do and execute all things in due manner that shall belong unto the said office, and the trust we have reposed in you, according to the several powers, instructions and authorities mentioned in these presents, or such further powers, instructions and authorities as you shall herewith receive, or which shall at any time hereafter be granted or appointed you under our signet and sign manual, or by our order, in our privy council, and according to such reasonable laws and statutes as are now in force, or such others as shall hereafter be made and established within that our territory and dominion aforesaid; and our will and pleasure is, that you, the said Sir Edmund Andros, having (after your arrival in New-England, and publication of these our letters patents), first taken the oath of allegiance, together with the oath of duly executing the office of our captain gen-

eral and governor-in-chief of our said territory and dominion, (which our council there, or any three of them, are hereby required, authorized and impowered to give and administer unto you), you shall administer to each of the members of our council, as well the oath of allegiance as the oath for the due execution of their places and trust. And we do hereby give and grant unto you full power and authority to suspend any member of our council from sitting, voting and assisting therein, as you shall find just cause for so doing; and if it shall hereafter at any time happen, that by the death, departure out of our said territory, or suspension of any of our councillors, or that otherwise there shall be a vacancy in our said council, (any five whereof we do hereby appoint to be a quorum), our will and pleasure is, that you signify the same unto us by the first opportunity, that we may, under our signet and sign manual, constitute and appoint others in their room. But that our affairs at that distance may not suffer for want of a due number of councillors, if ever it shall happen that there are less then seven of them residing upon the place, we do hereby give and grant unto you full power and authority to choose as many persons out of the principal inhabitants thereof as will make up the full number of our council to be seven, and no more; which persons, by virtue of such choice, shall be, to all intents and purposes, our councillors within our said territory, until they be confirmed by us, or that by nomination of others by us, under our sign manual and signet, the said council shall have seven persons in it.

And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said council, or the major part of them, to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said territory and dominion, and of the people and inhabitants thereof, and such others as shall resort thereunto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances are to be, as near as conveniently may be, agreeable to the laws and statutes of this our kingdom of England.

Provided, That all such laws, statutes and ordinances, of what nature or duration soever, be, within three months or

sooner, after the making of the same, transmitted unto us, under our seal of New-England, for our allowance or disapprobation of them, as also duplicates thereof by the next conveyance. And we do by these presents give and grant unto you full power and authority, by and with the advice and consent of our said council, or the major part of them, to impose and assess and raise and levy such rates and taxes as you shall find necessary for the support of the government within our territory and dominion of New-England; to be collected and levied, and to be employed for the uses aforesaid, in such manner as to you and our said council, or the major part of them, shall seem most equal and reasonable. And for the better supporting the charge of the government of our said territory and dominion, our will and pleasure is, and we do by these presents authorize and require you, the said Sir Edmund Andros, and our said council, to continue such taxes and impositions as are now laid and imposed upon the inhabitants thereof, and to levy and distribute or cause the same to be levied and distributed to those ends in the best and most equal manner, until you shall, by and with the advice and consent of our council, agree on and settle such other taxes as shall be sufficient for the support of our government there, which are to be applied to that use and no other.

And our further will and pleasure is, that all public money, raised, or to be raised or appointed, for the support of the government within our said territory and dominion be issued out by warrant or order from you, by and with the advice and consent of our council as aforesaid; and our will and pleasure is, that you shall and may keep and use our seal, appointed or to be appointed by us for said territory and dominion. And we do further give and grant unto you, the said Sir Edmund Andros, full power and authority from time to time, and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give the oath of allegiance, now established within this our realm of England, to all and every such person as you shall think fit, or shall at any time or times pass unto our said territory, or shall be resident or abiding there. And we do by these presents ordain, constitute and appoint our governor and council of our

said territory and dominion for the time being, to be a constant and settled court of record, for the administration of justice to all our subjects, inhabiting within our said territory and dominions, in all causes as well civil as criminal, with full power and authority to hold pleas in all cases from time to time as well in pleas of the crown, and in all matters relating to the conservation of the peace and punishment of offenders, as in civil causes or actions between party and party, or between us and any of our subjects there, whether the same do concern the realty and relate to any rights of freehold and inheritance, or whether the same do concern the personalty, and relate to matter of debt, contract, damage, or other personal injury; and also in all mixed actions which may concern both realty and personalty; and therein, after due and orderly proceeding and deliberate hearing of both sides, to give judgment and to award execution as well in criminal as in civil cases as aforesaid, so always that the forms of proceedings in such cases, and the judgment thereupon to be given, be as consonant and agreeable to the laws and statutes of this our realm of England as the present state and condition of our subjects, inhabiting within our said territory and dominion, and the circumstances of the place, will admit.

And we do further hereby give and grant unto you full power and authority, with the advice and consent of our said council, to erect, constitute and establish such and so many courts of judicature and public justice within our said territory and dominion, as you and they shall think fit and necessary for the determining of all causes, as well criminal as civil, according to law and equity, and for awarding of execution thereupon, with all reasonable and necessary powers, authorities, fees, and privileges belonging unto them, as also to appoint and commissionate fit persons in the several parts of our said territory to administer the oath of allegiance unto such as shall be obliged to take the same.

And we do hereby grant unto you full power and authority to constitute and appoint judges, and, in cases requisite, commissioners of oyer and terminer, justices of the peace, sheriffs, and all other necessary officers and ministers within our said territory, for the better administration of justice and putting

the laws in execution, and to administer such oath and oaths as are usually given for the due execution and performance of officers and places, and for the clearing of truth in judicial cases; and our further will and pleasure is, and we do hereby declare, that all actings and proceedings at law or equity, heretofore had or done, or now depending within any of the courts of our said territory, and all executions thereupon, be hereby confirmed and continued, so far forth as not to be avoided for want or defect of any legal power in the said courts, but that all and every such judicial actings, proceedings and executions, shall be of the same force, effect and virtue as if such courts had acted by a just and legal authority. And we do further, by these presents, will and require you to permit appeals to be made in cases of error from our courts in our said territory and dominion of New-England, unto our governor and council in civil causes. *Provided*, the value appealed for do exceed the sum of one hundred pounds sterling; and that security be first duly given by the appellant to answer such charges as shall be awarded, in case the first sentence shall be affirmed.

And whereas we judge it necessary that all our subjects may have liberty to appeal to our royal person, in cases that may require the same, our will and pleasure is that if either party shall not rest satisfied with the judgment or sentence of our governor and council, they may then appeal unto us in our privy council. *Provided*, the matter in difference exceed the real value and sum of three hundred pounds sterling, and that such appeal be made within one fortnight after sentence, and that security be likewise duly given by the appellant to answer such charges as shall be awarded in case the sentence of the governor and council be confirmed; and *provided* also that execution be not suspended by reason of any such appeals unto us.

And we do hereby give and grant unto you full power where you shall see cause, and shall judge any offender or offenders in capital and criminal matters, or for any fines or forfeitures due unto us, fit subjects of our mercy, to pardon all such offenders and to remit such fines and forfeitures, (treason and wilful murder only excepted), in which cases you shall

likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until, and to the intent our pleasure may be further known; and we do hereby give and grant unto you, the said Sir Edmund Andros, by yourself, your captains and commanders, by you to be authorized, full power and authority to levy, arm, muster, command or employ all persons whatever residing within our said territory and dominion of New-England, and, as occasion shall serve, them to transfer from one place to another for the resisting and withstanding of all enemies, pirates and rebels, both at land and sea, and to transfer such forces to any of our plantations in America as occasion shall require for the defence of the same against the invasion or attempt of any of our enemies: And them, if occasion shall require, to pursue and prosecute in or out of the limits of our said territory and plantation, or any of them; and, (if it shall so please God) them to vanquish, and, being taken, either according to the law of arms, to put to death, or keep and preserve alive, at your discretion; as also to execute martial law in time of invasion, insurrection or war, and during the continuance of the same, and upon soldiers in pay, and to do and execute all and every other thing which to a captain-general doth or ought of right to belong, as fully and amply as any our captain-general doth or hath usually done. And we do hereby give and grant unto you full power and authority to erect, raise and build within our territory and dominion aforesaid, such and so many forts, platforms, castles, cities, boroughs, towns and fortifications as you shall judge necessary, and the same or any of them to fortify and furnish with ordnance, ammunition, and all sorts of arms, fit and necessary for the security and defence of our said territory, and the same again or all of them to demolish or dismantle, as may be most convenient. And we do hereby give and grant unto you, the said Sir Edmund Andros, full power and authority to erect one or more court or courts admiral within our said territory and dominion, for the hearing and determining of all marine and other causes and matters proper therein to be heard and determined, with all reasonable and necessary powers, authorities, fees and privileges; and you are to execute all powers belonging to the

place and office of vice admiral of and in all the seas and coasts about your government, according to such commission, authority and instructions as you shall receive from ourself, under the seal of our admiralty, or from our high admiral of our foreign plantations for the time being.

And forasmuch as divers mutinies and disorders do happen by persons shipped and employed at sea, and to the end that such as shall be shipped or employed at sea may be the better governed and ordered, we do hereby give and grant unto you, the said Sir Edmund Andros, our captain-general and governor-in-chief, full power and authority to constitute and appoint captains, masters of ships and other commanders, and to grant unto such captains, masters of ships, and other commanders, commissions to execute the law martial, and use such proceedings, authorities, punishments, correction and execution upon any offender or offenders which shall be mutinous, seditious, disorderly, or any way unruly, either at sea, or during the time of their abode or residence in any of the ports, harbors or bays of our said territory and dominion, as the cause shall be found to require according to martial law.

Provided, that nothing herein contained shall be construed to the enabling you, or any by your authority, to hold plea, or have jurisdiction of any offence, cause, matter, or thing committed or done upon the sea, or within any of the havens, rivers or creeks of our said territory and dominion under your government, by any captain, commander, lieutenant, master, or other officer, seaman, soldier, or person whatsoever, who shall be in actual service and pay, in and on board any of our ships of war, or other vessels acting by immediate commission or warrant from ourself, under the seal of our admiralty, or from our high admiral of England for the time being; but that such captain, commander, lieutenant, master, officer, seaman, soldier, and other persons so offending, shall be left to be proceeded against and tried as the merit of their offences shall require, either by commission under our great seal of England, as the statute of the twenty-eighth of Henry the Eighth directs, or by commission from our said high admiral, according to the act of Parliament, passed in the thirteenth year of the reign of the late king, our most dear

and most entirely beloved brother, of our blessed memory, entitled, "An act for the establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea," and not otherwise; saving only that it shall and may be lawful for you, upon any such captain or commander refusing or neglecting to execute, or upon his negligence or undue execution of any of the within orders, he shall receive from you for our service, and the service of said territory and dominion, to suspend him, the said captain or commander, from the exercise of his said office of commander, and commit him into safe custody, either on board his own ship, or elsewhere, at the discretion of you, in order to his being brought to answer for the same by commission, either under our great seal of England, or from our said high admiral, as is before expressed. In which case our will and pleasure is that the captain or commander so by you suspended, shall, during such his suspension and commitment, be succeeded in his said office by such commission or warrant officer of our said ship, appointed by ourself or our high admiral of England for the time being, as, by the known practice and discipline of our navy, doth and ought next to succeed him, as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships, and not otherwise; you standing also accountable unto us for the truth and importance of the crimes and misdemeanors for which you shall so proceed to the suspending of such, our said captain or commander.

Provided, also, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, or other officer, seaman, soldier, or person whatsoever, belonging to any of our ships of war or other vessels acting by immediate commission or warrant from ourself, under the seal of our admiralty, or from our high admiral of England for the time being, may be tried and punished according to the laws of the place where any such disorders, offences and misdemeanors shall be so committed on shore, notwithstanding such offender be in our actual service, and borne in our pay on board any such our ships of war, or other vessels acting by immediate commission or warrant from ourself, or our high

admiral as aforesaid, so as he shall not receive any protection for the avoiding of justice (for such offences committed on shore) from any pretence of his being employed in our service at sea. And we do likewise give and grant unto you full power and authority, by and with the advice and consent of our said Council, to agree with the planters and inhabitants of our said territory and dominion, concerning such lands, tenements and hereditaments, as now are or hereafter shall be in our power to dispose of, and them to grant unto any person or persons for such terms, and under such moderate quit-rents, services and acknowledgements to be thereupon reserved unto us, as shall be appointed by us, which said grants are to pass and to be sealed by our seal of New-England, and (being entered upon record by such officer and officers as you shall appoint thereunto) shall be good and effectual in law against us, our heirs and successors. And we give you full power and authority to appoint so many fairs, marts and markets, as you, with the advice of our said Council, shall think fit; as likewise to order and appoint within our said territory such and so many ports, harbors, bays, havens, and other places for the convenience and security of shipping, and for the better loading and unloading of goods and merchandise, as by you, with the advice and consent of our Council, shall be thought fit and necessary; and in them or any of them to erect, nominate and appoint custom houses, warehouses, and officers relating thereunto, and them to alter, change, place or displace from time to time, as with the advice aforesaid shall be thought fit. And, above all things, we do by these presents will, require and command you to take all possible care for the discountenance of vice and encouragement of virtue and good living, that by such examples the infidels may be invited and desire to partake of the christian religion. And for the greater ease and satisfaction of our loving subjects in matters of religion, we do hereby will, require and command that liberty of conscience be allowed to all persons, and that such especially as shall be conformable to the rites of the church of England be particularly countenanced and encouraged.

And, forasmuch as pursuant to the laws and customs of our colony of the Massachusetts Bay, and of our other colonies

and provinces afore mentioned, divers marriages have been made and performed by the magistrates of our said territory, our royal will and pleasure is hereby to confirm all the said marriages, and to direct that they be held good and valid in the same manner, and to all intents and purposes whatsoever, as if they had been made and contracted according to the laws established within our kingdom of England. And we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said territory and dominion, to be obedient, aiding and assisting unto you, the said Sir Edmund Andros, in the execution of this, our commission, and of the powers and authorities therein mentioned; and upon your death, or absence out of said territory, unto the commander-in-chief, to whom we do therefore by these presents give and grant all and singular, the powers and authorities aforesaid, to be exercised and enjoyed by him during our pleasure, or until your arrival within our said territory and dominion. And if in case of such death or absence there be no person on the place appointed by us to be commander-in-chief, our will and pleasure is that the then present Council of our said territory aforesaid do take upon them the administration of the government, and execute this commission and the several powers and authorities herein contained, and that the first councillor who shall be, at the time of your death or absence, residing within the same, do preside in our said Council, with such powers and preëminences as any former president hath used and enjoyed within our said territory, or any other of our plantations in America, until our pleasure be further known, or your arrival as aforesaid.

And lastly, our will and pleasure is that our commission, bearing date the seven and twentieth day of September, in the first year of our reign, constituting our trusty and well-beloved Joseph Dudley, Simon Bradstreet, William Stoughton, Esqrs, and others, to be our president and council of our territory and dominion of New-England, do, from the publication of these presents, cease and become void. And that you, the said Sir Edmund Andros, shall and may hold and execute and enjoy the office and place of our captain-general and governor-in-chief in and over our territory and dominion

aforesaid, with all its rights, transfers and appurtenances whatsoever, together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure. In witness, &c.

Passed in May, 1686.

In witness whereof we have caused these our letters to be made patents.

Witness ourself, at Westminster, the third day of June, in the second year of our reign.

Per bre de Privato Sigillo.

Barker.

By the President and Council of His Majesty's Territory and Dominion of New-England, in America.

An Order for the holding of Courts, and execution of Justice; published the 10th of June, 1686.

To the end that justice may be equally distributed within this, his Majesty's territory and dominion, and criminal offenders against his Majesty's laws duly punished: *It is ordered* by the president and council, that in each several county and province within this government there shall be erected and settled, and by the authority aforesaid there is hereby erected, appointed and settled, a county court, to be held and kept as a court of pleas and of general session of the peace, within each county and province aforesaid: the time, place and order of which county court are as followeth: viz.,

For the county of Suffolk: to be held at Boston, four courts in the year; the first on the last Tuesday in July next; the second on the last Tuesday in October following; the third on the last Tuesday in January; the fourth on the last Tuesday in April; and so on the same days annually.

For the county of Middlesex: The first at Cambridge, on the first Tuesday in October; the second at Charlestown, on the third Tuesday in December; the third at Concord, on the first Tuesday in April; the fourth at Charlestown, on the third Tuesday in June; and so on the same days annually.

For the county of Essex: The first at Ipswich, on the last

Tuesday of September; the second at Salem, on the last Tuesday in November; the third at Ipswich, on the last Tuesday in March; the fourth at Salem, on the last Tuesday in June; and so annually.

For the county of Hampshire: The first at Springfield, on the last Tuesday in September; the second at Northampton, on the last Tuesday in March; and so annually.

For the Province of New-Hampshire: The first at Great Island, the first Tuesday in October; the second at Portsmouth, the first Tuesday in April.

For the Province of Maine: The first at York, the second Tuesday in October; the second at Wells, the second Tuesday in April.

And for the more regular and certain keeping of the aforesaid courts, *It is ordered*, that they shall consist of such member or members of the council in each county and province as shall be therein resident, (not excluding any others of the council who shall think fit to be present) together with such justices of the peace as, (when need is), shall be particularly commissioned thereunto: so that the number in each county court be always three at least, and one of them a member of the council; who, being assembled at the times and places appointed, have full power and authority to open and hold the said county courts, and to proceed to the hearing, trying and issuing of all civil causes and pleas whatever, and of all criminals not extending to life and limb; and, upon judgment given, to award execution, making such adjournments as to them shall seem fit, and punishing all contempts, as unto such a court of right doth belong; from which county courts, and the judgment in them given in all civil cases, there shall an appeal lie, to be orderly made and brought to the president and council at their next court to be held for that end, as hereafter is appointed, unto which court of appeals the appellant shall bring the appellant and defendant, and both shall have further liberty of all such additional evidences and pleas to be brought as doth not alter the issue that hath been between them.

It is further ordered, declared and appointed, that there shall be held by the president, or, in his absence, the deputy president and council, a stated superior court of grand assize

and general goal delivery, for this his Majesty's whole territory and dominion, to be kept thrice in the year, at Boston, that is, on each first Tuesday in the months of November, March and July, and so annually. In which superior court so to be held shall be here tried and finally issued, all cases of appeal, all capital cases, and all such pleas of the crown, and all matters of greater concernment as are above the cognizance of inferior courts, and proper thereto to be determined, saving always unto all persons liberty of appeal unto his Majesty in council, as in and by his Majesty's royal commission is granted, limited and appointed. And for the more ready dispatch of small causes, where the damage besides cost shall not exceed the sum of forty shillings, it is ordered and declared that the president and each member of the council hath power to hold plea of, and to give judgment and to award execution in all such causes as heretofore hath been in use. The like power have any two of the justices joining together, and from the sentence and judgment in these cases to be given there shall be an appeal to the next court of the county, and no higher.

It is also further ordered by the authority aforesaid, that in all legal process within this, his Majesty's territory and dominion, to be allowed and accounted valid in the several courts now constituted, the original writ shall always be under the hand and seal of the president, or of some member of the council, or of the clerks of the county courts within their several precincts; and in small actions, under the hand and seal of such as are to try them. And all such writs as shall be above twenty pounds value shall be also stamped with the seal of the secretary's office; all which original writs aforesaid, and all executions upon judgment given, shall be directed to be served by the provost marshal, county marshal, or their deputies, and no other, except in final cases, when the constable of the town shall be sufficient; and where the cause is to be tried in the county court, every original writ shall be served fourteen days before the sitting of the said court, and pursuant thereunto a declaration of the plaintiff shall be also entered with the clerk of the court, seven days before its sitting, and the same time (of seven days) is given for the entrance of the reasons of appeal with the secretary, in all cases of appeal to the supreme court.

It is further ordered, that the acknowledgment of all deeds or other legal instruments that are to be entered upon record, shall be made before and signed by the president, or some member of the council, and no other.

Further: that the office for the probate of wills and granting administrations be holden by the president for the time being, and his clerk, at the council house, on Thursdays, at ten of the clock in the morning, and in the other Provinces and remote countries by such judge and clerks as the said president, under his hand and seal, shall authorize; and at such times as shall be appointed, taking fees according to the statutes, the said clerks being accounted as deputies to the secretary and register, and from him to take deputation accordingly.

Further: That such as from time to time shall be allowed and sworn attorneys by the council and county courts (and they only to receive fees and plead in any of his Majesty's courts), and no other presume to offer pleading save that every man is allowed to plead his own case:

That no affidavit, or testimony, is in any civil case to be taken out of the court where the trial is holden, except before some members of the council where the witness is at a great distance from the court, or incapable of coming, or bound to sea before the trial, and there, in presence of the opposite party, if he may be had, and seasonable notice be given to him thereof; and all witnesses in criminal cases to give their evidence in open court:

That where judgment hath passed in any former court within this territory and dominion, and execution hath not been taken out and levied, the party for whom judgment hath passed shall have a writ of *scire facias* from the secretary or clerk of the court, whence a new execution should proceed to the adverse party, to appear before the court that hath proper cognizance thereof, and show cause why execution should not go out; and in case of non-appearance, or that sufficient cause be not shown to the court for arrest of judgment, judgment shall be affirmed, and execution granted accordingly: That the county courts shall appoint in every town a fitting person for clerk, to take the accounts of births and burials (unto

which office Mr. Richard Buckley is appointed for Boston), which shall be quarterly brought in to the clerks of the county courts, for which such clerk shall receive three pence for each name, and pay one penny for every name, to the clerk of the county court; and every person next related or concerned is hereby ordered to give notice and make payment, as above said, within the space of one week, upon the penalty of five shillings; and that the several ministers and justices do in like manner, at every county court, make return of the marriages by them severally solemnized, and pay to the clerk three pence for every couple:

That licenses for holding of taverns, inns, strong-water houses, and retailers, in and without doors, and public victualers, be granted by the county courts of the several shires and Provinces, to which the several inn-holders shall give bond and pay accustomed fees and duties, as hath been in use; and the treasurer and such others as shall be from time to time appointed, have hereby power granted them to agree with the duties excise; and no person licensed shall presume to draw until he hath made such agreement with the treasurer as abovesaid. And it is ordered, that none presume to draw drink without license, upon the penalty of five pounds for every conviction (according to the late usage), to be made before some member of the council, or any two of the justices within the county, and the fine to be levied by writ from such member of the council, or justices, and the same to be divided, one half to his Majesty, and returned to his treasury here, and the other half to the informer.

For the orderly and equal appearance of juries to serve in courts, *It is ordered*, That the constables and selectmen in the several towns within this, his Majesty's territories and dominion, do, before the first day of July next, give in to the several marshals of the counties in which the towns severally lie, a full and true list of all the freeholders and inhabitants meet to serve on juries; and that the marshals thereupon, in their several counties, with the assistance of one of the justices thereto appointed, shall prick the panel or panels for the grand or petty jurors, who shall be summoned by the marshal fourteen days before the court, and the panel delivered to the

clerk of the courts, under the marshal's hand, that they may serve accordingly: That the fees to be paid in all trials and issues at law shall in no case pass the particular orders of the president and council.

In the trial of small Cases: namely,

	£	s.	d.
For the attachment or summons,	0	1	0
A subpoena to summons witness,	0	0	3
Entrance,	0	3	4
Filing the papers, each paper,	0	0	2
Judgment,	0	0	0
Confessing judgment,	0	1	0
Execution,	0	2	0
Affidavit out of court,	0	1	0
Acknowledgement of deeds and other instruments,	0	2	6
If the deed be above a hundred pounds,	0	5	0

In trials of the County Court.

For stamping the writ in the Secretary's office,	0	0	4
Attachments, if above a hundred pounds,	0	2	0
The juries, for every verdict,	0	6	0
Entrance of the action,	0	10	0
Confessing judgment,	0	2	0
Additional entrance of judgment above £20,	0	10	0
License to keep public houses,	0	5	0
Judgment,	0	2	0
Execution,	0	2	6

COURT PROBATE.

Settlement of Fees.—Officers' Names.

Probate of a will and administration, copies of the will, attestation and inventory,	0	6	0
If the estate be above two hundred pounds,	0	7	0

In all Appeals before the President and Council.

Entrance,	1	0	0
Judgment,	0	5	0
For serving executions, accustomed fees.			

Return of a proclamation,	0	1	0
Serving a replevin,	0	1	6
Release of a felon,	0	1	6

besides accustomed fees for travel.

The keeper's fees, in all causes, as are accustomed.

The Coroner's Fees.

For the inquisition of untimely death, and of the goods of the deceased,	1	0	0
Besides allowance for travel ;			
And where <i>no goods</i> from the country,	0	13	4

OFFICERS FOR THE SEVERAL COURTS.

For Suffolk.

Mr. Daniel Allen, Mr. Thomas Dudley, *Clerks.*

Mr. John Winchcombe, Mr. Nathaniel Page, *Marshals.*

Mr. John Blake, *Coroner.*

For Middlesex.

Capt. Lawrence Hammond, *Clerk.*

Mr. John Green, *Marshal.*

Mr. Samuel Gookin, *Coroner.*

For Essex.

Mr. Stephen Sewal, *Clerk.*

Lieut. Jeremiah Neal, *Marshal.*

Mr. Samuel Gardiner, *Coroner.*

For Hampshire.

Mr. John Holoak, Mr. Samuel Patrick, *Clerks.*

Mr. Samuel Marshfield, *Marshal.*

Mr. Joseph Hawley, *Coroner.*

For the Province of New-Hampshire.

Richard Chamberlain, Esq., *Clerk.*

Mr. Pheasant Eastwick, *Coroner,*

who shall be all sworn to the faithful discharge of their trust.

An Order for the Encouragement of Surveyors of Ships and Vessels, &c.

Whereas, in the several counties and seaport towns, there have been appointed meet persons for the surveying of ships (either which are building or defective) and damnified goods,

It is hereby declared, That the said persons are continued in that service, and for their satisfaction shall receive, each of them, from the employers, four shillings for every survey made and returned under their hands.

Bounds and Power of Towns, &c.

It is ordered and declared, That the bounds of all townships shall be and continue as heretofore settled, and that they shall be run between town and town for time and manner as hath been formerly required and used; and that each town have the same liberty and power of choosing and instructing their selectmen, constables, and other officers for the management of their own affairs, as they have used and exercised; and all such elections to be made by the freeholders in every town.

It is also ordered, That all contracts, agreements and orders, regularly made in any town, respecting either their ministers or school masters, as to their maintenance, or any other person concerned for the public benefit of the town, shall remain good and valid for the whole time that they were made for, and shall accordingly be pursued, put in execution, and fulfilled. And for the future raising and defraying of all such public charges in towns as shall be needful,

It is ordered, That whatsoever sum or sums shall be granted by the inhabitants for that end, in any of their town meetings regularly assembled, shall be by the selectmen first presented to two of the next justices of the peace within the same county, or to one of the members of the council therein resident, to be by him or them allowed and underwritten; which, being so obtained, the selectmen or such raters as shall be specially chosen by the town for that service, shall assess the said sums upon each particular inhabitant that is within their town (the members of his Majesty's council excepted), in due proportion to their known abilities and estates, and thereof shall make a distinct and perfect list, under their hands, setting down every man's name and particular proportion, with which list, so perfected, the selectmen shall apply themselves to one of the justices of the peace for that county, or to any member of the council who shall make his warrant thereupon, under his hand and seal, directed to the constables of each town respectively, for the speedy levying and collecting of all such assessments within a fitting time prefixed, with power of dis-

tress in case of refusal or neglect of payment by any one, as formerly; and all sums so collected shall be by the constables carefully and duly paid in, according as the selectmen shall appoint; and if any constable shall neglect to perform his duty in the premises, he shall be liable to respond all such sums as through his default shall not be collected and paid in.

And further, *It is ordered*, That whereas there are several small towns and villages by the late government put under the direction of several committees, the said committees are hereby continued in their full power until the President and Council shall take further order.

The Narragansett country, called the King's Province, having hitherto been unsettled, is not to be understood to be intended in this order, or any thing contained therein.

The following is a representation of the seal used by Gov. Dudley during his administration.



ANCIENT FORM OF INDENTURE.

This Indenture witnesseth that I, Nathan Knight, sometime of Blackpoint, with the consent of my father-in-law, Harry Brooken, and Elend, his wife, have put myself apprentice to Samuel Whidden, of Portsmouth, in the county of Portsmouth, and bound mason after the manner of an apprentice with him, to serve and abide the full space and term of twelve years and five months, thence next following, to be full, complete and ended; during which time said apprentice his said master faithfully shall serve, his lawful secrets shall keep, and commands shall gladly do, damage unto his said master he shall not do, nor see to be done of others, but to the best of his power shall give timely notice thereof to his said masters. Fornication he shall not commit, nor contract matrimony within the said time. The goods of his said master he shall not lend nor spend. He shall not play at cards, or dice, or any other unlawful game, whereby his said master may have damage in his own goods, or others; taverns he shall not haunt, nor from his master's business absent himself by day or by night, but in all things shall behave himself as a faithful apprentice ought to do. And said master his said apprentice shall teach and instruct, or cause to be taught and instructed in the art and mystery as mason; finding unto his said apprentice during said time meat, drink, washing, lodging and apparel, fitting an apprentice, teaching him to read, and allowing him three months toward the latter end of his time to go to school to write, as also double apparel at end of said time. As witness our hands and seals, interchangeably put to two instruments of the same purpose, November the twenty-fifth, one thousand six hundred and seventy-six.

Signed, sealed and delivered in presence of us.

William Cate,

Jno. Barsham.

Nathan Knight, his X mark.

1687.

Coroner's Inquest :— Copy.

NEW-HAMPSHIRE IN NEW-ENGLAND.

At an inquest held at Oyster river, in the township of Dover, the third day of September, in the year of our Lord one thousand six hundred eighty and seven, and in the third year of the reign of our sovereign lord, James the Second, by the grace of God over Great Britain, France and Ireland, king, defender of the faith, declared me, Pheasant Eastwick, coroner of the Province of New-Hampshire, to enquire how and in what manner Elizabeth Jenkins, late wife of Stephen Jenkins, of Oyster river aforesaid, planter, came unto her death. The jury returned this verdict; namely,

We, the jury whose names are under written, being sworn according to law, and viewing the corpse of Elizabeth Jenkins, and examining all witnesses and circumstances that we could hear of, do find that she, the said Elizabeth Jenkins, wilfully destroyed herself by casting herself into the water.

The mark of John + Meader, sen., Foreman,
James Smith,

The mark of Bartholomew + Stephenson,
John Davis,

The mark of David + Davis,

The mark of Edward W Lethers,
Philip Caverly,
Jeremiah Burnham,
Mark Stacy,

The mark of Charles + Adams,

The mark of Richard + Clark,
Nathaniel Lombus,

The mark of William W Williams.

This verdict received by me the day and year above written, at Oyster river, in Dover aforesaid.

Pheasant Eastwick, *Coroner.*

Coroner's Inquest: Copy.

At an inquest held at Strawberry Bank, in the township of Portsmouth, the eighteenth day of October, in the year of our Lord one thousand six hundred eighty and seven, and in the third year of the reign of our sovereign lord, James the Second, by the grace of God of Great Britain, France and Ireland, king, defender of the faith, &c., before me, Pheasant Eastwick, coroner for the Province of New-Hampshire, to enquire how and in what manner Thomas Evans, mariner, came unto his death, the jury returned this verdict; namely,

We, whose names are under written, being sworn upon the jury of inquisition in the behalf of his Majesty, upon the body of Thomas Evans, having made diligent inquiry, find that he fell accidentally over the boat into the water, which water was the cause of his death.

	Geo. Snell, Foreman ;	
	Edward Melcher,	John Chevalier,
The mark of	Thomas + Starboard,	Obadiah Morse,
	John Jackson,	Jacob Levers,
	John Baker,	John Kelley,
	Robert Elkins,	John Sewer,
	Arthur Hoddy,	Samuel Hockeday.

This verdict received by me the day and year above written, at Strawberry Bank, in Portsmouth aforesaid.

Pheasant Eastwick, *Coroner.*

May 29, 1688. At a public town meeting at Exeter, by order of the governor and council, there were chosen constables for the year ensuing, Nathan Ladd and William Perkins.

Attest: Robert Wadleigh, *Justice Peace.*

PROVINCE OF NEW-HAMPSHIRE.

The names of the jurors of inquiry of damages in a cause

depending between George Pearsons, late farmer of his Majesty's excise for said Province, and Joseph Beard, of Dover, vintner, dated this 7th day of August, 1688.

Henry Crown, foreman ;
Nicholas Waldron,
Joseph Alexander,
Matthew Nelson,

William Hoskins,
Humphray Spencer,
George Fabins,
John Fabins.

John Tufton, *Sheriff*.

COPIED FROM
ANCIENT PAPERS AND DOCUMENTS
FOUND IN THE OFFICE OF THE SECRETARY OF STATE OF
MASSACHUSETTS:

MADE IN PURSUANCE OF A RESOLVE OF THE LEGISLATURE OF NEW-
HAMPSHIRE—PASSED JUNE, 1827.

COPIED BY JOSHUA COFFIN, A. M.

At a general court specially called by the governor and assistants at Boston, and held there February 4th, 1679-80, This court doth hereby declare that all commissions that have been formerly granted by the colony of the Massachusetts, to any person or persons that lived in the towns of Hampton, Exeter, Portsmouth and Dover, are hereby withdrawn, and, as to any further act, made void and of no effect.

Portsmouth, in the Province of New-Hampshire, March
25th, 1680.

Much honored:

The late turn of Providence made amongst us by the all ordering Hand, hath given occasion for this present application, wherein we crave leave, as we are in duty bound:

1. Thankfully to acknowledge your great care for us while we dwelt under your shadow; owning ourselves deeply obliged that you were pleased, upon our earnest request and supplications, to take us under your government, and ruled us well, whilst we do remain, so that we cannot give the least countenance to those reflections that have been cast upon you, as if you had dealt injuriously with us.

2. That no dissatisfaction with your government, but merely our submission to the Divine Providence, to his Majesty's command, to whom we owe our allegiance, without any seek-

ing of our own or desires of change, was the only cause of our complying with that present separation from you, that we are now under, but should have heartily rejoiced if it had seemed good to the Lord and his Majesty to have settled us in some capacity as formerly.

3. And withal, we hold ourselves bound to signify that it is our most unfeigned desire that such a mutual correspondence may be settled betwixt us as may tend to the glory of God, the honor of his Majesty, whose subjects we all are, and the promoting the common interest and defence against the common enemy, that thereby our hands may be strengthened, being of ourselves weak and few in number; and that, if there be opportunity to be anywise serviceable unto you, we may show how ready we are thankfully to embrace the same.

Thus wishing the presence of God to be with you in all your administrations, and craving the benefit of your prayers and endeavors for a blessing upon the heads and hearts of us who are separated from our brethren, subscribe, &c.,

John Cutt, *President.*

With the consent of the council and general assembly superscribed: "To the honorable Governor and Council of the Massachusetts colony. To be communicated to the general court. Humbly present in Boston."

This foregoing letter of the president, council, and general assembly of New-Hampshire, so directed to the Massachusetts, was read in general court, May 22, 1680, and ordered to be recorded and kept on file; as attests,

Edward Rawson, *Sec.*

April 23, 1689. At the council for the safety of the people, and conservation of the peace,

Ordered, That Maj. Richard Waldron be appointed commander-in-chief of the New-Hampshire Regiment; Maj. Charles Frost, commander-in-chief of the West Regiment of the Province of Maine.

October 10, 1689. A letter was agreed upon to be sent to the gentlemen of New-Hampshire; namely, Messrs. Richard Mar-

tyn, William Vaughan, and Richard Waldron, to desire that some person might be sent as an agent for their Province, to meet the commissioners of the colony, at Boston, the 18th instant, to consult of the affairs of the war, &c.

NEW-HAMPSHIRE PETITION.

To the Honorable, the Governor and Council of their Majesties' Colony of the Massachusetts Bay, in New-England :

The humble address of the inhabitants and train soldiers of the Province of New-Hampshire, February 20, 1689-90 :

Humbly showeth, that whereas, since the late revolution in your colony, you have exerted a power of government over their Majesties' subjects, and inhabitants therein, which we are given to understand their Majesties have been graciously pleased to approve of, and impowered you to continue the same till further order ; and we, who were under your government, having been for some time destitute of power sufficient to put ourselves into a capacity of defence against the common enemy ; and having, with great expectation, awaited their Majesties' order for a settlement amongst us, which, not yet arriving, considering how liable also we are to destruction by the enemy, which of ourselves we cannot prevent, we are therefore necessitated at present to supplicate your Honors for government and protection, as formerly, until their Majesties' pleasure shall be known concerning us : hereby obliging ourselves to a due submission thereto, and payment of our equal proportion (according to our capacity), of the charge that shall arise for the defence of the country against the common enemy ; praying also that such persons may be commissioned to command the militia as have already been or shall be chosen by the trained soldiers in the respective towns, desiring your Honors to grant us this our request, and your petitioners shall ever pray.

Christian Dodevah,
Andrew Wiggin,
Thomas Wiggin,
Thomas Read,

Nathaniel Wright,
Thomas Wiggin,
The mark X of Philip Duday,
William Hilane,

Thomas Wiggin,	John Wadleigh,
Simon Wiggin,	Daniel Bean,
Isaac Cole,	William Ardell,
Roger Keller, (or ley)	Samuel Hilton,
George Person,	The mark × of James Thomas,
George Veasie,	Charles Glidden,
Wid. Morgan,	The mark × of Robert Smart,
Samuel Powell,	The mark × of Ed. Rowe,
William Wentworth,	William Hilton, his × mark,
Nicholas Gorden,	William Perkins, his × mark,
Philip Hanson,	Robert Smart, Jr.,
Jonathan Clarke,	John Symons, his × mark,
Thomas Veasie,	Henry Williams,
Alexander Gorden,	John Wheeler, by order,
John Doolor,	John Hilton, " "
Silvanus Wentworth,	_____ " "
Thomas Dudlee,	Steven Robeson,
Moses Gilman, Jr.,	Robert Wadlee,
Joan Fickett,	John Sinkler, Jr.,
John Sinklee,	Ed. Daniel,
Robert Powell,	Natha. Hall,
Mark Stacey,	Ed. Messer,
Ben. Jones,	Rich. Shannon,
Humphrey Willson,	Tho. Jackson,
Edward Gilman,	Will. Scammon,
Peter Coffyn,	Richard Morgan, Jr.,
Edward Gilman,	Geo. Roberts,
John Gilman,	Henry Langstaffe, sen., his +
John Foulsum,	mark,
John Gilman, Sen.,	Rich. Rowe, his + mark,
Nathaniel Pinkham,	John Camn,
Moses Leavitt,	John Nutter,
Kinsley Hall,	Henry Lancaster,
Francis Lyford,	George Brown, his ×
The mark × of Philip Cotter,	mark,
Stephen Dudley,	Samuel Rowlenes,
Nathaniel Ladd,	Joseph Stower,
James Gilman,	John Keniston,
The mark × of Edward Dyar,	Ichabod J. Rawlins,
Moses Gilman,	James Sinkler,

Jodel Judkin,	Ben Loot,
Ephraim Foulsham,	George Ricker, his + mark,
John Wilson,	John Foster,
William Moore,	Maturin Ricker, his X mark,
Tho. Rawlins, his X mark,	John Willey, his X mark,
Nehemiah Lee,	John Cook, his + mark,
John Gillman,	Elizabeth Horne, her + mark,
William Taylor, his X mark,	Mark Goyles, his + mark,
David Larance,	William Kin,
Billy Dudley,	Joseph Cann,
Samuel Leavitt,	Edward Allen,
Theophilus Dudley,	John Cooke, his X mark,
Jonathan Thing,	John Ellis, his + mark,
Samuel Gilman,	William Waymouth,
Theo Smith,	Thomas Roberts,
Samuel Bean,	William Wills, his + mark,
Samuel Thing,	John Duren,
John Bean,	Thomas Austin,
Ehazar Elkins, his X mark,	Isaac Stokes, his X mark,
Thomas Skees, his X mark,	Tho. Whitehouse, his + mark,
The mark of Nicholas X Nares,	Leonard Hamilton,
John Scribner,	Hateevil Roberts,
The mark of John X Bean,	Joseph Roberts,
David Robison, his X mark,	Ralph Hall,
The mark of Anthony X Hern,	John Roberts,
Jeremiah Gilman,	Tho. Tebbets,
Nath. Fryer,	William Furber, senior,
John Derry, his X mark,	Roger Roscar,
John Church,	John Bickford,
Robert Evans, senior,	Robert Elliot,
Samuel Heard,	Thomas Cobbett,
Thomas Downes,	John Hatch,
Ezek. Wentworth, his X mark,	Shadrach Walton, by his order,
John Ham,	Joshua Fryer,
Jenkin Jones,	Elias Stileman,
Gersham X Wentworth, his	Nath. Fryer, junior,
mark,	John Davis,
Nath. Heard,	James Smith,
John Cook, his X mark,	Nathaniel Hill,

Francis Pitman, his + mark,	John Cotton,
John Horne, his + mark,	John Woodman,
John Hayes,	John Gerrish,
Robert Burnam,	Thomas Packer,
Jeremiah Burnum,	Thomas Edgerly,
Richard Duallons,	Jno. Rand,
John Buss,	Zecharias Foill,
Joseph Meder, his + mark,	Tho. Roberts, T. R. his mark,
John Meder, junior,	John Hale,
Stephen Willey, his x mark,	Thomas Young,
Joseph Davis,	William Furbur,
Barned Squire, his + mark,	Thomas Chesley,
Nicholas Dunn,	Philip Cheles,
Moses Davis,	Robert Watson,
Beriah Higgins,	Stephen Jones,
Thomas Bickford,	Thomas Arsh, his + mark,
Charles Adams, C. A. his mark,	Edward Lethers, his + mark,
William Wiltens, his x mark,	Philip Chesley, his + mark,
Benjamin Matthus, his + mark,	John Pitman,
John Bunker, B. O. his mark,	James Derry, his + mark,
Joseph Kent,	Charles Allin,
Salathiel Denbow, his + mark,	John Johnston,
Stephen Jenkins, his x mark,	John Foss, his x mark,
Philip Doules, by order,	Tho. Lewis,
William Durgen, by order,	John Sherburn,
Thomas Grafton,	John Cate,
John Skipway,	Richard Goss, his + mark,
Samuel Wentworth,	Ed. Kaser, his + mark,
John Tucker, senior,	William Pitman,
George Snell,	Edward Cate,
John Chenolln,	Nathaniel Ayers,
The + mark of Lylan Lovell,	Fran. Jones, his + mark,
Daniel Wentworth,	The + mark of Peter Wells,
The R. mark of Richard Mon-	John Savage,
son,	John Philbrook, his + mark,
The + mark of Pettie Balt,	The + mark of Robert Kinck-
John Jackson,	bon,
The + mark of Lewis William,	Mark Ayers,
John Davis, junior,	The + mark of Thomas Evy,

The × mark of Robert Pud- ington,	John Bruster,
Samuel Neal,	John Wesbruck,
William Cotton,	Richard Waterhouse,
Samuel Wentworth,	George Fabin,
John Baillett, his + mark,	Elisha Friard,
John Snell,	Richard Webber,
Aaron Moses,	John Oliver,
The mark × of Wm. Richards,	Tho. Lucey,
John Holmes,	Jacob Lauers,
Samuel Burnum,	Tho. Beck,
George Walker,	Jonathan Lewis,
Wm. Seavey,	Nicholas Walden,
John Sevay,	John Tucker, junior,
Nathaniel Sevay,	Edmund Keerick,
The mark × of Thomas Davis,	Daniel Westall,
George Tebly,	John Treenick,
The mark × of Sam. Rand,	John Hill,
The mark × of Francis Rand,	Henry Sherburn,
The mark × of Chellis Bracket,	Abraham Lewis,
The mark × of John Warden,	William Deves, his × mark,
Walter Neal,	Nicholas Bennet,
John Pickerin, sen.,	Timothy Davis,
Tobias Langdon,	The × mark of Thomas Pud- ington,
John Partridge,	Thomas Jackson,
W. Partridge,	Thomas Edments,
John Fletcher,	James Tucker,
Samuel Blagdon,	William Cate,
Jno. Plaisted,	The × mark of Job Westbrook,
Elisha Plaisted,	John Pickerin, junior,
Samuel Clark,	William Bond, his × mark,
Matthew Nelson,	Richard Martyn,
Geo. Haulrig,	William Vaughan,
Joseph Alexander,	Richard Waldron,
John Wakcom,	Samuel Keats,
John Baker,	Samuel Penhallow,
Benjamin Cotton,	William Partridge,
Obadiah Morse,	John Cutt,
John Westbrook, his + mark,	John Light,

John Denest,	John Smith,
John Sherborn, senior, by his order,	Humphrey Perkins,
Nathaniel Drake,	Thomas Dearborn,
John Foss, sen., his X mark,	The mark X of William Lane,
John Berry, sen., his X mark,	Nathaniel Bachilor,
William Wallis,	The mark X of Samuel Shaw,
The X mark of George Wallis,	John Moulton, jun.,
John Sherburn,	Nathaniel Sanborn,
The X mark of Issem Misvoy,	Samuel Sherburne,
The X mark of Jestenyam Richards,	John Tuck,
Thomas ——— kam,	Daniel Ruicard,
The X mark of John Lewis,	Edmund Johnson,
John Partridge,	John Leavitt,
Philip Lewis,	Joseph Cass,
The X mark of Leonard Weeks,	William Field,
John Emlen,	Benjamin Fifield,
Edward Gove,	Nathaniel Bachelor, jr., by order,
The X mark of Morris Hobbs,	Samuel Colcord,
John Moulton, senior,	Joseph Moulton,
Daniel Tilton,	Richard Sanbourn,
The X mark of Isaac Godfree,	Christopher Page,
Thomas Webster,	Abraham Drake,
John Sanbourn,	Benjamin Molton,
John Taylor,	Isaac Maston, his X mark,
John Godfree,	Samuel Robay,
Morris Hobbs,	John Cram,
Joseph Sanbun,	Samuel Fogg,
Jonathan Philbrick,	The mark X of Aaron Sleeper,
Abraham Drake,	Thomas Philbrick, sen.,
	Mr. X Sowter.

NEW-HAMPSHIRE PETITION.

Province of New-Hampshire, March, 1689-90

To the Honorable the Governor and Council of their Majesties' Colony of the Massachusetts.

Whereas the inhabitants of said Hampshire did petition your Honors for government and protection as formerly, prom-

ising obedience thereto, and payment of their equal proportion of the charge that shall arise for defence of the country against the common enemy, as also that the persons chosen to take the conduct of the militia might be commissioned for that end, a list whereof I understand do herewith present, praying, in the behalf of the Province, that commissioners for each of them in their places may be sent, both for military and civil officers, as also such orders to the major treasurer and recorder as your Honors shall judge most suitable for doing their duty in their places.

Also, that if it may be thought convenient that deputies or deputy may be sent from the General Court or major-general to the major of our Province, for disposing of the militia in each town with the comity of militia, as may be thought most conducible to the defence of the Province, and also, as occasion may serve, to impress men;

And that your Honors would please to order what is best to be done with a negro murderer, which is in our Province in irons; praying that your Honors would consider each of these particulars, and that I may be dispatched as soon as possible, that so we may get into some order for our preservation against the common enemy, which may be on us before we are aware of. This in behalf of the Province aforesaid.

Subscribe your Honor's most humble servant,

John Pickerin.

NEW-HAMPSHIRE FOR PROVINCE OFFICERS.

Dover Military Officers.—John Gerrish, Captain; John Tuttle, Lieutenant; William Furbur, Ensign.

Portsmouth Military Officers.—Walter Neal, Captain; John Pickerin, Lieutenant; Tobias Langdon, Ensign.

Oyster River.—John Woodman, Captain; James Davis, Lieutenant; Stephen Jones, Ensign.

Exeter.—William Moore, Captain; Samuel Levett, Lieutenant; Jonathan Thing, Ensign.

Great Island.—Nathaniel Fryer, Captain; Thomas Cobbett, Lieutenant; Shadrach Walton, Ensign.

Hampton.—Samuel Sherburn, Captain; Edward Gove, Lieutenant; John Molton, Ensign.

Mr. William Vaughan, Major.

Mr. Sam. Penhallow, *Treasurer*; John Pickerin, *Recorder*; Mr. William Vaughan, Mr. Richard Marten, Mr. Nathaniel Frier, *Justices of Portsmouth*.

For Dover—Mr. John Gerrish.

For Exeter—Mr. Robert Wadlee, sen.

The above written is a list of the several officers' names presented from each town in the above said Province, and to be presented to the honorable governor and council of the Massachusetts Bay.

John Pickerin, *by order*.

Voted in the affirmative by the magistrates:

Isaiah Addington, *Secretary*.

March 19th, 1689-90.

Consented to by the deputies.

Ebenezer Prout, *Clerk*.

Upon reading and perusal of an act of the honorable governor and council, dated the 28th of February last past, in answer to a petition of the principal gentlemen and inhabitants of New-Hampshire, for protection and government from this colony, as formerly, until their Majesties' pleasure shall be known concerning them, and the commissionating of officers to take the charge and the command of the militia there,—This court do hereby manifest their consent and approbation of the said act of the governor and council in that behalf, and do further consent that their Majesties' subjects of said New-Hampshire be taken under the protection and care of this government, upon the same conditions in all respects with the inhabitants of this colony.

Instructions for John Hawthorne and Jonathan Corwin, Esqrs.

You are desired to undertake a journey into the Province of New-Hampshire and Maine, to visit the said parts, and to inform yourselves of the state and condition of the inhabitants there.

You are also to inform yourselves of the number of soldiers sent from this colony into those parts, where they are posted, and to advise with Major Charles Frost, and such other gentlemen on the place as you shall see meet to consult therein, how many may be necessary to be continued there, and to order the disposal of them into such convenient posts as may be most for security of their Majesties' subjects and repelling of the enemy, and to see that they be under good conduct and government, that they be constantly kept on duty, and thereby rendered serviceable to the public, and for others, that are incapable of service, or more than of absolute necessity to be continued, that you order their return home.

You are diligently to inquire concerning the stores of ammunition and provisions there, belonging to the public, and to take effectual order that they be committed into faithful hands, that no waste or embezzlement be made thereof, but improved for the public service. You are to advise the inhabitants to draw themselves into so few garrisons, and choose those so conveniently situated, as they may be in a good posture for their own defence, and that a convenient number of the inhabitants that know the country, be improved by turns, in constant scouting. By order of the Governor and Council.

Boston, April 24th, 1690.

You are to advise that a creditable party or parties be sent forth, to distress and attack the enemy at their usual fishing places, or elsewhere.

Ordered, That sixty of the four hundred soldiers appointed to be raised by order of this court be put under the command of Captain John Floyd, and forthwith posted at Portsmouth, East-Hampshire, for the further enforcement and strengthening of that post, and otherwise to be improved against the common enemy, as they shall be ordered.

Whereas the late troubles in the eastern parts hath hitherto prevented a settlement of courts of justice in the Province of New-Hampshire,—Ordered, that the justices of peace within said Province, or the major part of them, do hold a quarterly

court for trial of causes and punishment of criminals, in such method and with such power and authority, and at such time as the associate courts have formerly used to be held in those parts, and this to continue till associates be chosen in such time and manner as the law directs, and that the said justices have power to nominate and swear a marshal for this present year.

Whereas the inhabitants of the Province of New-Hampshire, upon their petition, have been taken under this government and protection thereof, until their Majesties' pleasure shall be further known concerning them, and have accordingly obliged themselves to the payment of an equal proportion with the rest of the country, of all charges arising by this present war,—It is ordered that the secretary write a letter in the name of this court to the justices of peace within said Province, directing them, or the major part of them, to send forth particular summons to their respective towns to choose and empower two meet persons from each town to assemble together with the justices, or the major part of them, at Portsmouth, on the 23d of June instant, the said assembly to take effectual care to have the claims and accounts of all public disbursements adjusted, and a present assessment and levy to be made upon the inhabitants of that Province, in such way and manner as may be agreeable to former custom amongst them, or otherwise most acceptable; to be collected and paid into the treasury of said Province, and issued thence for payment of said disbursements, by order of said justices, in their auditing and adjusting all accounts of disbursements and service done relating to the war, to proceed according to such rules and methods therein as have been attended by the committee appointed for that end. June 2, 1691.

The court adjourned to October 14, 1691.

Information having been given to the Assembly that the Province of New-Hampshire are not willing to afford their proportionable assistance in the maintenance of the soldiers

raised for the defence of their Majesties' subjects in their said Province, together with this Province of the Massachusetts,—

Be it enacted by the Governor and Council, &c., That this House of Representatives pray that the soldiers that be detached, that belong to this Province, be called off from New-Hampshire and be discharged, except their help be needed in the eastern parts belonging to this Province.

December 2, 1692. This bill was a first, second and third time read in this House of Representatives, and voted, passed in the affirmative, and sent to his Excellency the Governor and Council for consent.

William Bond, *Speaker.*

Endorsed, "Representatives' motion that the soldiers in New-Hampshire be drawn off, &c., 1692."

[NOTE. Here terminates the connection between the Province of New-Hampshire and the Massachusetts Government. SAMUEL ALLEN, Esq., received his Commission and Instructions as Governor of New-Hampshire, March 1, 1692, and JOHN USHER, his son-in-law, was appointed Lieutenant-Governor, with power to execute the commission in Allen's absence. Gov. Allen's Commission and the Council Records under Usher will constitute a considerable portion of the next volume of the Historical Society's Collections. —EDITOR.]

NOTICE BY THE EDITOR.

Not only the members of the Historical Society, but the public generally, are under great obligations to the Hon. SAMUEL D. BELL, of Manchester, for the Biographical Notices which follow, of leading men of the Province in the period embraced in the foregoing Provincial Papers. His long and intimate acquaintance with the Jurisprudence of the State has given him peculiar facilities and qualifications for the work, which, it is just to say, no other member of the Society could better perform.

Thanks are also due to the Hon. CHANDLER E. POTTER, of Hillsborough, for the engraved Autographs of some of those persons, Notices of whom were furnished by Judge Bell; for the Seal used by Governor Joseph Dudley, and for the Map of Cochecho, representing it as it was at the time of the Indian Massacre, in 1689.

BRIEF NOTICES.

OF SOME OF THE

EARLY COUNCILORS OF NEW-HAMPSHIRE.

JOHN CUTT,
WILLIAM VAUGHAN,
JOHN GILMAN,
RICHARD WALDRON,
SAMUEL DALTON,
RICHARD WALDRON, JR.,
NATHANIEL FRYER,
JOHN HINCKES,
ROBERT WADLEIGH,
PETER COFFIN,

RICHARD MARTYN,
THOMAS DANIEL,
CHRISTOPHER HUSSEY,
ELIAS STILEMAN,
JOB CLEMENTS,
ANTHONY NUTTER,
ROBERT ELLIOT,
FRANCIS CHAMPERNOON,
HENRY GREEN,
NATHANIEL WEARE.

BY A MEMBER OF THE N. H. HISTORICAL SOCIETY.

A DISTINCT government was established over New-Hampshire near the close of 1679, by royal commission, and continued till May 25, 1686; when President Dudley's commission, dated February, 1686, establishing one government over Massachusetts, New-Hampshire, Maine and Narragansett, or King's Province, took effect. President Cutt's commission, dated 18 September, 1679, was published January 21, 1679-80, and he remained in office until his death, 27 March, 1681. The councilors associated with him in the government, and named as such in his commission, were Richard Martyn, William Vaughan, Thomas Daniel, John Gilman, Christopher Hussey, and Richard Waldron. Upon the organization of the new government, in January, 1679-80, Elias Stileman, Samuel Dalton and Job Clements, were elected Councilors by the Governor and Council, by virtue of authority given them in the President's commission. After this no change occurred in the Council during the life of President Cutt.

Upon his death, Major Richard Waldron, who had been appointed by Mr. Cutt his deputy, or vice-president, succeeded him as the head of the government, and continued in that position until the arrival of Governor Cranfield, and the publication of his commission. On the 4th of October, 1682, Mr. Stileman was appointed his deputy. On the 22d of August, 1681, Samuel Dalton, of the Council, died. The vacancy caused by the death of President Cutt was filled by the election of Richard Waldron, jun., April 5, 1681, and Mr. Dalton's place was filled by the choice of Anthony Nutter, in August, 1681. Until the appointment of Governor Cranfield, all the members of the Council except Mason were partisans of Massachusetts, and strenuous opposers of the proprietary claims of Mason, and most of them had held the principal offices in New-Hampshire under the government of Massachusetts. Cranfield was a friend of Mason, and owed his appointment to that fact. His commission bore date May 9, 1682. The names of Christopher Hussey, Richard Waldron, jun., and Anthony Nutter were omitted as councilors, and they were consequently superseded, and their term of office terminated with the publication of the commission, on the 4th of October, 1682; and in their stead Walter Barefoote and Richard Chamberlain were appointed by the governor's commission, and took their seats upon its publication. Robert Mason, the proprietor of the province, had been appointed a Councilor by a writ of mandamus, dated December 30, 1680 (see copy F. Belk., Appx. 29), and had taken his seat at the board in 1681. He soon refused to act, and returned to England in March, 1681. He was again named as a Councilor in Gov. Cranfield's commission; so that the Council named in that commission were Mason, Waldron, Daniel, Vaughan, Martyn, Gilman, Stileman, Clements, Barefoote and Chamberlain. Within six days after the publication of the commission, Waldron and Martyn were suspended from the Council on certain

articles exhibited against them by Mason, but they were restored to their seats at the sitting of the Assembly, November 14, 1682.

In the course of the year 1683 Daniel and Clements, of the Council, died; and Stileman, Waldron, Vaughan, Martyn and Gilman were suspended from the Council; leaving no one of the adherents of Massachusetts and of Mason's opposers in the board. The vacancies were filled by the election of Nathaniel Fryer—who was suspended the year after—Robert Elliot, John Hinckes and Edward Randolph, in 1683; James Sherlock, Francis Champernoon and Robert Wadleigh, in 1684; and Henry Green in 1685. Gov. Cranfield left the province on the 15th or 16th of May, 1685, and Dr. Barefoote, who had been appointed deputy governor in 1683, succeeded to the chair, and continued in office till May 25, 1686, when President Dudley's commission was published, and the Deputy Governor and Councilors of New-Hampshire were superseded.

Under the administration of President Cutt, Martyn was treasurer, and John Roberts marshal; Randolph was collector, and Barefoote deputy collector of the customs. Elias Stileman, who had been clerk of the courts under the government of Massachusetts, was appointed secretary, and remained in office till December 30, 1680, when he was superseded by Richard Chamberlain, who was appointed to the office by royal commission. Roberts resigned the office of marshal in 1681, and Henry Dow was appointed. The Council were constituted a court of justice, and seem to have proceeded in the usual course of the Massachusetts courts.

After the accession of Cranfield, Barefoote, the deputy governor, was judge, Mason was chancellor, chamberlain, clerk and prothonotary; Randolph attorney-general, and Sherlock provost marshal and sheriff. In 1684, at the trial of Mr. Moody, Nathaniel Fryer and Henry Green

were assistant judges, and Peter Coffin, Thomas Edgerly and Henry Robie justices. During his term several persons held the office of marshal and sheriff: as Joseph Raynes, in February and March, 1684; Daniel Mathews, Thomas Thurton, John Tufton, William Godsoe and William Ardell. Walter Barefoote and John Hinckes were assistants of Mason in his court of chancery.

Of several of these men the following notices have been collected. All are unavoidably imperfect. They will answer their purpose if they induce others, of better means and opportunities, to make them more complete.

JOHN CUTT.

JOHN CUTT, of Strawberry Bank, was son of Richard Cutt, a member of Cromwell's Parliament in 1654, and a native of Wales. He came to this country with his brothers, Robert and Richard, previous to the year 1646. John settled at Portsmouth, and became a very respectable and opulent merchant. Richard settled at the Isle of Shoals, and carried on the fishery there; afterwards removed to Great Island, where he was captain of the military company, and toward the close of life lived in the great house near the bottom of Pitt street, where he died in 1676, and which his brother afterwards owned and occupied. He was, like his brothers, successful in the acquisition of property, being the wealthiest man in New-Hampshire. In the division of lands in 1663 he was entitled to four hundred and ten acres, while his brother and Mr. Pendleton had three hundred and fifty acres only, and the next highest being William Seavey, who had one hundred and sixty-one, and Henry Sherburne one hundred and fifty-one. The two brothers were active members of the soci-

ty who employed Rev. Joshua Moody as their minister in 1671, and erected a new meeting-house; and they were of the nine persons who formed, in 1674, the first Congregational church in Portsmouth. They shared the confidence of the community in an eminent degree. Richard was one of the Townsmen in 1652, 1657, 1658, 1659, 1661, 1665 and 1666, and Town Treasurer in 1665, while John held the same office of Townsman, or Selectman, in 1659, 1660, 1661, 1662, 1665, 1666, 1669, 1670, 1675, 1677 and 1678. Mr. Richard Cutt was one of the Commissioners of Small Causes in 1663, 1665, 1666, 1668, 1669, and 1671; and by the title of Lieut. Cutt was elected an associate [judge] of the county court in 1653, and annually reëlected to the same office till 1675 inclusive; while his brother, John Cutt, was elected one of the associates of the county court in 1665, and from that time annually to the formation of the Provincial Government. Richard was also a deputy to the Massachusetts General Court in 1669, 1670, 1672, 1674, 1675 and 1676.

Near the close of 1679 Mr. Cutt was appointed by royal commission President of the Council of the Province. In January, 1680, the commission was brought over by Edward Randolph, who was regarded by the people of Massachusetts as the evil genius of their colony. The President had a large real estate derived from the government of Massachusetts through grants of the town, which he well knew would be held invalid against Mason's claim; and the members of the Council were in the same situation. They hesitated at first to accept their appointments, but reluctantly assumed their offices, and organized the government January 21, 1689, from fear that, if they declined, the power would otherwise fall into hostile hands. The policy of the new government was, as might reasonably be expected, one of "masterly inactivity." They administered the government in the usual manner; making few changes of the laws, or in the persons charg-

ed with their execution ; and no indications are found that the new government was not quite as satisfactory to the people as any authority established without their concurrence could be expected to be. Mason, who claimed to be proprietor of the Province, was of course disappointed. He obtained the appointment of Councilor in December, 1680, and early in the following year presented his writ of *mandamus* to the Council, and was allowed to take his seat ; but he soon discovered that nothing could be effected with a government so constituted. He soon refused to act, and in March, 1681, returned to England.

President Cutt did not live to learn either his efforts, or their results, for, being very considerably advanced in years, and very infirm, he died on the 5th of April, 1681. As he was active and useful in life, and esteemed by all who knew him, his death was universally lamented. In his will, made a short time before his decease, he says :— “ I commit my body unto a decent burial in my orchard, where I buried my wife and children that are deceased.” This spot, by direction of the will, has been enclosed with a wall of masonry, and kept as a family burial ground by some of his descendants, and is now thickly surrounded with buildings. That part of the town called “ The Bank ” was principally owned by him, his brother Richard, Maj. William Vaughan, and Richard Waldron, Jr., who were among the first persons in the Province, both in point of wealth and family connexions. This large space of ground, now so thickly inhabited, contained then but ten or twelve dwelling-houses, and about as many ware-houses owned by these gentlemen.

President Cutt left two sons and two daughters—one of them married to Richard Waldron, Jr., the other to Samuel Penhallow. The late Councilor Penhallow was a descendant of the last. His brother also left two daughters ; one married to William Vaughan, the other wife of Thomas Daniel, and afterward of Thomas Graffort.

The family of Cutts, of our time, among whom were Hon. Charles Edward and Hampden, are descendants of Robert, of Great Island, afterwards of Kittery, brother of John and Richard.

The President's first wife, Hannah Starr, married, 30 July, 1662, died November 19, 1674, and a tombstone marks the place of her grave; but no stone tells the resting-spot of President Cutt. His second wife, Ursula, took up her residence on a farm since owned by Hon. Ichabod Bartlett, and in the summer of 1694 she was killed there, with three men she had employed in haying, by the Indians. The President's eldest daughter, Hannah, who married Col. Richard Waldron, and her only son, died in 1682. By his will the President gave to the town of Portsmouth £100, for the purpose of erecting a free school.

RICHARD MARTYN.

RICHARD MARTYN, of Portsmouth, received an allotment of 62 acres of land, in the division of lands in Portsmouth in 1660. This allotment was made to each inhabitant in proportion to his property, and the lowest share was 13 acres. Of his previous history, we have not learned anything. He was a son-in-law of Richard Cutt, and was one of the founders of the Congregational Church in Portsmouth, in 1671. By the records, it appears that he was chosen juryman in 1668, and selectman in 1668-9 and 1670, and in the last year commissioner to count the votes for associates. In 1671 he was a commissioner for the trial of small causes; in 1672 a juror, and in 1672 and 1679, deputy to the General Court of Massachusetts. He was selectman in 1673, 1674, and 1675, and in 1678.

In President Cutt's commission, he was appointed a Councilor, and continued in that office till 1683, when he was removed by Governor Cranfield. He was treasurer of the Province during the administration of President Cutt, and after the arrival of Cranfield was sued by him for the fines received by him, and which the Governor claimed should have been paid to him. Mason brought a similar action for the fines and forfeitures accrued before the Governor was appointed. Judgment was recovered against him, and he brought his bill, in equity, before Mason, as chancellor, and his assistants, to recover of the Councilors the money which had been expended by their order. These proceedings are among the most curious of our early records, and copies are here inserted :

NEW-HAMPSHIRE.—*To James Sherlock, gentleman, Sheriff and Provost Marshal of said Province, or his Deputy.*

In his Majesty's name you are hereby required to attach the goods, and, for want thereof, the body of Richard Martyn, of Portsmouth, in the said Province, Esq., and take bond of him in thirty pound penalty, for his appearance at the court of pleas, to be held at Great Island on the first Tuesday of February next ensuing the date hereof, then and there to answer to the complaint of the Honorable Edward Cranfield, Esq., his Majesty's Lieut.-Gov'r and Commander-in-Chief of said Province, in an action of the case for unjustly detaining the sum of fifteen pounds, due for fines and forfeitures to him by grant of his Majesty, from the first day of April, 1682, and received by said Martyn, as treasurer of the said Province, to his damage thirty pounds, as shall appear justly due. Fail not, and make your return according to law. Dated the 21st of January, 1683.

R. Chamberlain, *Prothon.*

The house and goods of Richard Martyn, Esq., attached this 21st of January, 1683, and the copy of the attachment left with him.

By James Sherlock, *Provost Marshal.*

The result of this action and Mason's we learn from the bill in equity filed by Mr. Daniels, as follows :

Mr. Martyn objected to the Governor's action :

1. Let it be proved that the fines belong to the plaintiff.
2. If now they do, it was but since the Governor came.
3. His Majesty's commission looks not backwards, nor does it call for any former fines, for fines could not be due to the Governor by the commission, till it was in force here in the Province, but it never was till the first commission was made void, which was not in that time which the plaintiff sues me for fines.

4. If Mr. Mason gave the fines, let him prove by law that ever they did belong to him, which I suppose that he can never do.

5. If it be said his Majesty's gracious acceptance of one fifth of Mr. Mason's revenues, together with fines and forfeitures, do intimate Mr. Mason's right, to that I say that Mr. Mason, in his resignation to his Majesty, only saith he is advised that fines and forfeitures belong to him ; but we are ascertained that they do belong to his Majesty, who will doubtless be graciously pleased to allow of their improvement for the support of his government here. All which fines that have come under my hand have been improved for that end by the government's order. Nor is the Governor's bare affirmation, that his Majesty's acceptance of fines and forfeitures legally proof that his Majesty hath so accepted them, or that they were Mr. Mason's to give.

He objected "to Mr. Mason's action :"

1. It does not appear that any fines or forfeitures arising in this Province did belong to the plaintiff, either by gift, or grant from his Majesty, or by royal amnesty, or by any law whatsoever. If any such thing be, let it appear ; but if no law give it to him, nor his Majesty, I hope the honored court and jury will not give them him, merely because he claims them.

2. If he claims them by virtue of a patent from Capt. John Mason, the defendant desires that such patent may appear under the great seal, or privy seal, or under the hands and seals of the Great Council of Plymouth, which gives Capt. John Mason the fines and forfeitures of this Province; and surely, in his Majesty's commission, there are no fines or forfeitures mentioned, unless it be intended by public money, which his Majesty hath given to the government.

3. If it be said his Majesty's gracious acceptance of the fifth part of Mr. Mason's revenue, together with the fines and forfeitures, intimate Mr. Mason's right, I answer that in Mr. Mason's resignation to his Majesty he only saith he is advised that fines and forfeitures belong to him; but it is well known that they belong to his Majesty, who will doubtless be graciously pleased to allow of that improvement for the support of government.

4. What the defendant did was by his Majesty's authority here established, to whose commands I counted myself obliged to yield obedience, and to whom I humbly conceive I was accountable, performing the duties of my place according to their order, and to their acceptance—fines and forfeitures having been here always improved for the defraying the charge of the government. The General Assembly also, since the coming of the present Governor, having past and allowed my accounts; and how just 'tis for me to suffer in my personal estate, for what I was empowered and commanded to do by the government I was under, and must have been punished if I had not done it, I humbly leave to consideration.

To the Hon. Robert Mason, Esq., Chancellor, Walter Barefoote and John Hinckes, Esqs., Assistants.

The humble petition of Richard Martin humbly sheweth:

That whereas your petitioner was, by John Cutt, Esq., President, and Richard Waldron, William Vaughan, Thos. Daniel, Elias Stileman, Samuel Dalton, John Gilman, Job

Clements, Christopher Hussey, Esqs., members of the Council, who were the former government of this Province of New-Hampshire, chosen and appointed Treasurer of said Province, which said President and Council did order and command your petitioner to receive the rates and fines which were levied and imposed, or to be levied and imposed by the said government, upon the inhabitants of said Province, and to dispose of them for the support of said government: In obedience to whose commands your petitioner did receive said rates and fines, and dispose of them according to the order of said President and Council, and have rendered them an account of the same, to their satisfaction and approbation: But since the change of government in this Province, the Hon. Edward Cranfield, the present Governor, and Robert Mason, Esq., have each of them commenced an action against your petitioner, at the court of pleas, held at Great Island, the first Tuesday in February last past, for the said fines, so received and disposed of by your petitioner, and have recovered judgment against him for near 80 pounds, which sum, if it be levied upon your petitioner, will ruin both him and his family; and your petitioner finding no other way of relief but by applying himself to a court of chancery, your petitioner doth thereupon humbly request that your Honor would grant him relief in his case, and put him into a capacity to recover the said sum of money of the persons above named, or of the heirs, executors, or administrators of those of them which are deceased; that your petitioner may be capable of said judgment against him, that so the burden thereof may not lay upon himself; and your petitioner shall ever pray, &c.

Richard Martyn.

WHEREAS Robert Mason, Esq., proprietor of this Province, hath obtained in the said case a judgment against Richard Martyn, viz.: late Treasurer of this Province, for the sum of £59, with costs of court, for so much received.

by him, the said Richard Martyn, for fines and forfeitures from January, 1679-80, to May, 1682, the which did legally belong and of right appertain unto the said proprietor; and whereas the said Richard Martyn hath petitioned the said Robert Mason, as Chancellor of the said Province, and Walter Barefoote and John Hinckes, Esqs., assistants of the said court of chancery, setting forth that he did receive the aforesaid sum of £59, and dispose of the same by order and command of the late President and Council, that the whole sum may not be levied solely upon him, but that the said Council might bear equal parts thereof: This court, therefore, taking the equity of the said Richard Martyn's case into consideration, do hereby order the said persons, Richard Waldron, &c., and the executors of Samuel Dalton and others, deceased, to show cause, by Monday, the 19th instant, why they and every of them shall not be charged to pay their proportion of the said sum, and costs.

R. C., *Clerk and Register.*

Return on Order of Notice on Martyn's Bill in Equity.

May 19, 1684. Richard Martyn, sen., Esq., made oath that he served the within written summons upon Richard Waldron, of Cochecho, Esq., and upon William Vaughan, of Portsmouth, Esq., and upon Elias Stileman, of Great Island, Esq., and upon Mrs. Bridget Daniel, of Portsmouth, relict of Thomas Daniel, deceased, and upon Reuben Hall, of Portsmouth, guardian of John Cutt, executor to John Cutt, Esq., late President.

Sworn in court of chancery, the day and year above written.

R. C., *Clerk Con.*

Richard Martyn, jun., made oath that he served the within written summons upon Christopher Hussey, of Hampton, Esq., and John Gilman, of Exeter, Esq., and at the house of Mrs. Dalton, relict of Samuel Dalton, deceased, and at the house of Job Clements, executor of Job Clements, Esq., deceased. Sworn, &c.

The result of this suit in chancery may be learned from a writ of execution, of which I have the following note :

Writ of execution in favor of R. Martyn against John Gilman, of Exeter, Esq., for £13 5s. 5d., being his proportion of £79 12s. 8d., decreed against him and others at the court of chancery held at Great Island, the 20th of May instant. Dated the 24th of September, 1684.

(Signed) R. C., *Clerk and Register.*

Directed to Capt. William Hilton, Provost Marshal, or his deputy.

An appeal was taken to the king in council, from the decree in New Hampshire, and the decree reversed.

In October, 1692, Mr. Martyn was one of the representatives of Portsmouth, and speaker upon the organization of the courts under the commission of Governor Allen, in December, 1692. Mr. Martyn was appointed a judge of the court of common pleas, and took his seat as such at the December and March terms, 1692, and June, 1693. Before the August term, 1693, he was appointed chief justice, and sat as such at the August and September term ; and on the 30th of October, 1693, he was appointed chief justice of the supreme court of judicature, and as such presided in the courts held October 31 and Nov. 14, 1693, and held the office till his death, April 2, 1694.

Councilor Martyn married, as his second wife, Mary, widow of John Denison, a daughter of Mr. Samuel Symonds, of Ipswich ; and his third wife was widow of Samuel Wentworth. He died April 2, 1694, leaving two sons, Michael and Nathaniel, and two daughters, mentioned in his will, dated the 7th of January, 1692-3, as the wives of Richard Jose and John Cutt. Rev. John Martin, who was ordained at Westborough, Massachusetts, 1746, was a descendant.

Richard Martyn

WILLIAM VAUGHAN.

“WILLIAM VAUGHAN,” says Dr. Belknap, in speaking of the new Councilors of New-Hampshire, “was a wealthy merchant, generous and public spirited, and of undaunted resolution. He was of Welsh extraction, but bred in London under Sir Josiah Child, who had a great regard for him, and whose interest he made use of for the good of the Province.”

Nothing is known of his birth, or age, or of the time of his arrival at Portsmouth. At the town meeting, March 8, 1666-7, he was drawn or chosen of the Jury of Trials, by the description of *Mr. William Vaughan*. He was chosen to the same position in 1669-70, 1671-2 and 1673-4. In 1674-5 he was chosen to carry the votes for magistrates and commissioners for the county, by the title of Lieut. William Vaughan, “having been made,” says Savage, “a lieutenant of cavalry under Capt. Robert Pike.” He was admitted a freeman of Massachusetts in 1669. Lieut. Vaughan was again chosen upon the jury in 1675, and in March, 1676-7, one of the selectmen, and to this office he was again elected in April, 1678, 1679 and 1680, and often afterwards.

Mr. Vaughan married, December 8, 1668, Margaret Cutt, daughter of Richard Cutt, the wealthiest merchant on the Piscataqua. Mr. Cutt died in 1676, leaving a will, from which it appears that Mr. Vaughan and himself had been in partnership, probably in the fishing business, on Star Island, one of the Isles of Shoals; and he gave Mr. Vaughan £200, his housing there, and his share of the stock and debts—*Brewster's Ports*. 29—besides a liberal provision for his daughter and her children. Mrs. Vaughan died January 22, 1692, leaving two sons and six daughters.

Upon the establishment of the provincial government

in New-Hampshire, Mr. Vaughan was nominated, in President Cutt's commission, to be one of the Councilors, and acted as one of the justices of the court of pleas during the official term of Presidents Cutt and Waldron. He was again appointed one of the Council in Governor Cranfield's commission, and continued to hold his office till nearly all of his associates were removed, but was at length thrust out for his non-compliance with some arbitrary measures. In the winter of 1683 he sat as one of the judges with Major Waldron and Thomas Daniel, upon the trial of Gove and others for treason; but I find no indication that he was a judge after his removal from the Council. Mason's writ against him, for the recovery of his land in Portsmouth, is dated January 21, 1683, and was served on the 31st; and the indications are abundant that friendly relations between the Governor and Mr. Vaughan did not continue long, for, on the 6th of February, 1683, the Governor issued a warrant for his arrest and commitment to prison. As one of the curiosities of the time a copy is given:

NEW-HAMPSHIRE.

To JAMES SHERLOCK, Gent., Sheriff and Provost Marshal of said Province, or his Deputy.

In his Majesty's name you are hereby required to take and apprehend the body of William Vaughan, of Portsmouth, Esq., and carry him to the prison of Grt. Island; and Richard Abbot, the prison keeper thereof, is hereby required to receive the said Vaughan into the said prison, and there keep him in safe custody till he shall give good security to our sovereign lord the King, his heirs and successors, for his, the said Vaughan's, good behavior toward the same, our sovereign lord the King, he having refused to find security for his good behavior the 6th day of February, 1683.

Given under my hand and seal the said 6th day of February, 1683.

Edward Cranfield. [SEAL.]

On the 18th of February, 1683, Thomas Thurton, claiming to be a deputy of Edward Randolph, collector of his Majesty's revenue, made a complaint against Mr. Vaughan before justices Mason and Barefoot, charging that, in March, 1681, while he was on Vaughan's wharf to search a ketch from Virginia lying there, Vaughan forced his staff from him and struck him ten blows with it on his arm and shoulder, and called him a rogue, and said Randolph was as bad a rogue as he, and if he was there he would give him as much, &c. And Mason and Barefoote issued their warrant for his arrest and confinement till the Sessions.

It does not appear that any defence was made in any of Mason's suits. An effort was made by Waldron and others to induce the Governor to state the matter to the King for his decision, as required by his commission, but the proposal was rejected.

Objections were made in some cases to the jury, though none are found in the files in Vaughan's case. Their form may be seen in the following :

To the Honored Court of Pleas at Great Island, January 2, 1683.

The defendant doth humbly conceive that this jury cannot be allowed to try this case according to law. By the statutes of England the 27th of Eliza., chap. 6, sect. 2, none ought to be admitted to be of the jury that live upon, or are tenants in any part of the lands in controversy, or any ways connected therein; none but such as are freeholders, and have *power lib. pr. annum*. Now these men do live upon and are many ways concerned in the lands claimed by the plaintiff, and some of them have considerable tracts of land lately laid out to them by the plaintiff, or his order; and therefore the defendant doth—with all due respects to the court—refuse to join issue, at this time, with this jury.

William Sanborn, Jr.

January 2, 1683.

The causes being undefended, verdicts were of course found for Mason. Many talked of appealing, but Mr. Vaughan alone actually entered and prosecuted his appeal. Probably it was felt that it was a common cause with them all, and one appeal would settle the question as well as many.

Executions were issued in favor of Mason upon his judgments, and he was put in formal possession in a few cases, but the actual possession continued as before.

The people, being driven to the necessity of making a vigorous stand for their rights, privately communicated their sentiments to each other, raised money by subscription, and appointed Nathaniel Weare, of Hampton, their agent to prosecute the appeal before the King in council, and to maintain their petitions, drawn and signed in each of the four towns, addressed to the King, against Cranfield and Mason. *Belk., App.*

Mr. Weare privately withdrew to Boston, and sailed for England. Major Vaughan, who accompanied him to Boston, and was appointed to procure depositions to send after him, was, upon his return to Portsmouth, brought to an examination, treated with great insolence, and required to find sureties for his good behavior. Having broken no law he refused, and was, by the Governor's own warrant, before given, immediately committed to prison, where he was kept nine months, to the great damage of his health and his own as well as the people's interest. *Belk., App.,* 42, 43 and 44. In the mean time, such evidence was taken as could be obtained, and a complaint was made by Weare to the King, alleging, among other things, that the courts were illegally constituted, being established by the Governor without the concurrence of the Assembly, as his commission required; that the cases had not been stated for the decision of the King in council, as the commission prescribed; that the juries were illegal, and the costs excessive; that the Governor had imprisoned men, par-

ticularly William Vaughan, for not giving bonds for their good behavior, where nothing further was objected against them; and that the complainants were unable to procure process for witnesses, being bound to the good behavior for seeking them, so as the complaining of one wrong does, under Mr. Cranfield's management, but draw a new punishment on the afflicted.

This petition was referred to the Lords of Trade, who wrote, July 23, 1684, to the Governor, sending to him copies of the petition and accompanying papers, and directing him to allow witnesses to depose, copies to be taken, and directions were given that all proceedings in law in relation to Mason's title should cease, until the decision of Vaughan's appeal.

After the receipt of these orders, October 16, 1684, Governor Cranfield issued a proclamation, setting Vaughan and Waldron at liberty for two months, to enable them to take their testimony, then to return to prison, unless discharged by the court. Under this proclamation, Major Vaughan was discharged.

By other proclamations, witnesses who were sick were allowed to be examined before any magistrate, the Secretary alone being allowed to take them by the first; and on the tenth of November, by a third proclamation, execution was suspended in Mr. Mason's concerns and his own, until his Majesty's pleasure should be signified, whether the court were legally constituted or not; most of the inhabitants being of opinion that the Assembly should be joined in constituting courts. See II. *N. H. His. Coll.*, 200, etc.

The agency of Weare was successful, so far as it affected the government of Cranfield. The Governor, finding his conduct disapproved, and despairing of success in his great object of making a fortune, soon after asked leave to go to the West Indies for his health, and never returned to the Province. Probably the efforts of Mr. Vaughan

and his friends were not without some effect in contributing to the change of the government in 1686, by which New-Hampshire was united in one general government with Maine and Massachusetts, under President Dudley.

The hearing of Vaughan's appeal was protracted till Nov. 6, 1686, when the judgment rendered here in favor of Mason was affirmed by the King in council. But nothing important resulted from it, since, before Mason had succeeded in his measures before the courts of the new government, he died at Esopus, in New-York, in August or September, 1688.

During the administration of President Dudley and Governor Andros I find little to add to the history of Mr. Vaughan. After the revolt against Andros in Massachusetts, Major Vaughan was elected one of the delegates from Portsmouth, to the convention which was proposed to advise in what manner the New-Hampshire towns should proceed, and to agree upon some form of government till the King's pleasure should be known. The first meeting was not fully attended, and they came to no conclusion. Subsequently petitions were drawn and signed by most of the towns, and they were readily admitted under the Massachusetts government, though the Legislature of that colony took the most guarded care to avoid any interference which might be charged upon them as a usurpation. The gentlemen who had formerly been in the commission of the peace and military and civil offices were restored to their places by town votes, which were approved by the General Court. Among these Major Vaughan had the position of major and justice of the peace.

In 1692, after an unsuccessful effort of the people to procure the annexation of New-Hampshire to Massachusetts, a royal commission was issued, establishing a separate government for New-Hampshire, chiefly through the importunity of Samuel Allen, a London merchant, who had purchased the right of Mason's heirs, for seven hundred and fifty pounds, after they had docked the

entail by fine and recovery in the Court of King's Bench. By the commission, Allen was appointed Governor, and his son-in-law, John Usher, who was then in London, was appointed Lieutenant-Governor, with power to execute the commission in Allen's absence. The councilors named were Hincks, Fryer, Coffin, Green, Elliott and Gerrish, with three others who never took their seats at the board, Graffort, Walford and Love. Major Vaughan, Nathaniel Weare and Richard Waldron were afterwards added to their number.

In 1693, Major Vaughan was appointed treasurer, and held the office till May following; but in 1695 Major Vaughan, with Waldron and Hincks, were suspended by Lieutenant-Governor Usher. By their influence measures were immediately taken to recommend William Partridge for lieutenant-governor in his stead. He was a ship-wright, a popular man, largely concerned in the mast and timber trade, and well known in England. He returned from England in January, 1697, with a commission appointing him Lieutenant-Governor and Commander-in-Chief, in Allen's absence. Upon his appointment being publicly known, though not published in the usual manner, the party in opposition to Usher triumphed, and the suspended councilors took their seats, and Hincks opened the assembly with a speech, as President of the Council. Major Vaughan was appointed recorder, and the Assembly ordered the records, which had been carried off by Pickering, to be deposited in that office, where many of them have been kept ever since. In this office he remained till 1702, and in 1705 he was again appointed, and held the office till 1719, and he was again treasurer a few months in 1697, and Lieutenant-Colonel Parker and Major Smith were removed from office, and the whole of the militia placed under the command of Major Vaughan.

Governor Allen came over, and his commission being still in force, though Lord Bellamont had been appointed, he took the oaths, and assumed the command, August

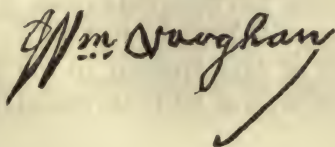
28, 1698. Usher again appeared in Council, September 15, and declared the suspended councilors had no right to sit, till restored by the King's order.

On the 31st of July, 1699, the Earl of Bellamont arrived and published his commission, and the Lieutenant-Governor, Partridge, and the displaced councilors resumed their seats.

Major Vaughan retained his seat at the Council till July 13, 1702, when Governor Dudley assumed the government. It is supposed the names of Vaughan and Waldron were not inserted in Governor Dudley's commission, as they do not appear at the Board. Major Vaughan resumed his seat December 13, 1705, but Mr. Waldron not until August 14, 1710. From 1705 Major Vaughan retained his seat till July 15, 1713. He may have remained in office afterwards. His name and Waldron's were probably omitted in Governor Shute's commission, in 1716, when six new councilors were appointed.

In August, 1708, Major Vaughan was appointed Chief Justice of the Superior Court of Judicature, and continued until February, 1716, when he was succeeded by Chief Justice John Plaisted, though his last appearance in court was in August, 1714. Major Vaughan died in 1719.

Of his children, his daughter Ellinor was the second wife of Colonel Richard Waldron, whose name is so often connected with his own; and his son George married Mary, a daughter of Andrew Belknap, who died February 3, 1700, and January 9, after, he married Elizabeth, daughter of Robert Elliot, of New-Castle, and had three sons and five daughters. He was lieutenant-governor from October, 1715, to December, 1717, and died November 20, 1725, aged 49. His son was Lieutenant-Colonel Vaughan, projector of the Louisburg expedition.

A handwritten signature in cursive script, reading "Wm. Vaughan". The signature is written in dark ink and features a long, sweeping underline that extends to the right.

THOMAS DANIEL.

THOMAS DANIEL was of Kittery in 1652, removed to Portsmouth probably not long before 1669, as he was chosen one of the jury of trials, March 17, 1669-70, which is the earliest mention of his name noticed in the Portsmouth records. He was selectman in 1673-4, 5, 7, 8, 9, and 80, and was chosen an associate [Judge] of the county court, in 1676-7, 8 and 9. Captain Daniel was one of the commissioners with Major Waldron and Major Shapleigh, in 1676, who concluded at Dover, on the third of July, a treaty of peace with Mogg and the eastern Indians. He was named a councilor in President Cutt's commission in 1679, and held the office till his death, in November, 1683.

He married Bridgett Cutt, daughter of Captain Richard Cutt, the wealthiest merchant in the Province. He was one of a committee appointed by the people of Portsmouth in 1676, with John Cutt, Richard Martyn and Elias Stileman, to draught and forward a petition to the king, praying "they might not be disturbed by Mason, but continue peaceably in possession of their rights under the government of Massachusetts." He was, says Belknap, a person of such note and importance, that when he died in a time of general sickness and mortality, Mr. Moody preached his funeral sermon from II. Samuel, 2 : 30—"There lacked of David's servants, nineteen men and Asahel."

Of his descendants no mention is made. His widow married Thomas Graffort, who was named, in 1692, a councilor of the Province, but never acted. He perhaps removed to Boston, where Mr. Thomas Graffort died, August 6, 1697. His widow died the 29th of May, 1701.

It is said Mr. Daniel built the old Wentworth house on Daniel street, which was removed to give a location for the high-school house, and Daniel street, long called Graffort's lane, was the gift of Mrs. Graffort to the town, and with it she gave to the town a lot for a school house, 46 by 98 feet.

JOHN GILMAN.

JOHN GILMAN, of Exeter, was son of Edward Gilman, who came from Hingham, in England, to Boston in 1638, with his wife, three sons, two daughters and three servants, and was admitted freeman of Massachusetts in March, 1639. He removed to Exeter with his family in 1652, or earlier, as he is in that year named in the Dover court records as of Exeter.

Edward Gilman, jun., came to Exeter before November, 1641, as on the 4th of that month he was admitted an inhabitant, and had a grant of land, and of a privilege for a saw-mill.

John probably came to Exeter with his brother, or soon after, but the earliest mention of his name, noticed upon the town records, is an order, "by the freemen and some others, chosen for ordering the affairs of the town," dated the 19th of June, 1650, signed by him and five others. November 9, 1652, he was again chosen one of the selectmen, and in October, 1653, one of a committee "to carry on the meeting-house." He was elected townsman in 1654, 1656, 1660, 1661, 1668, 1671, 1674, 1675, 1676, 1677, 1678, and probably afterwards. He was commissioner for small causes in 1665, 1666, and 1668, perhaps oftener, as the list of those officers is fragmentary. In 1658 he was lot-layer. In 1669 was appointed with others to run the line against Hampton; in 1668 against Scammon (that is Swampscot Patent), and in 1671 against Dover. In December, 1650, he was a claimant of the Ox commons. In 1652, July, he and three others had a grant of 200 acres of swamp. In 1670 had an exclusive grant of the water for his grist-mill; in March, 1674, a grant of 600 acres, confirmed in 1703, and in 1702 a grant of 100 acres.

Exeter had no representation under the Massachusetts government, but in 1678 and 1679 Captain Gilman was

elected one of the associates [judges] of the county court of the old county of Norfolk.

Captain Gilman was named in President Cutt's commission in 1679, one of the Council of the Province, and also in Governor Cranfield's commission in 1682, and was appointed one of the justices of the court of pleas. In 1683 he was removed from the Council by Governor Cranfield, and new judges of the court were appointed.

Captain Gilman was obnoxious to Mason and Cranfield, as a steady opponent of Mason's claims. He was among those from whom Mason sought, by suits at law, to take their estates, and Martyn, the treasurer, recovered of him, by a suit in chancery before Mason as chancellor, a decree for £13 5s. 5d., as his proportion as one of the councilors, of the fines and forfeitures received and expended by order of the Council under Cutt's commission, and which had been claimed by Mason and Cranfield as their property, and recovered against Martyn in an action at law.

At the town-meeting, 15th of February, 1691-2, Capt. Peter Coffin and Capt. John Gilman were chosen to go to Portsmouth on the 17th instant, to meet with the Justices of the Peace of the Province, to treat with them of the way and mode of adjusting the charges of the Province for the Indian War.

Upon the establishment of the new provincial government in New-Hampshire, in 1692, Capt. Gilman was elected a delegate to the Assembly, and was Speaker of the House, and in 1697 he was again a delegate.*

Capt. Gilman married, June 30, 1657, Elizabeth, daughter of James Treworgy, and had six sons and ten daughters. His descendants are numerous, and among them have been many distinguished men, sustaining the most important offices. He died July 24, 1708, aged about 84.

In 1725 a division of land was made in Exeter: 249 persons had shares; of these thirty were of the name of Gilman.

* In 1693, Capt. John Gilman, Capt. Peter Coffin, and Capt. Robert Wadleigh, were the committee to treat and agree with the Rev. Mr. Clark to be their minister.

CHRISTOPHER HUSSEY.

CHRISTOPHER HUSSEY was born at Dorking, in Surrey, England. He went to Holland, where he became enamored of Theodata, daughter of Rev. Stephen Bachiler, who had resided there several years, but her father would not consent to their marriage, unless Mr. Hussey would remove to New-England, whither he was preparing to go. Mr. Hussey came to Lynn, New-England, with his mother, widow Mary Hussey, and his wife, in 1630, and here in the same year his son Stephen was born, who was the second white child born in Lynn. (1) He removed to Newbury in 1636, and was chosen one of the first (2) seven men there in 1636. In 1638 he became one of the first settlers there (3). Lewis' Hist. Lynn. He and his father-in-law, Bachiler, sold their lands in Newbury to Mr. John Oliver, for six score pounds, on the 5th of July, 1639.

Next to Mr. Bachiler and Mr. Dalton, he was considered as the greatest man among the early settlers of Hampton. At the incorporation of the town, May 3, 1639, he was appointed to end all business under 20s. There were others joined with him in this office, which was similar to that of a justice of the peace. The (4) court then appointed him, but afterward he sustained the office several years, (5) by a vote of the town from year to year. 30, 8, 1639. (6) He and two others were chosen to measure and bound the several lots, "the several owners attending with stakes," for which they were to have 12*d.* per house-lot, and a penny an acre for other lands. 29, 3, 1640. He, (Mr. Dalton,) and John Moulton, were appointed to set the bounds between Hampton and Salisbury. 30, 4,

(1) He was admitted freeman of Massachusetts in 1634.

(2) "Seven men" now called selectmen.

(3) At Hampton.

(4) The General Court.

(5) As in 1641, 1642, 1654, 1662, 1663, 1666, and 1669.

(6) 1639. He had a grant of 250 acres.

1640, his grants were "10 acres for a house-lot, as it is laid out; 14 acres of fresh meadow near the bridge by the beach, 15 acres of planting ground, part adjoining to his house-lot, and the rest in the east field, 150 acres for a farm, as it is part laid out near the Falls river, on the further side thereof; there being near 18 acres of fresh meadow, 100 acres of upland, and the rest in salt-marsh. The residue of his 250 acres given, 29, 10, is yet to be appointed, only $3\frac{1}{2}$ acres, or upwards, of the swamp next Bro. Davis' is added, and about a quarter of an acre by his cellar." 25, 6, 1640. Six persons were chosen to go and view the highway toward Colchester (7); Hussey was one of them. 29, 11, 1640. He and two others were chosen to oversee the building of the meeting-house; 19, 2, 1641, he was also "to confere of ye ferryplace;" 28, 5, 1641, he was chosen moderator. This is the first mention of this office. He was town-clerk in 1650; selectman 1650, 1658, 1664, 1668. He was representative in 1658, 1659 and 1660. In 1645 he had two shares of the 147, besides his farm, and in 1651 two shares in the Ox common. In 1653 his tax was £2 8s. 3d., being the second as it respects amount. (8).

From 1642 to 1650 Mr. Hussey's name is not found on the records of Hampton, in the important business proceedings, from which I infer he became unpopular on account of his being a son-in-law of Rev. Mr. Bachiler, who was the occasion of dividing the town into two parties, who showed much animosity toward each other; the Bachiler party, being the minority, were obliged to leave the field to their more successful opponents. These prejudices probably existed some years, and operated against Mr. Hussey's being put forward as he otherwise would

(7) Salisbury.

(8) Mr. Hussey, Roger Shaw and Seth Fletcher, as a committee ran the line between Hampton and Salisbury, parallel with the Merrimack by Mr. Bachiler's farm, to Haverhill bounds. 16, 3, 1655.

have been ; but from 1650 to the time of his death he seems to have gained his former consequence, and to have frequently discharged the duties of those offices which were then only bestowed upon the best informed and most influential men. Among these offices was that of moderator to the meeting, who were then chosen to preside over the next meeting, so that nothing was to be done on assembling, but to proceed immediately to business. 28, 5, 1641. The town passed a vote to regulate these meetings. "1. The moderator was to be chosen at the end of every meeting for the next succeeding one. 2. The moderator, if the elders were not present, was to open the meeting with prayer. 3. He was then to state to the meeting some proposition, or to call upon some one to do it. 4. When any person addressed the moderator, he was to stand up, or put off his hat, and no other person was to speak at the same time, and no man was to speak oftener than twice, or thrice to one business, without leave, nor shall any one propound any thing till the former be for that time determined, nor shall any, while a matter is in agitation, be talking of any other thing within the meeting-room." The clerk was to call over the freemen, and note the absent. The meeting was to be ended with prayer. Every person who violated the foregoing rule was subject to a fine of 6s., to be laid out on the highway, or other town business. If not paid within six days the constable had power to distrain.

Mr. Hussey was also a military man. 9, 4, 1653, "he was chosen presbiter to the next court held at Salisbury, to be installed in the place of lieutenant for the town of Hampton." He was afterwards called Captain Hussey. He was a chief man in church affairs, being one of the first deacons, having the first seat.

Mr. Hussey was appointed one of the first councilors in New-Hampshire, under royal authority, upon its separation from the government of Massachusetts in 1679.

This office he held till (9) [the inauguration of Cranfield, October 4, 1682, when his name not being inserted in the list of councillors, he was superseded.]

He was a signer of Mr. Weare's petition to the king. I conclude he was a very severe sufferer from the hands of Mr. Mason, for in Weare's brief of evidence presented to the lords commissioners of trade, &c., it is stated that for Partridge's costs, goods were tendered and refused, and Partridge was imprisoned; that he was forbid to work in prison, and forced to live on his friends' charity. John Smith testifies the same to Christopher Hussey. Mr. Weare knows him to be eighty-six years old. This brief is dated March 10, 1685. Lewis in his History of Lynn says that he was cast away on the coast of Florida in 1685. He was then about eighty-seven. His inventory was £660.

He had by his first wife three sons and three daughters. The eldest son, Stephen, removed to Nantucket, where he died in 1718, aged 88. The others lived at Hampton, but John became a Quaker soon after, and 1692 removed to New-Castle, Del., and died there 1711, aged [about 79]. After the death of his first wife Mr. Hussey married, 9, 10, 1658, Anne Mingay, widow of Jeffrey Mingay, who died 29, 4, 1680.

(9) In the original, till his death.

NOTE. This notice is substantially copied from memoranda of early settlers of Hampton, by Willoughby Tappan, Esq., deceased.

RICHARD WALDRON.

RICHARD WALDRON, or rather Waldern, as he spelled it, of Dover, was born at Alcester, in Warwickshire, and was baptised January 6, 1615-6. He came to this country in 1635, perhaps to see the country; staid about two years

and returned to England, where he was married. Before he returned here he had purchased land of Captain Wiggin, the agent of the Squamscot patentees, on Dover Neck. After his return to Dover he purchased a large tract of land at Cochecho lower falls, where, in 1640, or perhaps a little earlier, he established his residence. His house and his first purchase were on the north side of the river. He built the first saw-mill on the lower falls, and engaged in trade with the Indians, thus laying the foundation of the settlement long known as Cochecho, and now the seat of business of the flourishing city of Dover.

He continued long actively engaged in the business of lumbering, and in the Indian trade, both at Dover and Penacook. He erected mills both on the lower and upper falls, and received large grants of lands and timber from the town, on terms beyond doubt advantageous; the earliest remaining being in 1642 and 1643. As the consideration for one of these grants, he agreed to erect a meeting-house on Dover Neck, forty by twenty-six feet, sixteen feet stud, and to be finished in 1654. The records which remain show that he was a comparatively wealthy man at his emigration, and his business was conducted with such prudence and judgment, that he was a successful and prosperous man.

The births of three of his children are recorded in Boston, from which it is inferred that he was for a time engaged in business there.

Mr. Waldron was a signer of the combination which is dated October 22, 1640, his name following next after Mr. Larkham's, the minister. He was one of the selectmen in 1647, when the records commence, and in twelve other years, as the records show, though in some years the records are defective, and for several years he was town treasurer. He was elected deputy from Dover to the General Court in 1654, in 1656 to 1663, in 1665 to 1674 inclusive, and in 1677. In 1675 he was elected deputy

from Saco, residence not being a necessary qualification, and in 1679 he was deputy from Kittery. He was often Speaker of the Assembly, or House of Representatives, being elected to that office in 1666, 1667 and 1668, in 1673, 1674 and 1675, and in 1679.

Mr. Waldron was elected one of the commissioners for the decision of small causes, in 1654, 1657, 1662, 1666 and 1667, and was elected an associate, [Judge,] of the county court in 1650, 1652, 1653 and 1654, (probably in 1655 and 1656, when the records are deficient), in 1657 and annually afterward to the close of the Massachusetts government here. He was appointed commissioner to sit in the county courts of the county of York, in Maine, in 1668 and afterwards till 1679; and for many years he exercised magistral power both in New-Hampshire and Maine. And he was one of the commissioners appointed in 1668 to receive the submission of the towns of Gorges' Province.

As a magistrate, his sentence upon three fanatical Quaker women, to be whipped ten stripes, in several towns, would now be repugnant to every sentiment of humanity and justice. While no one doubted his honest desire to discharge his duty, his death was regarded by the Quakers, whose numbers there were increased by their persecution, as the righteous retribution of heaven upon a persecutor. It may be said in his excuse, that he was carried away by the excitement of the time, for we find in the General Court records of Massachusetts, 1662, 8 October, "In answer to the petition of the inhabitants of Dover, praying relief against the spreading of the wicked errors of the Quakers among them, it is ordered that Captain Richard Waldron shall be, and hereby is, empowered to act in the execution of the laws of this jurisdiction against all criminal offenders within the said town of Dover, as any one magistrate may do, until this court take further order." We need no better evidence than the silence of his cotem-

poraries, that his conduct as judge during so many years must have been generally satisfactory.

The records show that Mr. Waldron was very often employed on special service for the business of the town. He is designated as Capt. Waldron as early as 1653, and in 1675 he was the major and commander of the militia of the county of Norfolk. He had the command in the great Indian war, known as King Philip's War, which commenced in 1675; and was active in his efforts for the protection of the people. In the following year the Indians, who had suffered from famine, caused by the severity of the winter, sued for peace, and applied to Major Waldron for his mediation, and a treaty was concluded at Cochecho, 3d July, 1676, signed in behalf of the whites by Waldron, Shapleigh and Daniel, which embraced all the eastern Indians.

Soon after some troubles occurred upon the Kennebeck, and two companies of troops went in that direction, under the command of captains Sill and Hawthorne. When they arrived at Dover, on the 6th of September, 1676, there were assembled there about four hundred of the Indians, with some of their women and children. They consisted, about one half of them, of Penacooks, who had taken no part in the Philips war, and Ossipees, and Pequawketts, who were parties to the recent treaty at Dover, and the residue were Indians of the southern tribes, who were allies of Philip, and upon his death had fled for security to their kindred at the eastward, and according to Indian usage were readily received into their tribes. The military force of the county of Norfolk, under Major Waldron, and of Kittery, under Captain Frost, were there met. No hint or explanation is given of the occasion or of the pretences upon which so large and unusual assemblage of the natives was gathered, or so large a military force was collected there. It could not have been by accident, and we are left to conjecture some

ground for it consistent with the character of a christian people. It was, as the Indians understood, a time of profound peace, and they considered themselves perfectly safe, as shown by the presence of their women and children. The Massachusetts government had ordered their troops to seize all southern Indians, wherever they could be found. Sill and Hawthorne proposed to seize these Indians by force, but Waldron, fearing that many would escape, contrived a strategem to accomplish their capture without bloodshed. He proposed to the Indians to have a shamfight the next day, and they agreed to it. The Indians formed one party, and the white soldiers another. In the midst of the game the whites suddenly surrounded the whole body of the Indians, and made them prisoners, almost without exception, before the Indians were aware of the intended deception. The captives were disarmed, the southern Indians sent to Boston, and the others set at liberty. Of those sent to Boston, some five or six were hung, and the remainder sold into slavery.

Of this transaction different opinions may perhaps be entertained. It is said, and probably with truth, that Major Waldron was opposed to the seizure, both on the ground of policy and honor; but the orders of his government were imperative, and as a military man he felt bound to obey them. The Indians never forgave him, and, more than twelve years after, their vengeance was satisfied by his death.

In the winter of 1677 Major Waldron had command of an expedition against the Indians, which was, however attended by no decisive results. One of its incidents may be weighed in connection with the affair of Sept 7. A parley was held at the mouth of the Kennebeck. It was mutually agreed to lay aside arms, and negotiate for the ransom of prisoners; but Waldron espied the point of a lance under a board, and, searching further, found other weapons, and taking and brandishing one towards them,

exclaimed, "Perfidious wretches! you intended to get our goods, and then kill us, did you?" "They were thunder-struck," yet one, more daring than the rest, seized the weapon and attempted to wrest it from Waldron's hand. Capt. Frost seized hold of Megumeway, one of the murderers of Bracket and others, and dragged him into his vessel; a squaw caught up some guns, and run for the woods; at that instant a reinforcement arrived from the vessels, the Indians scattered in all directions, pursued by the soldiers. Sagamore Mattahouse, and an old powow, and five other Indians were killed, and five others captured, and some booty taken. Megumeway was shot.

Major Waldron was ever a steady supporter of the Massachusetts government, and was the leader in the opposition to the attempts made by the King's commissioners, Col. Nichols, Sir R. Carr, and Mr. Maverick, in 1665, to establish a separate government under the royal authority; and in 1675 and the following years, till the establishment of the Provincial government in 1680, he was the leader of the people in opposition to the claim of Mason. With few exceptions, his title to his own large real estate, lying beyond the limits of the Hilton, or Swampscot Patent, was derived from grants of the town, and the titles of most of his neighbors had no other foundation. The inhabitants of Dover, with one voice, protested against the claim of Mason, declared they had *bonâ fide* purchased their lands of the Indians, recognized their subjection to the government of Massachusetts, &c., and appointed Major Waldron to petition the King in their behalf.

Upon the establishment of the Provincial Government under President Cutt, in January, 1679-80, Major Waldron was appointed one of the council. The President and Councilors were all opposed to Mason's claim, and friends of Massachusetts. "They saw that their appointment was not from any respect to them, or favor to the people;

but merely to obtain a more easy introduction to their new form of government. They would gladly have declined acting, but, considering the temper of the government in England, the necessity of submitting to the change, and the danger of others being appointed upon their refusal, who would be inimical to the country, they agreed to qualify themselves, determining to do what good and keep off what harm they were able."

Mr. Waldron accepted the appointment with reluctance, and was appointed Deputy President of the Province, and commander of its military forces, consisting then of one foot company in each of the towns, one troop of horse, and one company of artillery at the fort.

President Cutt died on the 27th of March, 1681, and Major Waldron succeeded him as President, and remained at the head of the government until the arrival of Governor Cranfield, on the 4th of October. Cranfield had become a mortgagee of Mason's interest in the Province, and was thus directly interested in sustaining his claims. Waldron had exerted his influence against Mason, and in six days after Cranfield's arrival, he was suspended, on frivolous pretext, from the Council, but was restored in November following. He was appointed 15th February, 1682-3, chief judge of the special court constituted for the trial of Edward Gove and others, who were indicted for high treason, for a foolish attempt to oppose the government. The accused were convicted and sentenced, but were pardoned, after a tedious imprisonment, by the government in England.

Major Waldron refused to take a lease of his lands from Mason, upon the requisition of the Governor, though he proposed to refer the matter to the Governor, that he might state the case to the King for his decision, as directed by his commission; and he was again suspended from the Council. Mason commenced his law suits against the land-owners of the Province by a writ against Waldron

for large damages. He appeared in court and challenged the jurors as interested persons without success, some of them having taken leases of Mason, and all of them living on lands which he claimed. The judge then caused the oath of *voire dire* to be administered to each juror, that "he was not concerned in the lands in question, and that he should neither gain nor lose by the cause;" upon which the Major said aloud to the people present, "that this was a leading case, and if he were cast they must all become tenants to Mason, and that all persons in the Province being interested, none of them could legally be of the jury." The cause, however, went on, but he made no defence, asserted no title, and gave no evidence on his part, and judgment was given against him.

At the next court of sessions he was fined five pounds for mutinous and seditious words, and was further prosecuted and fined ten pounds for language used by him on a former occasion, as stated in the following affidavit:

"That upon the 3d day of May, 1681, Richard Waldron, Esq., of Cochecho, then Deputy President of this Province, did, upon y^e said day above writt, at Strawberry Bank, declare about y^e King's letter, then newly brought over by Robert Mason, Esq., that they were not y^e more bound to believe it because the King had writt it.

Robert Mason,
Rich'd Chamberlain,
Jos. Raynes.

Sworn in court the 27th September, 1683.

R. Chamberlain, *Prothonotary*.

Both these fines Major Waldron was compelled to pay by an arrest of his body.

AUG. 24, 1685. A warrant was issued for the arrest of Major Waldron as a perturber of the peace, by R. Chamberlain as clerk of the Council, directed to Job Clements, constable of Dover, to be brought before the Deputy

Governor and Council, September 1, to find sureties of the peace, and answer, &c.

Mr. Waldron was not restored to the Council, and remained without office afterwards.

Though peace continued with the Indians, yet the garrison houses were maintained at Dover, as they had been during the last war. Of these Waldron's was one of the principal. In June, 1689, the people of Dover became suspicious that the Indians were unfriendly. Larger numbers seemed gathering than was usual for the purposes of trade. Many strange faces were among them, whose scrutiny of the defences attracted notice, but Waldron could not be convinced of danger. Vague intimations were given by some of the squaws to alarm the whites, which were not then understood. A young man in the morning told Major Waldron that the town was full of Indians, and the people were much alarmed; but he replied he knew the Indians well, and that there was no danger; yet information of the expected attack had been sent to the Massachusetts government, by Major Henchman, of Chelmsford; and they dispatched a messenger to Cochecho, who would have arrived in season to have defeated the attempt, but for an accidental detention at Salisbury ferry.

On the evening of the 27th of June, 1689, two squaws, according to the previously arranged plan, applied to each garrison for leave to sleep there, which was often done in time of peace; and they were readily admitted at Waldron's garrison and three of the others. At their request they were shown how to open the doors, if they wished to leave the house in the course of the night. No watch was kept, and the family retired to rest. In the hour of deepest quiet the gates were opened, the Indians, who were waiting without, immediately entered, placed a guard at the gate, and rushed into the Major's apartment. Awaked by the noise, he sprang from his bed, seized a

sword, and, though 73 years old, drove them through two or three rooms; but, returning for other arms, they came behind him and stunned him with a hatchet. Drawing him into the hall, they placed him in an elbow chair, on a long table, with a derisive cry, "Who shall judge Indians now?" They then obliged the members of the family to get them some supper. When they had finished eating they cut the Major across the breast with knives, each one with a stroke saying, "I cross out my account." Cutting off his nose and ears, they thrust them into his mouth, and when he was falling down, spent with the loss of blood, one of them held his own sword beneath him. He fell upon it, and his sufferings were ended. In this attack twenty-two persons were killed and twenty-nine made prisoners.

Major Waldron's eldest son Richard was councilor and chief justice of the court of common pleas, and his grandson Richard was councilor and secretary of the Province, and their descendants long held respectable offices in the Province.

The Memoir, by the indefatigable antiquary, Rev. Mr. Quint, published in seven numbers of the Dover Enquirer, and which deserves republication in a more permanent and accessible form, furnishes most of the facts upon which this brief notice is founded. Many passages are borrowed from him. They do not need the marks of quotation.

ELIAS STILEMAN.

ELIAS STILEMAN, of Great Island, was son of Elias Stileman, an early settler in Salem, perhaps in 1629. He was born about 1617, and came over with his father. He was admitted to the church, August 18, 1639, freeman

of Massachusetts in May, 1642, and a member of the artillery company in 1645. He remained at Salem until his removal to the Piscataqua, which was some time before 1658; for in October of that year he was elected a commissioner, for the trial of small causes at Portsmouth. In 1659, he was elected clerk of the writs, which he retained till 1663, when Abraham Corbet was elected, and clerk of the county court, in which office he remained till the Provincial Government went into operation. He was chosen one of the selectmen of Portsmouth in February, 1658-9, and in January, 1659-60. In a division of lands in Portsmouth, made in that year, in proportion to each man's taxable estate, he was assigned thirty-one acres, the smallest share being thirteen acres. He was elected selectman in 1660-1, 1661-2, in 1664-5, and 1665-6. He was elected town clerk in March, 1666-7, and retained that office for many years, and was selectman in 1668-9, 1669-70, 1672-3, 1673-4, 1674-5, 1675-6, 1676-7, 1678, and 1679, and perhaps afterward. He was deputy to the General Court in 1667 and 1668, in 1671 and 1673, and 1677, and in 1690, after the overthrow of Andros.

In 1666 he was elected an associate judge of the county court, and continued to hold that office until 1678; and from 1669 he was generally, with some of the other associates, invested with magistratical power, by which is meant the same authority which magistrates could exercise under the laws of Massachusetts, either singly or three acting together. Each could exercise the powers of the board of commissioners, for the trial of small causes, while three had jurisdiction of actions to the amount of twenty pounds, and generally in probate cases, so that the granting of administration and the settlement of estates was generally attended to at meetings of these magistrates, at which Mr. Stileman, as clerk, was generally present, and made the record.

Having been a military man, he was long known as

Captain Stileman, and in that capacity for several years had command of the fort at Great Island, to the general acceptance of the inhabitants, and the approbation of the administration under Presidents Cutt and Waldron, but was removed in 1683, by Governor Cranfield, on pretence that he had suffered a vessel, which had been seized, to pass out of the harbor, for which, if true, he should have been arrested, tried and punished, but as he was removed about the same time from the Council, other motives were suspected. The command of the fort was given to the Deputy Governor, Barefoote.

Upon the establishment of the Provincial Government under President Cutt, in 1679-80, Elias Stileman was chosen, according to the direction of the commissioner, a councilor, and secretary of the Province. He remained in the office of secretary until he was superseded by Richard Chamberlain, appointed by royal commission in the latter part of 1680. Upon the death of President Cutt, in 1681, Captain Stileman was appointed Deputy President by Major Waldron, his successor. In Governor Cranfield's commission, which was published in October, 1681, Mr. Stileman was continued in the office of councilor, and continued in that office till he was removed by Governor Cranfield, in 1683.

Mr. Stileman was elected one of the representatives of Portsmouth in the Assembly held in October, 1692, and again in May, 1695. Under the administration of President Dudley, Mr. Stileman was appointed clerk of the county court of pleas, and seems to have remained in that office till the overthrow of Andros, in 1689. In December, 1692, Major Stileman was appointed judge (that is chief justice) of the court of common pleas, and presided in that court at the December and March terms, 1692, and June term, 1693, with Martyn, Dow, and Smith, assistants. At the August term, 1693, he was succeeded by Martyn as chief justice. He was major under the

Provincial Government, and under the Colonial Government his magistral authority was extended over the county of York. Mr. Stileman was one of the nine persons who united in forming the first Congregational Church in Portsmouth, in 1671; and from the immunity from reproach, which he generally enjoyed during his long official career, it may be justly inferred that his conduct justified his profession. He died 19th December, 1695, aged 78. His second wife was Lucy, widow of Humphrey Chadbourn. She survived him, and died in 1708. He had a son Elias, and a daughter, and his name is frequent as a christian name, but his descendants have not been traced. Mr. Kelly says he outlived his children.

SAMUEL DALTON.

SAMUEL DALTON, of Hampton, was son of Philemon Dalton, and nephew of Timothy Dalton, the first teacher of the church at Hampton. These brothers came from England in 1635, were for a time at Watertown and Dedham, and removed to Hampton about 1640, where Philemon and Christopher Hussey became the two first deacons. Samuel was born in England, being entered in the list of passengers when he came over, as five and a half years old. The first mention of him in the records of Hampton, is 6, 12, 1649, when liberty was given to him and others to build a gallery in the west end of the meeting house. He was chosen town clerk, 1653, and "clark of the writes" the year following. From this time until his death, in 1681, he occupied the most prominent place in the affairs of the town of Hampton. Nearly all the deeds, wills, and other instruments of the time, are in his handwriting, and he was often employed as ap-

praiser and administrator of the estates of the deceased, and for a long period the taxes were generally made by him. In 1663 he was chosen one of the commissioners to end small causes, and at intervals afterwards. He was a measurer of land, and was frequently directed by the town to measure grants of land, rectify their bounds, &c. He was one of the selectmen in 1653, 1658, 1662, 1665, 1668, 1672, 1674, 1676, 1678, and 1679; and was representative in the General Court in 1662, 1664, 1665, 1666, 1669, 1670, 1671, 1673, 1674, 1675, 1676, 1678, and 1679. In 1665 he was chosen, with Mr. Cotton and Mr. John Sanborn, to draw up a remonstrance against the claim of Mr. Mason, to be presented to the royal commissioners, Sir Richard Carr and others. He was elected an associate (judge) of the county courts of Norfolk county from 1665, (perhaps earlier, as the records are deficient,) till 1680, when the government of Massachusetts was withdrawn, and was usually invested with magisterial authority, which gave him, when acting alone, nearly the powers of a justice of the peace; and he was county treasurer of Norfolk county from 1671 till the close of the Massachusetts government. In 1672 he was appointed, with Elias Stileman, of Portsmouth, and John Gilman, of Exeter, to settle the boundaries between Portsmouth and Hampton, by the General Court of Massachusetts.

When, in 1680, a separate government from that of Massachusetts was established in New-Hampshire, Mr. Dalton was elected, in pursuance of Mr. Cutt's commission, by the President and Council, one of the councilors of the Province, and held the office till his death, and was appointed recorder of the court constituted in that part of the Province which had been part of the county of Norfolk; an arrangement which soon ceased. Mr. Dalton died August 22, 1681. His popularity was never lessened during his life, and he always bore a high character

as a public man. Perhaps it was fortunate for him that the Cranfield administration, with all its bitterness of feeling and its persecutions, did not occur in his time.

He married as early as 1653, but the name of his wife is not known, and had six sons and eight daughters. In 1676 he married Mehitable, daughter of Henry Palmer, of Haverhill, who had one daughter. She survived him, but died before 1696.

Most of these facts are derived from Mr. Toppan's biographical notices of the early settlers of Hampton.

JOB CLEMENTS.

JOB CLEMENTS, of Dover, was son of Mr. Robert Clements, of Haverhill, who came from England in 1642 with his children, was the first representative of Haverhill, and was several years associate [judge] of the county of Norfolk. Job was the eldest son, and had arrived to or near manhood when he came over; appears to have gone to Haverhill the year before his father, and was married there December 25, 1644, and had four children born in Haverhill, the last, December 12, 1651. He appears to have removed to Dover in 1652 or 1653, as he is enumerated in a list of the freemen of Dover, apparently in that year. In 1655 he was one of the grand jury at Dover court. He lived at Dover Neck, and carried on there, as he had done at Haverhill, the trade of a tanner. He was concerned in shipping. He owned considerable land, and besides what he bought of individuals, he received considerable grants from the town. In 1654, 110 acres of upland was laid out to him on Bloody Point Side. In 1658, 100 acres of upland next to John Hall's lot, &c. In 1653, $3\frac{1}{2}$ acres of upland "by the four river side." In 1652, 40 acres, on the west side of Back River.

In 1667, 1669, 1673, 1675, 1676 and 1677, he was one of the selectmen, after which, for some years, the records are imperfect. In 1660 he was constable, and in 1666, 1667 and 1669, he was one of the commissioners for the trial of small causes. By the records of the court, held June 28, 1670, it appears that Major Danforth was President, and Capt. Waldron, Capt. Pike, Mr. John Cutt, Mr. Richard Cutt, Mr. Clements, Mr. Peter Coffin, and Elias Stileman were associates, four only being the usual number. This was the only appearance of Mr. Clements and Lt. Coffin in that capacity.

In 1665 the King's commissioners, Nichols, Carr and Maverick, after deciding that the jurisdiction of Massachusetts did not extend beyond three miles north of the Merrimack, appointed justices of the peace in New-Hampshire, of whom it is supposed Mr. Clements was one. If so, he was not of course one of the most popular party. After the establishment of the Provincial Government in New-Hampshire, in 1681, Mr. Clements was appointed a councilor of the Province by *mandamus*, which was the usual form of commission for that office, where the appointment was made in England, and he was named as one of the council in Gov. Cranfield's commission, and died in that office in 1683. Though a partisan of Mason, he seems to have been in friendly relations to Major Waldron, whom he requested in his will, dated 4, 7 1682, to be overseer of his will. The instrument was proved before Governor Cranfield the 9th of November, 1683. Mr. Clements was three times married; the last wife, Joanna Leighton, daughter of Thomas Leighton, being full of days, died in Dover, January 15, 1703-4. He left one son, Job, and descendants remain to our time.

We are indebted to Mr. Quint's Memoir for many of these facts.—*Dover Enquirer*.

COL. RICHARD WALDRON.

COL. RICHARD WALDRON, of Portsmouth, was the oldest son of Maj. Richard Waldron, of Cochecho; was born in 1650, and was bred a merchant under Lt. Gov. Willoughby, of Charlestown. He settled in business at Dover, but after some years became an inhabitant of Portsmouth, where he resided at the death of his father, in 1689.

On the 5th of April, 1681, following the death of President Cutt, Mr. Waldron was elected a councilor of the Province, to fill the vacancy caused by that event. He was then one of the representatives of Dover in the Assembly, and speaker of the House.

At y^e Council sitting at Portsmouth y^e 8th day of April, 1681,—Upon motion of Mr. John Cutt and Mrs. Hannah Cutt, son and daughter of the late President of his Majesty's Province of New-Hampshire, the Hon. John Cutt, Esq., deceased: That they might have liberty to chuse their respective guardians according to law, being each under the age of one and twenty years, and above the age of fourteen years. The court approves and confirms their choice, viz: of Mr. Reuben Hull, of Portsmouth, merchant, by Mr. John Cutt, for his guardian; and of Mr. Richard Waldron, jun., of Dover, merchant, by Mrs. Hannah Cutt, for her guardian, whereof the said guardians then and there accept.

By order of the Council,

Ric: Chamberlain, *Sec.*

The same lady elected Mr. Waldron for her husband, a few months later, which office he was no doubt quite as solicitous to accept. The day of their marriage is not known, but she died 14 February, 1682, leaving a son who died at the age of eleven months. He again married, February 6, 1692-3, Eleanor, daughter of Major William

Vaughan, and of Margaret Cutt, daughter of Capt. Richard Cutt, b. 5 March, 1669-70, who died September, 1727, leaving two sons and two daughters—another daughter, Eleanor, having died, aged 12, from drinking cold water after dancing. One of the sons was councilor and secretary of the Province, the other a minister of Boston.

Mr. Waldron was named as a councilor in Governor Cranfield's commission, and remained in office till his removal by Gov. Cranfield, in 1683. In 1684 he was one of the representatives of Portsmouth, and was elected speaker, but the Assembly failing to pass a bill for raising money, as the governor desired, they were dissolved. He was again elected representative, September 24, 1685.

Taking part strenuously with Major Vaughan in his opposition to Mason and Cranfield, Mr. Waldron shared in the persecutions of the minority.

From Vaughan's letter to Weare, 4 February, 1683-4, (Belk., App.) it appears that "Mr. Waldron was appointed, 5 February, 1683, by the court of quarter sessions, a constable of Portsmouth," probably with the view of excluding him from the Assembly; for which, as returning officer, he would be ineligible; "and being sent for by warrant to come before the justices to take the constable's oath, appeared before Mr. Mason and Capt. Barefoote; but excusing it, and giving good reason, was dismissed upon paying £5; but poor Capt. Barefoote was most fearfully rated for his labor; many oaths sworn that Waldron should either take the oath, or take up with a gaol. The next day he was convented again, the oath tendered, he threatened with a prison immediately, but he told them he knew the law better than so. Then they took his own bond to answer at the quarter sessions."

The revolution at Boston, by which Andros's government was overturned, and the old colonial government of Massachusetts provisionally restored, was pleasing to the people of New-Hampshire, who had had their share of

sufferings under his rapacious administration. As the authorities of Massachusetts cautiously refrained from claiming any jurisdiction over New-Hampshire, lest it should prejudice their efforts for the restoration of their charter, the people here were left in a very unsettled condition. Orders were expected from England, but none arrived, and it was proposed by some of the principal gentlemen that a convention of deputies from the towns should consider what was best to be done. Such deputies were chosen, and instructed to resolve upon some method of government. At their meeting the deputies from Hampton did not attend, and the others came to no conclusion, but afterwards they thought it best to return to their ancient connection with Massachusetts. A petition for that purpose was drawn, circulated, and signed by three hundred and seventy-two persons, and presented to the Massachusetts General Court. They were of course readily admitted till the King's pleasure should be known. The active interference of Massachusetts in the government of New-Hampshire amounted to little more than the admission of representatives from Portsmouth, of whom Mr. Waldron was one for 1691 and 1692, and the approval of the civil and military officers presented to them by votes of the towns.

In 1692 a new provisional government was established in New-Hampshire, under the commission of Governor Allen, and in his absence was administered by Lt. Governor Usher, his son-in-law. Mr. Waldron was not named in the commission, but was elected with Vaughan and Weare to the Council by the Lt. Governor and Council. In 1695 they were suspended by Lt. Gov. Usher. Mr. Partridge having obtained the appointment of lieutenant governor by the efforts of his and their friends in England, they were recalled by him to the Board on the 8th of June, 1697. Vaughan and Waldron retained their seats till November 29, 1698, when Gov. Allen, having

appeared and assumed the government, they were refused their places, on the ground that they had not been rightfully recalled. When the Earl of Bellamont's commission as governor of New-York, Massachusetts Bay and New-Hampshire, which was dated as far back as the 8th of August, 1697, was published, July 13, 1699, the old councilors—and among them Vaughan and Waldron—resumed their places, and Councilor Waldron was appointed by Governor Bellamont and the Council, Chief Justice of the Court of Common Pleas—the most desirable and lucrative judicial office in the Province, in which he remained, so far as is now known, undisturbed, amid the rise and fall of parties, till 1729, when Chief Justice Walton was appointed.

Upon the accession of Queen Ann, in 1702, Joseph Dudley, formerly President of New-England, was appointed governor of Massachusetts and New-Hampshire, though the Provinces remained in every other respect entirely distinct. His commission was published July 13, 1702, and the names of Vaughan and Waldron appear not to have been inserted in it. Vaughan recovered his seat at the board December 13, 1705, and Col. Waldron 14 August, 1710, by virtue of a *mandamus* dated 2 March, in place of Hinckes, who had left the country; but the latter must have retained great influence in the government, for in 1708 he was appointed judge of probate, in which office he seems to have remained till his death, in 1730.

Waldron, Vaughan, Weare and Elliot were omitted in Gov. Shute's commission, when six new councilors were appointed, and upon its publication, October 17, 1716, they were superseded. This is inferred from the manner of their attendance, though Councilor Vaughan ceased to act July 15, 1713.

Col. Waldron died November 30, 1730, at the age of 80 years. "He discharged the duties," says Mr. Adams,

“of these several offices with great ability and undeviating rectitude. Amidst these worldly honors and riches he did not neglect the more important concerns of religion. He was circumspect in his christian conduct, and endeavored to walk according to the precepts of the gospel.”

ANTHONY NUTTER.

ANTHONY NUTTER was the son of Hatevil Nutter, who was probably one of those persons of good estates, and of some account for religion, who were induced to leave England with Capt. Wiggin, in 1635, to settle on the Hilton Point Plantation. He had at various times considerable grants of land, owned mills, was a wealthy man, held various offices indicative of the confidence of the community, was an elder, occasionally preached, and died near the close of 1674, aged 71. Three of his daughters were the wives of Thomas Leighton, Thomas Roberts and John Winget.

Anthony was born in 1630, lived for a time at Dover Neck; afterwards moved to Welshman's Cove, on Bloody Point side, now Newington. Where he lived afterward is said to be uncertain, but his house was a garrison. He was admitted a freeman of Massachusetts in 1662, and was a juror in the following year. He rose to the military rank of lieutenant, and seems to have been usually known by that title. He was a man of means, paying in 1662 the largest tax on the Bloody Point side, which was largely increased upon his father's death. He was one of the selectmen of Dover in 1666 and in 1667, by the title of Corporal Anthony Nutter, and in 1672, 1673, 1674, 1675, 1676 and 1677. He was representative in 1674, 1675 and

1676, and under the Provincial Government in 1680 and 1684.

In August, 1681, Mr. Nutter was elected one of the councilors of the Province, to fill the vacancy caused by the death of Councilor Dalton, and remained in that office till October 4, 1682, when, his name being omitted in Gov. Cranfield's commission, he was superseded upon its publication.

Mr. Nutter was "a tall, big man," as we learn from an affidavit, stating a visit made by him and Thomas Wiggin to Mason, ending in an affray, in which Mason got his wig burned and Barefoote had two ribs broken and one of his teeth knocked out, from which it may be inferred that in manners Nutter was a rough specimen of a rude age. He married Sarah, a daughter of Henry Langstaffe, and had three sons and one daughter, and many descendants of his name are found in the eastern part of the State. He died 19 February, 1686, aged 56, and his wife survived him.

NATHANIEL FRYER.

NATHANIEL FRYER, of Great Island, was of Boston, and a mariner. Three of his children were born there. In a deed made to him he is called Emanuel, *alias* Nathaniel. He was admitted in March, 1659, to the Second Church in Boston, of which his wife had long been a member. Soon after that he removed to Portsmouth, taking up his residence at Great Island. October 2, 1660, he purchased of Henry Sherburne and Rebecca, his wife, one stage, mooring anchor, and house, at Malage Island, Isles of Shoals. In January, 1664, he was fined for building on the town's land without license, and had no land assigned to him in the division of 1660; but upon

his motion an acre of land was granted him by the selectmen, February 4, 1660-1. In June, 1661, he was on a jury of inquest at Great Island. In 1664 he was chosen one of the selectmen, and in 1665, 1666, 1669, 1670, 1673, 1675, 1677, 1678, 1679 and 1680. He was commissioner for the trial of small causes in 1666, 1667, 1668, 1669 and 1670.

In 1668 and 1669 he was elected county treasurer, and is believed to have continued in that office to the close of the Massachusetts government. He was chosen to this office in pursuance of an agreement made by the towns of Dover and Portsmouth, which together composed a county by themselves, distinct from the county of Norfolk, sometimes distinguished as the county of Dover and Portsmouth. These towns were made, by the law of Massachusetts dividing the colony into counties, a part of the county of Norfolk; but as Massachusetts had stipulated, upon their submission, that they should have courts such as were holden at Salem, and should be exempt from all taxation, except for expenses arising among themselves, and they insisted on these stipulations, they always had their separate courts, and after a few years a distinct court was organized and maintained for the residue of the county of Norfolk, of which the courts were held at Hampton and Salisbury.

The agreement referred to was as follows: "At a meeting of the selectmen of Dover and Portsmouth, the 7th day of May, 1667, for remedying several inconveniences, it is mutually agreed and ordered between them, that whereas, by custom, the public charges, both of the court and county, have been carried on by both towns distinctly for the time past; now, for the future, all charges referring to the public shall be borne jointly by the county, and that a county treasurer be chosen according to law."

In 1680 Mr. Fryer presented to the court a petition, praying payment of what was due him as county treas-

urer, which leads to the belief that he continued in office to the close of the Massachusetts government.

In 1678 Mr. Fryer was one of the commissioners, with Messrs. Shapleigh and Champernoon, of Kittery, to treat with the Indians with whom they concluded a peace at Casco, April 12, of that year.

In 1683, to fill a vacancy caused by the removal, by Governor Cranfield, of other councilors, Mr. Fryer was appointed a councilor, and one of the assistants, with Henry Green, of the court of pleas, of which the deputy governor, Walter Barefoote, was judge; and in the following year, Barefoote as judge, Fryer and Green assistants, and Peter Coffin and Thomas Edgerly, justices, composed the court of sessions before whom the Rev. Joshua Moody was tried and convicted for refusing to administer the sacrament to Cranfield. Mason and Hinckes, Fryer and Edgerly, were opposed to his conviction, and were soon after removed from all their offices.

Mr. Fryer was not a signer of Weare's petition in 1685, but in 1686 he was appointed a justice of the county court of pleas under President Dudley, and continued in office till the overthrow of Andros.

In 1689, after the overthrow of Andros at Boston, Mr. Fryer was elected, with Major William Vaughan, Richard Waldron, Robert Elliot, Thomas Corbett and Capt. John Pickering, deputies from Portsmouth to a proposed convention of deputies from the several towns of the Province, to advise in what manner to proceed, and to agree upon some form of government. The deputies of some of the towns met, but as Hampton was not represented, nothing was concluded.

In 1690 the town "voted that Mr. William Vaughan, Mr. Richard Martyn, and Mr. Nathaniel Fryer, who were formerly chosen by this town and confirmed as magistrates by the governor and council of Massachusetts Bay,

be the persons that are to attend to that work, according to their oaths taken."

Mr. Fryer was appointed one of the Council in Gov. Allen's commission, dated March 1, 1692, standing next to Lt. Gov. Usher and Mr. Hinckes, and continued in that office till July 21, 1702, when he ceased to attend; whether from the omission of his name in Gov. Dudley's commission, or from other causes, is not known. In 1695 he was president of the council.

In December, 1693, Mr. Fryer was appointed chief justice of the court of common pleas, and held the office till June, 1695.

In 1697 Mr. Fryer was appointed judge of probate, and the books and records, which had been recovered from Capt. Pickering, relating to wills and probates, were ordered to be delivered to Nathaniel Fryer, who is appointed ordinary. In this office he remained till 1699, and probably till his death, in 1703.

He was one of the signers of an association 1697, to stand by the Protestant succession, with Vaughan, Waldron, Usher, Coffin, Elliot and others.

Mr. Fryer died August 13, 1705, leaving one or more sons, but nothing is known of his descendants of his name. In 1732 the name is no longer found in any of the tax lists of any of the towns composing ancient Portsmouth. His daughter Elizabeth was wife of Judge Hinckes, and Sarah of Robert Elliot, the councilor.

ROBERT ELLIOT.

ROBERT ELLIOT, of Great Island, was a merchant. The earliest mention we have met with of his name is the following:

"At a town-meeting January 13, 1660, Robert Elliot,

John Lewis, Mr. Fryer and Goodman Mussell, were fined ten pounds each for building, or appropriating portions of the town commons to their own use, without orders, license, or town grant in general, or selectmen in particular."

A division of lands in Portsmouth was made on the 22d of the same month, but none were granted to Fryer or Elliott, from which it might be inferred that they were not, or were not regarded as inhabitants.

In 1662 Robert Elliot was appointed constable for Strawberry Bank, in room of Mr. John Cutt, who declined to serve, and served in that office in December and January, 1663, and in June, 1663, was defendant at the suit of Walter Abbot.

Before 1670 Robert Elliot became an inhabitant of Casco, and probably the same person.

In 1679 and 1680 Mr. Robert Elliot and Mr. Nathaniel Fryer were two of the selectmen of Portsmouth, and in 1679 Mr. Elliot was chosen one of the jury of trials.

For several years between 1663 and 1679 the name of Mr. Elliot has not been observed on the records of Portsmouth, or of the county, which would be expected if he was at Casco or at Scarborough.

The laws of trade enacted in England were little regarded in New-England. There were for a long time no officers of the customs but such as the colonists appointed for their own purposes. When, in consequence of the agitations relative to the charter of Massachusetts, officers were sent from England to enforce the laws of navigation, they were met by the united hostility of the whole trading community, and resisted by the government and people, as violators of the rights granted by the charter. In February, 1681-2, the bark called the Gift of God, owned by Robert Elliot, arrived in the harbor of Piscataqua, and was seized by Capt. Barefoote, the deputy

of Edward Randolph, his Majesty's collector of the customs for New-England, and his assistants, Hoskins and Thurton. Elliot, under the influence of the current opinions, immediately presented his petition to the president and council, setting forth the seizure of his vessel under pretence of his Majesty's authority, but without the knowledge or authority of the government established by his Majesty in his Province of New-Hampshire, and in contempt of it, and praying relief.

The president and council, who sympathized entirely with Elliot in hostility to the laws of trade, and entertained the Massachusetts notion of the independence and supremacy of the local government, immediately issued their warrant for the arrest of Capt. Barefoote and his assistants, who were accordingly brought before them and examined. Capt. Barefoote and the others admitted the seizure of the vessel, as deputy and assistants of the collector of the customs, for a violation of the laws of trade, and produced their depositions from him. The governor and council avowed their readiness to try and determine any question relative to the seizure or forfeiture of any vessel which should be brought before them, but they pronounced a sentence upon the respondents that they should pay fines, Barefoote £20, and the others £5 each. They respited the payment, however, during their pleasure, and the good behavior of the respondents, but required them to pay the costs, "leaving the complainant to law for his damages."

Instead of resorting to law, Elliot adopted the more speedy mode of redressing himself by retaking the vessel and sending her and her cargo of salt, rum, wine and other things, to Richmond's Island.

The customs officers submitted until after the arrival of Mason and Cranfield, in October, 1682. When the courts had been remodeled, and the selection of the juries vested in the sheriff, or perhaps, rather, of his superiors, Ran-

dolph, the collector, commenced, on the 27th and 28th of December, 1682, two suits against Elliot, one for abusing the officers of the customs, the other for retaking the vessel they had seized for the King's use, triable at the February court. On the last of these, Elliot and John Hinckes gave bond to the officers in the sum of five hundred pounds, and the jury having found their verdict for Randolph, execution issued in favor of Randolph, on the 13th of February, against Elliot for £300 and costs.

Notwithstanding this, before the close of the year Mr. Elliot was appointed, with Fryer, Hinckes and Randolph himself, members of the Council, in place of Martyn, Vaughan, Gilman and Waldron, Jr., removed, and continued in that office, so far as is known, till the publication of President Dudley's commission, in May, 1686, when, as he was not reappointed, he was superseded.

Mr. Savage says he was of Scarborough in 1685, and was a representative in the last assembly of Maine held by President Danforth for Massachusetts before the rule of Andros, to whom he accommodated himself, being a councilor in 1688, when he lived at Portsmouth. He was a justice of the peace for the Province under President Dudley's administration and that of his successor.

In the History of Scarborough, (3 Me. His. Coll.) it is said Robert Elliot was one of the principal inhabitants during the last years of the first settlement. He came to this town from Kittery about 1670. He was selectman 1682, and the town's deputy to the General Court 1685. He died in 1720, leaving his estates in this town to the family of his son-in-law, Col. George Vaughan, of Portsmouth.

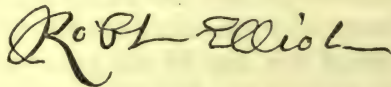
During the brief and scarce sensible connexion of New-Hampshire with Massachusetts, from April, 1689, to August, 1692, he held no official position.

Upon the reestablishment of a separate provincial government in New-Hampshire, in 1692, Mr. Elliot was ap-

pointed one of the Council in Gov. Allen's commission. He withdrew from the Council in November, 1698, when Vaughan and Waldron were refused their seats by Gov. Allen, but resumed his seat July 31, 1699, upon the publication of Gov. Bellamont's commission, and retained his position till March 15, 1715. He was probably superseded, if living, by Gov. Shute's commission, when six new councilors were appointed. Mr. Savage says he was, in 1716, the eldest in the Council of New-Hampshire.

Superior Court, "February 9, 1702-3. Peter Coffin, John Plaisted, Robert Elliot, justices. Robert Elliot, Esq., being commissioned as on file for a member of this court, and qualified before the Lt. Governor, is admitted." He was probably a special justice.

He married Sarah, daughter of Councilor Fryer, and was father, as Mr. Savage thinks, of Humphrey, who married Elizabeth, daughter of Robert Cutt, before July 13, 1685, and had Champernoon named in the will of Francis Champernoon the next year; Jane, wife of Andrew Pepperill, and Simon Frost, and Elizabeth, who married, January 9, 1700, George Vaughan. Widow Elliot was taxed in Portsmouth in 1732.



JOHN HINCKES.

JOHN HINCKES, of Great Island, is said by Mr. Savage to have come in 1672. He was, however, not taxed in Portsmouth in 1673. He appears to have been a merchant, but his name has not been observed in any of the

records during the continuance of the Massachusetts government.

In 1683 he was elected by Gov. Cranfield and his Council a member of that board—Fryer, Elliot, Hinckes and Randolph being elected in place of Martyn, Vaughan, Gilman, and R. Waldron, jr., who had been removed. Hinckes remained in office till President Dudley's appointment, and was then appointed one of the councilors for Maine, New-Hampshire, Massachusetts and Narragansett, the whole being included in one government; and he continued in that office till Andros's government was overthrown, in April, 1689. Mason and Hinckes were the only members of the Council resident in New-Hampshire.

During the temporary submission to the government of Massachusetts Mr. Hinckes was not in office, so far as is known; but in Gov. Allen's commission for the government of New-Hampshire, dated March 1, 1692, and published the 13th of August following, he was again appointed a member of the Council for that Province. In 1695, Hinckes, Vaughan and Waldron were suspended from the Council by Lt. Gov. Usher, but on the 8th of June, 1697, they were recalled by Lt. Gov. Partridge.

Gov. Allen made his first appearance in New-Hampshire, and took upon himself the government, in November, 1698, though it was known that a commission had been issued to the Earl of Bellamont, as governor of New-Hampshire, Massachusetts and New-York—his commission remaining in force until Gov. Bellamont arrived and published his commission. A controversy arose in the Council relative to Usher's right to a seat in the Council, and the right of Waldron and Vaughan, whom he had suspended, to their seats, in consequence of which all the old councilors except Fryer refused to sit, and four new ones were appointed.

Gov. Bellamont arrived and published his commission July 31, 1699, when Hinckes and the other old councilors

resumed their places. They were probably named as the councilors in his commission.

Upon the first organization of the judiciary under Governor Cranfield's administration, Mr. Hinckes was appointed one of the assistants of Mason in the court of chancery—Capt. Barefoote being the other—and he would seem to have held this office to the close of Lt. Governor Barefoote's term, in May, 1686.

During the administration of Dudley and Andros, from May, 1686, to April, 1689, Mr. Hinckes was the presiding judge of the county court of pleas for the Province of New-Hampshire, and the court of sessions, unless some judge of higher rank from Massachusetts was present.

The system of the courts, under these administrations, was established by an order of the President, published the 15th of June, 1686.

A county court was established in each county and province, as a court of pleas and of general sessions of the peace, to be held for the Province of New-Hampshire at Great Island the first Tuesday of October, and at Portsmouth the first Tuesday of April, to consist of such members of the Council as reside there (not excluding other councilors who may choose to be present), with such justices of the peace, where need is, as shall be particularly commissioned thereto, so as to be always three at least, and one a member of the Council.

Mr. Mason, the other member of the Council resident in New-Hampshire, was most of the time absent in England. The gentlemen specially commissioned were Walter Barefoote, Nathaniel Fryer, and Thomas Parker. They had power to hear, try and issue all civil causes and pleas, and all criminals, not extending to life or limb, subject to appeal to the President and Council, and upon further evidence.

The President, or, in his absence the Deputy President, and Council to hold a superior court of grand assize and

general goal delivery for the whole territory, three a year at Boston, on the first Tuesday of November, March and July, with power to try all cases of appeal, all capital cases and pleas of the crown, above the jurisdiction of the inferior courts, subject to appeal to the King and Council; the President and each member of the Council to try, &c., all causes under forty shillings. The like power have any two of the justices joining together with appeal to the next county court.

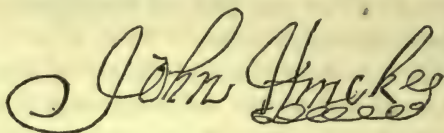
Writs to be signed by the president, a councilor, or clerk of court (to which Mr. Stileman was appointed in New-Hampshire), or, in small cases, by those who try them. Under the restored provincial government of New-Hampshire in 1692, Mr. Hinckes is not known to have held any other office but that of President of the Council, till after the arrival of Governor Bellamont, in July, 1699. Upon the reorganization of the courts he was appointed chief justice of the superior court, and performed the duties of that office until 1704, when he left the country, on what account is not known. His place upon the bench was not filled till August, 1708, when Major Vaughan was appointed chief justice; and it was not till July 6, 1711, that the governor sent to the secretary a letter that Richard Waldron had been sworn of the Council by the King's orders: Mr. Waldron's *mandamus*, dated 2d March, 1710-11, reciting that he was appointed in "room of Hinckes, who had left the country without leave."

Little has been learned relative to the subsequent residence, life, or death of Councilor Hinckes.

By the docket of the Superior Court it appears that at the August term, 1712, John Hinckes had an action pending against John Cross, and it said "John Hinckes appeared and asked a continuance;" but at the November term, "John Hinckes not appearing, judgment was

entered against him." At the August term, 1717, Cross had an action of *scire facias*, pending against John Hinckes, and the entry is, "John Hinckes having put in reasons why execution should not issue, they were overruled."

He married a daughter of Councilor Fryer, but of his descendants nothing is known.



John Hinckes

FRANCIS CHAMPERNOON.

FRANCIS CHAMPERNOON was of an ancient family in Devonshire, and a nephew of Sir Ferdinando Gorges, the patentee of Maine. He was named by Sir Fernando, one of his councilors in the commission, dated September 2, 1639, for the government of his Province. Sir Thomas Jocelyn was appointed deputy governor, and Richard Vines, Francis Champernoon, Henry Jocelyn, Richard Bonythan, William Hooke and Edward Godfrey, were the councilors. He calls Vines his "steward general," and Champernoon his "loving nephew." Sir Thomas Jocelyn declined his appointment, and, March 10, 1640, the proprietor appointed his cousin, Thomas Gorges, governor. The first court, under this government, was held before the arrival of Thomas Gorges, on the 25th of June, 1640, by Vines, Bonythan, H. Jocelyn and Godfrey. At this court Champernoon was not present. The first court after Gorges' arrival was held September 8, 1640, and Champernoon is not named as being present at this court; and it is remarkable that his name is not mentioned in the

history of Maine, so far as has been found, except in connexion with his appointment as councilor, from 1640 to 1662.

Mr. Champernoon probably came to this country in 1639. He did not settle in Kittery, nor elsewhere east of the Piscataqua, as is generally assumed, but purchased a farm of four hundred acres, on the Winnicut river, in the bottom of the great bay of the Piscataqua, in the Swamscot, or Hilton Patent, in what is now Greenland, of Mr. Robert Saltonstall, and others of the patentees, and there he built a house and continued to live, though occasionally absent, probably on trading expeditions, till July, 1657, when he sold his farm to Valentine Hill. After that time he appears to have resided at Kittery.

These facts are made certain by the papers on the files of the county court of Dover and Portsmouth, in the case of N. Fryer and others against John Kennison, relative to the title of the Champernoon farm in Greenland, tried in 1669, and upon review in 1681. Among them is a deed of Champernoon to V. Hill, without date, but proved in court by the two attesting witnesses, Nicholas Shapleigh and Edward Colcord, to have been signed and sealed about July, 1657, in which he conveys "all my right, title and interest, in my old farm in the Great Bay (which farm is called by the name of Greenland), as I have possessed it this sixteen or seventeen years, with all my right of and to the four hundred acres of land, granted me to the said farm by Mr. Robert Saltonstall, and others of the patentees."

August 19, 1658, Champernoon made a deed of confirmation to Hill, which is in the files, witnessed by Robert Jordan and Walter Barefoote; and Thomas Lake, who was one of the owners of the Swamscot Patent, testified in 1669 that he told Hill that Champernoon had no right to sell him the Greenland farm, and, upon the urgent request of both, he released his claim to Champernoon.

December 6, 1681, Deacon Samuel Haines, aged 78, or thereabout, testified that about twenty-nine years ago, Captain Champernoon being at Barbadoes, left his farm and concerns at Greenland with Thomas Withers (afterward a councilor in Maine), which Withers desired deponent to live in the farm, and look after it myself. Left Neale took it at the thirds. The next year the captain sent to know whether he had any thing left, as Mr. Withers told me, who, consulting with me about an answer, returned this, "that all things was as when he left, save that an attachment was laid on the farm by Captain White, and a judgment of court, which was respited for a year. Within the time prefixt the captain came and lived upon his farm again, about two or three years," and afterward sold to Mr. Hill.

Leonard Weeks testified the same as to the possession, and in 1669 Deacon Haines testified that Captain Champernoon had the farm in his possession till twelve or thirteen years ago. Court Records, 1681.

As might be expected, from 1643 the name of Francis Champernoon occurs frequently in the court records of Dover.

In November, 1652, Massachusetts established her authority over Kittery, and received the submission of the inhabitants. Among them are found the names of Nicholas, Shapleigh and Thomas Withers, but Champernoon is not mentioned.

Before 1662, Capt. Champernoon had become an inhabitant of Kittery. In that year, John Archdale, the agent of Gorges, came into Maine with a commission to Francis Champernoon, Robert Cutts and Thomas Withers, of Kittery; Edward Risworth and T. Raynes, of York; J. Bowles, of Wells; H. Watts, of Blue Point; F. Hooke, of Saco; H. Jocelyn of Black Point; R. Jordan, of Spurwink; F. Neal, of Casco, and Th. Purchas, of Ne-jipscoot, as councilors or magistrates.

The year following, Massachusetts reëstablished her courts, and the officers appointed under Gorges were many of them fined. Among those who were arraigned, censured and fined, for acts of disobedience and opposition, were Mr. Champernoan, Robert Jordan, the Episcopal minister at Spurwink, Major Shapleigh, who had had the command of the Yorkshire regiment, and had been an associate, and Francis Small, a man of wealth and enterprise.

In 1665 came over the King's commissioners, Nichols, Carr and others, and with them came Gorges' agent, Archdale, bringing an order for the restoration of Maine to the proprietor. Archdale granted commissions to Jocelyn, Jordan, Risworth and Neale, but none is mentioned to Champernoan.

June 23, 1665, the royal commissioners issued a commission, appointing Francis Champernoan and Robert Cutts, of Kittery; E. Rishworth and E. Johnson, of York; S. Wheelwright, of Wells; F. Hooke and W. Phillips, of Saco; G. Mounjoy, Casco; H. Jocelyn, Black Point; R. Jordan, Richmond's Island; J. Wincol, of Newitchwannock, justices of the peace, with authority to hold courts, and determine all causes, civil and criminal; thus attempting to supersede, by the exercise of a very doubtful authority, the usurped government of Massachusetts and the rightful authority of Gorges.

In 1666 the commissioners were recalled, and returned to England.

In 1668 Massachusetts reëstablished her authority, and from that date we hear no more of Mr. Champernoan, so far as I have found, till 1678.

In the spring of that year, Major Nicholas Shapleigh, Capt. Champernoan and Capt. Fryer were appointed by the government of Massachusetts commissioners to settle a peace with Squando and all the sagamores upon the

Androscoggin and Kennebeck. They met the Indians at Casco, April 12, 1678, and concluded a treaty.

From this time we lose sight of Capt. Champernoon till 1684. Doubtless the records of Maine will be found to contain frequent mention of him during the long period from 1665 to 1684, but they have not been seen.

Before 1684, probably Capt. Champernoon had returned to New-Hampshire, for in that year he was elected by Gov. Cranfield and his Council to be one of the councilors of that province. He was, of course, superseded by President Dudley's commission, in May, 1686.

He died at Kittery early in 1687. His will of November, 1686, proved December 28, of the next year, "shows," says Mr. Savage, "that he left no children."

After July, 1674, he married Mary, widow of Robert Cutt. I have seen no notice of any earlier marriage, but he was probably married early in life, for Williamson says he had three daughters, two of whom married into the Cutt family, and the third married Humphrey Elliot, whose son Champernoon, on his grandfather's death, in 1687, became a principal proprietor of his estate.

ROBERT WADLEIGH.

ROBERT WADLEIGH was a brother of John Wadleigh, of Saco, in 1636, who removed to Wells before 1648, was a selectman there, and died before 1671.

Robert was of Wells in 1653, and with his brother submitted to the government of Massachusetts. He was town clerk of Wells in 1659, and it is said was there in 1668 and 1669. In the latter year he received a grant of land from the town of Dover, and may have been there.

In May, 1666, he purchased of Walter Barefoote one

half of six hundred and forty acres of land, at the falls of Lamprey River, now called Wadleigh's Falls, but in the earlier conveyances called the Island Falls. It was part of a tract laid out June 3, 1657, by a committee appointed by the General Court, to Mr. Samuel Symonds of Ipswich, one of the assistants, or councilors, of that colony; described thus: "At Island Falls, in Lamprey River, six miles from the mouth of the river, &c., one mile from the lower end of a little island up the river, and half a mile on each side." Mr. Symonds got a quitclaim from Exeter, and the consent of the sagamore to this grant, 12 September, 1664. Mr. Symonds conveyed half this six hundred and forty acres to his son, Herlakenden, who, on the same day, sold his half to Walter Barefoote. In May, 1667, Mr. Wadleigh sold to Nicholas Sissen, of Exeter, one half his purchase, and they erected mills and a house, and before the fall of 1668 Mr. Wadleigh had removed there with his family.

April, 1668, Samuel Symonds, by deed reciting the loss of his former deed to Herlakenden, not recorded, conveyed the same interest to him again. Herlakenden the next day conveyed the property to his brother, Samuel, Jr., who commenced a suit against Sissen, recovered judgment for possession, and the officer, after applying to the General Court for advice, turned Wadleigh and his family out of doors. Wadleigh upon his petition was restored, and the controversy was ultimately settled by a compromise.

Much abuse has been heaped on Captain Barefoote for some supposed wrong in the business; but upon the facts as they come down to us, the roguery was on the part of Herlakenden, Symonds, and Symonds, jr., and Barefoote appears only as a sufferer by this fraud, and the strange action of the Massachusetts courts. At the town meeting at Exeter, September 26, 1676, Mr. Robert Wadleigh was accepted an inhabitant and commoner, and August 10, 1679, he was elected commissioner to carry in the estates of the inhabit-

ants of Exeter. On the 7th of February, 1680, Ensign Moore and Mr. Wadleigh were chosen deputies for the town of Exeter for this year, beginning March next, and in May, 1681, he signs as clerk of the Assembly. March 14, 1681, Mr. Wadleigh had a grant of two hundred acres of land from the town of Exeter, and in 1682 his tax was the highest in town. From a letter of Governor Cranfield to the Lords of Trade, we learn that an action was brought in 1683 against Wadleigh, by some person, probably Barefoote, who claimed under a grant of Mason, in which Wadleigh recovered and the plaintiff appealed to the King; Mason saying, as Thomas Wiggin testifies, "let Wadleigh go for England, if he would. New-England had now no friend in the Council or committee." He was, however, successful in getting the appeal dismissed by the council board, by taking advantage, as the Governor says, of Mr. Randolph's absence, who was attorney for the appellants. Wadleigh went to England to resist the appeal, and returned on the 7th of May, 1684. The governor says, he had been sixteen days in the country, and though he had heard much of him he had not seen him, and he says he had put the people of the Province into such a ferment, that it is not possible to govern them: He says, this Wadleigh was formerly an Assembly man, and now chosen again, and that he had three sons condemned in Gove's rebellion, the oldest of whom he had pardoned. One of them is dead, and the other I keep in prison, till I receive your Majesty's further order. I have not succeeded in finding any of the original papers in the case appealed, and have to rely on the Governor's statement of it. The unfortunate position of Mr. Wadleigh's sons must have furnished a strong additional motive for his visit to England, to solicit the clemency of the crown, and probably did not soften his representations of Cranfield's government. Mr. Savage judges that Mr. Wadleigh, who had so much cause to disagree with the royal Governor, could not be the Councilor of 1684, but there can be no

doubt of the fact, and I am led to believe that his appointment was the result of his own and Weare's visits to England, and that his appointment was made upon the recommendation of some of the Privy Council. So far as we can judge, neither the governor, nor Mason, nor any councilor in the Province, would have, without prompting, assented to his election. No note has been found showing the time or manner of his appointment, except Governor Cranfield's letter of January 6, 1685, in which he says that he has made Robert Wadleigh a councilor and justice, "he having shown himself since his return from England well affected to his Majesty's service." Wadleigh was known to the Privy Council as having "personally come over, to his great trouble and charge, to answer to the appeal of Walter Barefoote, Esq." Colonial Papers; Jour. of P. C., 3 Palf. N. E. 419, n.

Immediately on his return, 16th of May, Mason commenced an action against him for his real estate, requiring the officer to take security in six hundred pounds, and on the 29th the officer returns that he has attached the body of Robert Wadleigh, sen., of Exeter, and for want of security committed his body to Richard Abbot, the keeper of his Majesty's prison at the Great Island. He remained in prison till the sitting of the court in June, as appears by writ of *habeas corpus*, as follows :

NEW-HAMPSHIRE.

To Richard Abbot, Prison Keeper of Great Island :

In his Majesty's name, you are hereby required forthwith to have the body of Robert Wadleigh, of Exeter, yeoman, now in the said prison of Great Island, at the Court of Pleas now sitting, to defend a suit there to be prosecuted against him, by Robert Mason, proprietor of the said Province. Fail not. Given under my hand and seal, the 3d day of June, 1684. Walter Barefoote, Judge.

A verdict was found against him for "the land sued for

by town votes approved, and by the General Court restored to their places."

In Governor Allen's commission for the Government of New-Hampshire, in 1692, Mr. Wadleigh was not appointed a councilor; but upon the organization of the courts a commission for the Court of Common Pleas was issued, October 25, 1692, appointing Elias Stileman judge, and Richard Martyn, Robert Wadleigh, Henry Dow and Joseph Smith, assistants. At the terms in December and March Mr. Wadleigh was not present, but attended and took the oaths June 6, 1693, and was present in August and September.

On the 30th of October, 1693, he was appointed, with Joseph Smith and William Partridge, assistants to Richard Martyn, appointed Judge of the Supreme Court. He was not present at the term held October 31, which was adjourned to November 14, but on that day attended, and took the oaths, and the court was adjourned to the last Tuesday of April. On the 19th April, 1694, Judge Martyn was superseded by a new commission to Nathaniel Weare, judge, and the same assistants, and he attended the courts under the presidency of Judge Weare until April, 1696, when Joseph Smith was appointed judge, with Mr. Wadleigh, Thomas Parker and Kinsley Hall, assistants.

Mr. Wadleigh remained in office until April 27, 1697, when Peter Coffin was appointed judge, with other assistants.

Judge Wadleigh signed a certificate as a justice of the peace, February 23, 1698-9, which is the last mention of his name on the Exeter records that I have seen. He probably did not long survive that date, but I have met with no notice of the time of his death, or of his age.

Besides the three sons concerned with Gove—Joseph, John and Robert—two others of the name, Henry and Jonathan, were persons of note in Exeter, and were probably his sons; and his descendants still maintain respectable positions.

HENRY GREEN.

HENRY GREEN came to Hampton before 1645, when he had two of the 147 shares. He may probably have been of Ipswich in 1642. He and his wife had seats assigned them in the meeting-house in 1650. In 1653 his tax was 18s. 7d. He then lived on the south side of Taylor's River. In 1657 he was chosen, with three others, to settle the Salisbury line. In 1660 he was chosen a fence-viewer. In 1662 and 1680, selectman. 2d mo. 1652, land was granted to him and Abraham Perkins, in consideration of their building a mill. In 1665, he dissented against the choice of a committee to assert the town's rights before the royal commissioners, Carr and others, in opposition to the claim of Mason, and Mr. Toppan thinks he took an active part in favor of Mason, as his name was not on Weare's petition, which embraces the names of those who were opposed to Mason's claim in 1683. March 29, 1669, he was chosen to run the south line. April 12, 1669, the town voted that their suit against Henry Green *is not yet ripe for trial*. Against this vote Christopher Hussey and five others protested, but the nature of the controversy is not known. March 3, 1670, he received a grant of 100 acres, lot No. 27. Though a prominent man, he was never a representative of the town.

It does not appear that he held any official position under the administration of Presidents Cutt and Waldron, but soon after the appointment of Governor Cranfield, at the organization of the courts, he was appointed, with Capt. Fryer, one of the assistants or side judges of Capt. Walter Barefoote, who was appointed Judge of the Court of Pleas, and a Justice of the Court of Sessions, which courts had the whole civil and criminal jurisdiction in cases not capital. In the capacity of assistant of the Court of Pleas, he sat in the large number of cases brought by Mason against the principal landholders of the Province,

and as a Justice of the Sessions, in many cases, in which fines were imposed, sometimes for causes, which, in settled times, would have escaped animadversion, and he shared the unpopularity of the courts in consequence. In 1684 a prosecution was commenced by the attorney, Rayn, before the Court of Sessions, against the Rev. Mr. Moody, of Portsmouth, for refusing to administer the sacrament to the Governor, Mason and Hinckes, as the Governor required. Mr. Moody insisted that, not being episcopally ordained, he was not bound by the English statutes on that subject. It was understood that a majority of the court, including Mr. Green, were opposed to his conviction; but the case being adjourned, it was reported that that night some one threatened and hectored at such a rate, that next morning the court decided Moody to be guilty, and sentenced him to six months' imprisonment, without bail or mainprise. This decision caused much odium to be thrown upon the judges, who concurred in the decision—Barefoote and Green, Coffin and Roby. Green felt the reproach, and regretted the course he had taken, and made acknowledgments to Mr. Moody, who frankly forgave him. Many foolish prophecies were made as to the awful calamities which would befall these judges in consequence of the condemnation of Mr. Moody; and it is said Mr. Moody gratified his revenge by placing on his church record such circumstances in their history as he chose to consider as judgments of heaven upon them. It was agreeable to the taste of the age.

The conduct of the other justices of the sessions, Fryer and Edgerly, gave offence, and they were soon after removed from all their offices.

Mr. Green continued to occupy his judicial position till the end of Lt. Governor Barefoote's administration, in May, 1686; but in 1685, probably after the removal of Gov. Cranfield, he was elected a member of the Council of the Province, and occupied that station till the change of the Government.

I have not discovered that Mr. Green held any office under the administrations of President Dudley or Governor Andros.

After the overthrow of Andros, in 1689, the orders expected from England, relative to the government, not having arrived, measures were taken by some of the leading gentlemen of Portsmouth to induce the towns to meet in convention, and agree upon some method of managing the affairs of the Province until orders should come from England.

Jan. 20, 1689, Mr. Green, Nath'l Weare, Henry Dow, Morris Hobbs, sen., Capt. Samuel Sherburn, and Edward Gove, were appointed commissioners to meet with others from Dover, Portsmouth and Exeter, to confer about some method of government. The town clothed them with full power, and agreed to abide by the form of government which a majority of their commission shall subscribe to, and oblige themselves to yield all ready obedience thereto, until his Majesty's further order. There were several dissentients to this vote, and a jealousy having arisen at Hampton, that the other towns did not intend what was pretended, but to bring them under, to their disadvantage, the Hampton delegates did not attend. Subsequently, a petition was drawn, and extensively signed by the people of Dover, Portsmouth and Exeter, and by a few in Hampton, praying to be received under the Massachusetts Government, to which they assented.

Under this temporary arrangement, I have not observed that any officers were appointed in Hampton but the military officers.

Under Governor Allen's commission, dated in 1692, Mr. Green was appointed one of the Council, and held that office till his death; and on the 27th of April, 1697, he was appointed Chief Justice of the Court of Common Pleas of the Province, and held that office till March 8, 1698-9.

Jan. 22, 1690, the town chose him and two others to ascertain the expense of the war. From this time to his death he appears to have much respect shown him, is chosen to seat the people, and the town vote that he shall sit in the first seat. He died 5 August, 1700, aged above 80. The name of his first wife is not known. March 10, 1691, he married Mary, the widow of Thomas Page, who was a daughter of Christopher Hussey. After Mr. Green's decease she married Henry Dow, November 10, 1704. He had three sons and three daughters, all of whom left descendants.

PETER COFFIN.

PETER COFFIN, of Dover, was the eldest son of Tristram Coffin, of Salisbury and Haverhill, and at last of Nantucket; who came to New-England in 1642, with his mother, two sisters, his wife and five children, and was the ancestor of a numerous race. Peter was born in Devonshire, in England, in 1630. He removed to Dover before 1650, as is shown by the tax list of that year. As he was previously under age we cannot infer, from his name not being found in the list of 1648, that he was not there then, or earlier. He was a merchant, and for a time employed by, or connected in business with, Major Waldron, as we learn from the proceedings relative to the death of Thomas Dickinson, who was killed by a drunken Indian at Penacook in the summer of 1668. Waldron cleared himself on oath, but Coffin, though not present, was fined fifty pounds, "for trading liquors irregularly and contrary to law," by one Payne, his agent. (Bouton's His. Con., 36.)

Mr. Coffin is enumerated, in 1655, among those who had taken the oath of fidelity, and in 1666 he was admitted freeman. He was lieutenant on service in Philip's

war. In 1669 he was one of the commissioners for the trial of small causes, and was selectman in 1668-69, in 1672-73 town treasurer, in 1660, 1661, 1662 and 1663, and deputy in 1672-1673, and 1679-1680. He was once an associate of the county court, in June, 1670, with Mr. Clements. In 1668 he was appointed, with Waldron, Clements and others, to treat with Portsmouth about county affairs. He was a man of wealth and paid in 1669 much the largest tax in Dover, except that of Captain Waldron. He had some grants of land from the town, but he purchased much valuable land from others, and his father-in-law, Edward Starbuck, who was prosecuted for his anabaptist opinions and driven to Nantucket, where he spent the residue of his life, before his removal, conveyed to him the whole of his large and valuable estate.

During the administration of Cutt, Waldron, Cranfield, Barefoote, Dudley and Andros, and the brief connection with Massachusetts, I have not discovered that he held any official position, except that of a justice of the peace, at the courts of sessions in 1684, at which Mr. Moody was convicted. In that sentence Mr. Coffin concurred.

Under the Provincial Government established under the loyal commission to Governor Allen, Mr. Coffin was appointed one of the Council. The commission, though dated March 1st, 1692, was not published by Lieutenant Governor Usher till the 13th of August following. He seems to have quietly retained his place till November 29th, 1698, when Governor Allen appearing in person refused their seats to Vaughan and Waldron, who had been suspended by Usher, and recalled by Partridge, upon the ground that, having been rightfully suspended, they had not been lawfully restored. Upon this decision Coffin, Elliot and Gerrish withdrew, and their places being supplied by Smith, Hall, Sheafe and Peter Weare, they did not resume their seats, till Governor Bellamont arrived and published his commission, July 31st, 1699. From that time Coffin retained his seat at the board till

July 22d, 1714, when he ceased to attend its sittings. On the 27th of April, 1697, Councilor Coffin was appointed by Lieutenant Governor Partridge, Chief Justice of the Superior Court of Judicature, in place of C. J. Smith, and held the office till December, 1698, when Joseph Smith was reappointed by Governor Allen, upon the passing of new laws relative to the courts, and the establishment of a more permanent system by Governor Bellamont. Peter Coffin was appointed a justice of the same court under the presidency of John Hinkes, and continued to hold the office till August, 1712. Many years before his death he removed to Exeter, where, at a town meeting October 6th, 1690, he was by vote received an inhabitant, and land was granted to Peter Coffin for a wharf. At a town meeting February 15th, 1691-92, captain Peter Coffin and captain John Gilman should go to Portsmouth on the 17th inst., to meet with the justices of the peace of the Province, to treat with them of the way and mode of adjusting the charges of the Province for the Indian war. In 1693 he was one of a committee to agree with a minister, by the title of Captain Peter Coffin, and the year after to buy a house for the minister. In 1695, Captain Peter Coffin was of the committee to build a meeting-house. It seems settled this was the councilor by a record of the court of sessions, 7th September, 1697.

“The honored Captain Peter Coffin, Esq., complaining that he was overrated,” and it appearing to the court that he was, £10 4s. 10d., orders that he pay his just proportion, which is but £30 15s. and 2d. In February, 1697-98, he had 400 acres of land laid out to him. In April following 100 acres, and in April, 1702, 200 acres more. He was moderator at the town-meeting in 1695 and 1696, and in 1705.

Councilor Coffin died at Exeter on the 21st of March, 1751, and his death was thus noticed in the Boston News-Letter of March 25th: “On Monday, the 21st current, died at Exeter, the honorable Peter Coffin, Esq., in

the 85th year of his age, who was late judge of his Majesty's superior court of judicature, and first member of his Majesty's Council of this Province; a gentleman very serviceable both in Church and State."

At the attack on the garrisons of Dover, in 1689, when Major Waldron fell a victim, the Indians broke into Coffin's house, where they made him throw his money, of which they found a bag full, upon the floor, while they scrambled for it. Failing to enter his son's garrison, they brought out the father and threatened to kill him, unless the doors were opened. The son surrendered, and the two families were put together as prisoners, but were so carelessly guarded that they all escaped; from which it may be inferred that Coffin had not taken any part in the sham fight, and that the Indians had no revengeful feelings toward him.

He had five sons and four daughters, and left many descendants.

John Coffin

NATHANIEL WEARE.

NATHANIEL WEARE, of Hampton, was the son of Nathaniel Weare, of Newbury, and was born in England in 1631. His father was an early proprietor of Newbury, and his name is of frequent occurrence in the town records early in 1638, and for twenty years after. His name is variously spelled by the town clerk, as Weare, Wear, Wyer, Wyre, Wier, Wire, and Weir, most frequently, perhaps, Wyer. But it is evident there is only one

person referred to, and he spelled his name Weare. In the record of his possessions, written in one hand and seemingly at one sitting, the name is spelled Wier, Weir, and twice Wear.

An unlucky and unfounded conjecture of Mr. Coffin, the historian of Newbury, that Mr. Weare was the son of Peter Weare, has misled Farmer and others, and thrown doubts upon the parentage of Councilor Weare. The only foundation for Coffin's unlucky guess was this entry: "Peter Wyer died Oct. 12th, 1653." The name is never mentioned elsewhere in the Newbury records, till the birth of the councilor's son Peter, in 1660.

That Nathaniel Weare, of Hampton, was son of Nathaniel Weare, of Newbury, is made certain by the following records:

"Benjamin Swett was married to Hester, daughter of Nathaniel Weare, 1 November, 1647."

"Nathaniel Weare and Elizabeth Swayne was married Dec'r 3, 1656."

In both these entries the name is correctly written.

Oct. 26, 1695, Nathaniel Weare, of Hampton, "aged about 60 years," deposed that "about the year 1655 my brother-in-law, Capt. Benjamin Swett, and myself, had a lease of the honorable Mr. John Woodbridge, of Newbury, his farm, for seven years, &c., and that when we lived on the farm, which was in the year 1661 or '62, &c. (6 His. Gen. Reg. 50).

These records prove, that as Mr. Weare did not marry a Swett, and Captain Swett did marry "Hester, daughter of Nathaniel Weare," Nathaniel Weare, of Hampton, was son of Nathaniel Weare, of Newbury. The writer of the article on the Swett family (6 His. Gen. Reg. 49), misled by Coffin, supposed Hester Weare, who married Benjamin Swett, to be a daughter of Peter Weare, though the record says in so many words, "daughter of Nathaniel Weare."

Nathaniel Weare, of Newbury, became interested in the purchase of Nantucket, by Mary and others; removed there among the early settlers, probably in 1659; and his death is there recorded. "Nathaniel Wire, sen'r, died March the 1st, 1680-1." (7 His. Gen. Reg. 181.)

In 1662, when the lease of Mr. Woodbridge, before referred to, expired, Mr. Weare and Mr. Swett removed to Hampton and settled near each other, in the southerly part of the town, near the line of Massachusetts, as it has been since settled. We find Mr. Swett lieutenant and selectman in 1666 and 1670, and captain and selectman in 1676. He fell in a fight with the Indians, June 29, 1677, at Scarborough. Mr. Weare was selectman in 1667, 1671, 1673, 1679, 1683, and 1689.

Among the circumstances which may have induced Mr. Weare to settle in Hampton, was the residence there of the father and four brothers of Mrs. Weare. Her father, Richard Swaine, removed from Rowley to Hampton in 1639; was commissioner of small causes and selectman. William, her brother, had been three years selectman, and remained there until his death. Francis removed to Hampton from Exeter, and thence to Long Island, where he died. The father and two younger brothers, John and Richard, removed to Nantucket. Of these John married Mary Weare, supposed to be a sister of Nathaniel.

In 1669, Mr. Weare was chosen to run the south line of the town, which was always a matter of dispute, so that taxes were evaded and the officers of justice resisted on the border of the Provinces. It was a line parallel to the Merrimack, following all its bends, which were liable to shift, and so the line to be changed. The work required exactness, and the most capable men were sought for it. It has been a matter of serious controversy within a few years. In the same year he was chosen to lay out the land lying more than four miles north of the meeting-

house, and in 1672 to manage a law-suit brought by the inhabitants of Exeter against the Widow Garland, which was defended by the town, as it involved the town line, and was carried from the county court to the court of assistants at Boston. In 1670, Mr. Weare had a grant of 80 acres.

Upon the establishment of the Provincial Government in New-Hampshire, under President Cutt and his Council, Mr. Weare took decided ground against Mason and his claims, and was employed by Mr. Vaughan, and perhaps others, as an attorney in the action of Mason against him. The organization of the courts favorably to Mason's wishes being completed, and officers appointed, Mason began his suits against the land-holders of the Province in September, 1683, by writs against Major Richard Waldron, John Gilman, John Sanborn, and seven or more others, returnable at the court of pleas, on the last Tuesday of that month. Major Waldron appeared and objected to a trial by the jury, then impanneled, on the ground that they were parties interested; but that being overruled, no defence was made, and verdicts were returned of course for Mason. These were followed by writs returnable the first Tuesday of November, against Hussey, Stileman, the younger Waldron, Pickering, Wingate and Roberts, Daniel, Partridge and Nutter, Vaughan and Weare, and some twenty others, which were disposed of in the same way. Some dozen more followed in December, twenty in January, and the same number in February, and more than sixty others in March, April, May and June, 1684. At the November term, prosecutions were instituted for what Major Waldron had said at the trial of his case in September, and for other earlier declarations, and he was heavily fined. Attempts were made to serve the executions recovered, by turning out the tenants, but to no purpose. Every obstacle was placed in the way of the officers, and when their backs were

turned, possession was quietly resumed and maintained as before. It is very apparent that the officers had no power to serve the executions, and there are no indications that the attempt was made, except in a few instances.

The people were thoroughly roused and alarmed. Consultations were privately had, and arrangements made to send an agent to England to make complaint to the King against Cranfield, the Governor, and Mason, for their oppressive conduct. Money was collected by contribution to defray the expense, and petitions drawn up and circulated in the towns, and Mr. Weare was selected as the agent to prosecute their complaints. These petitions very strongly indicate the fears entertained by the people of the oppressions of the Government. They set forth in very general terms their settlement under the encouragement of the letters patent to the Council of Plymouth, by purchase or consent of the natives, and the difficulties they had met with, and say that, by the unreasonable demands of Mason, "and sundry other reasons that are either effects or concomitants thereof," they are in a worse condition than any of the other plantations, and reduced to confusions and extremities; and they pray his Majesty to give leave to Mr. Nathaniel Weare, one of themselves, whom they have sent for that end, to spread before his Majesty and his Privy Council their deplorable state, and that the oppressed may be relieved and the wronged righted." This petition was signed at Exeter by 34, at Hampton by 67, at Portsmouth by 60, and at Dover by 56 of the principal landholders of those towns.

Many of those against whom Mason had brought his actions, had threatened to appeal to the King in council; but, from some cause, no appeal is known to have been entered by any but Major William Vaughan, who employed Mr. Weare as his attorney to prosecute his appeal.

The arrangements being completed as far as was deemed prudent, Mr. Weare privately withdrew to Boston, and

sailed for England in February, 1683-84. Major Vaughan accompanied him to Boston, and was appointed to procure depositions and other evidence, to send after him. They evidently dared not apply for copies of records, or to take depositions in the Province, until their agent was beyond the reach of the government. Upon Major Vaughan's return to Portsmouth he was brought to an examination before the Governor, treated with great insolence, and required to find sureties for his good behavior. Having broken no law, he refused, and was by the Governor's own warrant immediately committed to prison, where he was kept for nine months; the purpose being to prevent his obtaining the evidence needed in England.

Cranfield and his party did all they could to retard the business, by refusing to summon and swear witnesses, and withholding access to the public records.

Depositions were taken and authenticated in the neighboring governments, but Weare waited long in England for the depositions, which were to have been transmitted to him in support of the complaint which he was to exhibit.

On the 11th of July, 1684, he exhibited his complaint against Cranfield, in general terms, consisting of eight articles :

“That he had engrossed the power of erecting courts and establishing fees exclusive of the Assembly: That he had not followed the directions in his commission respecting Mason's controversy; but had caused it to be decided on the spot, by courts of his own constitution, consisting wholly of persons devoted to his interest: That exorbitant charges had been exacted, and some, who were unable to satisfy them, had been imprisoned: That others had been obliged to submit for want of money to carry on the suits: That he had altered the value of silver money: That he had imprisoned sundry persons without just cause: That he with his council had assumed legislative authority

without an Assembly; and that he had done his utmost to prevent the people from laying their complaints before the King, and procuring the necessary evidence."

The complaint was in course referred to the Board of Trade, who transmitted copies of it, and of the several proofs, to Cranfield, and summoned him to make his defence; directing him to deliver to the adverse party copies of all the affidavits which should be taken in his favor; to let all persons have free access to the records; and to give all needful assistance to them in collecting their evidence against him.

When Cranfield had received this letter he suspended Mason's suit till the question concerning the legality of the courts should be determined. He also ordered the secretary to give copies to those who should apply for them, authorized the secretary to take depositions, and by a subsequent order authorized the depositions of such as, from sickness, could not go before the secretary, to be taken before a justice.

Both parties proceeded to collect and take their evidence. The charge that the records had been withheld was met by the charge that the records of the towns had been secreted, so that Mason, upon inquiry, could not find where they were deposited, and the town-clerks, when summoned, made oath that they neither knew where the books were concealed, nor who had taken them out of their possession.

The Hampton records, there is no doubt, were taken and carried by Mr. Weare to Boston, before he went to England, for fear of their falling into the hands of Mason and Cranfield; and soon after his return from England, if not earlier, warrants were issued for his arrest, to answer the charge of embezzling the records of Hampton; and he was subjected to a fine of fifty pounds.

The necessary evidence being prepared a new complaint was drawn up, consisting of twelve articles. These articles are stated by Belknap, 1st His. 112, and a brief of the evi-

dence offered in support of them is printed in the Appendix. It is sufficient to state that a hearing was had upon the complaint, on Tuesday, the 10th of March, before the Lords of Trade, and reported to the King on the articles of the complaints only; namely, that Cranfield had not pursued his instructions with regard to Mason's controversy; but instead thereof had caused courts to be held, and titles to be decided, with exorbitant costs; and that he had exceeded his power in regulating the value of coins. This report was approved by the King on the 8th day of April, 1685, and signified to Cranfield by the Lords of Trade by command of the King.

Vaughan, who had probably complained that he had been prevented from prosecuting his appeal, by the refusal of access to the records, had a right of appeal allowed him in all his actions, provided he claimed the same within a fortnight, which was accordingly done.

It would seem that the decision of titles in Cranfield's courts was represented in the report of the Lords as extra-judicial, and a royal order was issued to suspend any further proceedings in the matter of Mason, till the matter should be brought before the King in council, pursuant to the directions of the commission.

Cranfield, disappointed in his anticipation of profits, and perceiving an impression unfavorable to him to have been made on the minds of the Committee of Trade and Plantations, applied so early as the 6th of January, 1685, to be relieved from his office; and his request for leave of absence was granted, probably on the close of the hearing in March, and on receipt of letters to that effect he privately left, probably on the 15th or 16th of May, and embarked for Jamaica, whence he soon returned to England.

Mr. Weare probably returned home as early as he could after the conclusion of the hearing, and his friends felt that his agency had been ably as well as successfully

managed. He was soon after, or perhaps in anticipation of his return, elected representative of Hampton in the Assembly, September 24, 1685.

Mason having made attempts to cause executions, which had been before issued, to be tried, and persons to be imprisoned, this occasioned a fresh complaint and petition to the King, which was sent by Weare, who about this time made a second voyage to England, as agent for the Province and attorney for Vaughan, to manage his appeal from several verdicts, judgments, decrees and fines, one of which was on the title to his estate. The time of this voyage is not definitely known, but as Mason sailed in the spring of 1686, to attend the trial of his actions against Vaughan, then pending before the Lords of Trade, it seems probable that Weare's voyage may have been nearly as late. The hearing was had before the Committee of the Lords of Trade and Plantations, who made their report in Mason's favor, and on the 19th of November, 1686, the King was pleased to "approve of their Lordships' opinion and report, and to order the said verdict and judgment, given in his Majesty's courts in New-Hampshire, in New-England, at the suit of Robert Mason, Esq., as proprietor of that Province, for certain lands and tenements in Portsmouth, in said Province, be ratified and affirmed, and they are hereby ratified and affirmed accordingly."

This decision was regarded by the friends of Mason as decisive in his favor, but as we learn nothing of the facts appearing in the case, of the questions discussed, or of the points considered and decided, we have no means of judging how far the decision of that case might have affected the claims of Mason against others. It is to be regretted that the papers of Mr. Weare, which may throw light on these questions, have passed beyond the reach of enquirers in the only State where such enquiries are likely to be prosecuted. They are supposed to be in the Collections of the New-York Historical Society.

That Mr. Weare's services were satisfactory to his employers, though unsuccessful, is shown by this record :

“ A meeting of the proprietors [of Hampton] held to raise seventy-five pounds in silver to pay for their expense in sending Mr. William Vaughan and Nathaniel Weare to England, and other expenses incurred in a course of law in defence of their proprietary interests. Voted June 19, 1689.”

During Mr. Weare's absence the government of President Dudley and his Council had gone into operation, in May, 1686. About the time of his return, in December, it gave place to the Government of Sir Edmund Andros. Under neither of these administrations does it appear that Mr. Weare held any official position.

Mason returned to New-Hampshire in the spring of 1687, but found new difficulties in prosecuting his claims. The new judges delayed issuing executions on the judgments which he had formerly recovered, for what reasons we do not know. The new court in New-Hampshire consisted of Hinckes and Barefoote, his friends, Fryer, who had been displaced for the part he took in Moody's trial, and Parker, whose political relations are unknown. According to the notions of our time, no court is authorized to issue executions upon judgments rendered by a distinct court, unless the records of the old court are transferred to and made records of the new, and express authority is given to issue new process upon them.

Graham, the Attorney General of Andros, would not allow that Mason had power to grant lands by leases. And this might be a well founded doubt, as Mason was but a tenant in tail, with no right to dispose of the property beyond his own life. Evidently Mason's claims were not regarded with favor, as they had never been, in Massachusetts. These circumstances confirmed the people in their opinion of the invalidity of his claim, and rendered them, if possible, more averse to him than they had ever been.

At length, July 15, 1688, he obtained from Dudley, the chief justice, a writ of *certiorari*, directed to the late judges of New-Hampshire, by which his causes were to be removed to the supreme court of the whole territory, then held at Boston; but before this could be done he died at Esopus, in the 59th year of his age, August or September, 1688. As a member of the Council he was attending Sir Edmund Andros on a journey from New-York to Albany.

The revolution in England which placed William and Mary upon the throne in place of James the Second was accompanied by the overthrow of Andros's government in New-England, April, 1689, which left New-Hampshire without any settled government.

Those who had held the office of judge and justices under Andros seem to have made no claim to act as magistrates after the change at Boston; and the old restored government of Massachusetts feared to set up any claim, or exercise any authority in New-Hampshire, where it had been so recently decided they had no right; lest it should impair their chance of restoration of their ancient charter, toward which all their hopes were directed. They were extremely solicitous that the people of New-Hampshire should voluntarily place themselves under their government, as a step toward their permanent reënnexation. The people of New-Hampshire were divided. The government of Massachusetts had been very popular and acceptable to those who, agreeing with them in religious sentiment, had been the objects of their favor, but, except in Hampton, there had always been a large party of loyalists, churchmen, and "such as Massachusetts had driven out," to whom that government was very odious. It was not till 1671 that a Congregational meeting had been maintained at Portsmouth. Several of the early ministers of Dover were very offensive to Massachusetts, and Exeter was settled by the adherents of Wheelwright.

The first movement for the establishment of a govern-

ment in New-Hampshire after Andros's overthrow, was made by some of the distinguished gentlemen of Strawberry Bank who had held high positions under the government of President Cutt, and were warm partizans of Massachusetts. This was followed by several efforts in different forms, in one of which it was proposed that six commissioners should be chosen in each town, to meet and conclude upon a form of government, and all should be bound by the conclusions of the majority. Hampton assented so far as to choose the six commissioners, but agreed to be bound only in case a majority of her own commissioners assented. Of these commissioners Mr. Weare was one, with Henry Green, Henry Dow, Samuel Sherburn, Morris Hobbs and Edward Gove. But the plan failed.

As a last resort petitions were drawn and circulated in the other towns, and many signatures obtained, praying the Governor and Council of Massachusetts to receive the province of New-Hampshire under their government and protection, till the pleasure of the government in England should be known. This petition was brought to Hampton on the day of a training, signed by about forty, who happened to be present; and was hurried to Boston, where the Colony Legislature accepted the proposal without hesitation. Mr. Weare was dissatisfied with what was done, and the manner of doing it, as appears by a letter to Major Pike, published in the 1st N. H. His. Collections; though he professes, for himself and others, who did not sign the paper, "a great esteem of and good will to the Massachusetts government, and to those worthy persons that administer it." During this period neither Mr. Weare nor any inhabitant of Hampton held civil office under Massachusetts, so far as known. October 26, 1691, is this record:

"Receiving a letter from Capt. John Pickering, by the order of Major William Vaughan, wherein is requested that some men be sent to Portsmouth, to advise what is

most requisite and needful to be done in our defence against the common enemy,—We have made choice of Mr. Nathaniel Weare, Henry Dow and Mr. Joseph Smith, a committee to meet with the gentlemen of this Province, that shall now meet according to his letter; and what shall be our proportion of charge, or men and pay, in order to our future defence, we hold ourselves obliged to in that method as our said commissioners, or two of them, shall agree and subscribe to.”

Before a conclusion was reached in London as to the government to be established in New-England, Samuel Allen, a London merchant, purchased of Mason's heir his right to the Province of New-Hampshire, for £750. This was done at the instance of his son-in-law, John Usher, of Boston, who having been the agent of Massachusetts in the purchase of Maine of Gorges, purchased of the late Councilor Mason, near the close of his life, a share in what was called the Million Acre Purchase, a tract six miles in width on the Merrimack, from the Souhegan river to Lake Winnepiseogee, and a share in all the mines and minerals of the Province. Massachusetts made all the efforts she dared to obtain the annexation of New-Hampshire to their Province, but Allen succeeded in obtaining a separate government. A commission issued to Allen, as governor of the Province of New-Hampshire, in which Usher was appointed Lieutenant-Governor, and councilors were named, of whom Hinckes, Fryer, Coffin, Green and Elliot were of the last Provincial Council; John Gerrish, of Dover, was new. Thomas Graffort, John Walford and John Love, were named, but for some reason now unknown, never took their seats at the board.

Allen did not come to this country until September, 1698, but the commission was published, and the government assumed by Lieutenant-Governor Usher, August 13, 1692. An Assembly was summoned and three new members were added to the Council, by election of the Lieu-

tenant-Governor and Council, agreeably to the power given by the commission. They were Major Vaughan, Mr. Weare, and Mr. Waldron.

In April, 1694, Mr. Weare was appointed chief justice of the supreme court of judicature, in place of Mr. Martyn, who had been appointed in October, 1693, and presided in that court till 1696, when Joseph Smith was appointed.

Lieutenant-Governor Usher was unpopular for various reasons. He had been treasurer under Andros' administration, and favored the odious policy of that time. He was regarded as hostile to the interest of the Province, his father-in-law claiming the proprietary right of Mason. He had high notions of the dignity of his office, and assumed a tone too high to be agreeable to his associates in the government. In 1695, Vaughan, Waldron and Hinckes were suspended by the Lieutenant-Governor; and in June, 1697, by their successful management at home, Lieutenant-Governor Usher was suspended during the absence of Governor Allen, by Lieutenant-Governor Partridge, and the suspended Councilors were recalled. It seems Weare, during these troubles, quietly retained his seat till January, 1698-9. After Governor Allen's assumption of government, in September, 1698, Usher resumed his seat at the Council, in November, 1698. At the meeting of the Council in January, 1698-99, Coffin and Weare moved a question, whether Usher was a member. He asserted his privilege, and the governor decided in his favor. They entered their dissent, and asked a dismissal. The governor forbade their departure. Weare answered that he could not, by setting there, put contempt on the King's commission [to Partridge?], and withdrew. The old councilors, except Fryer, refused to sit. Soon after, Weare being sent for, appeared at the Council, and desired that, upon consideration of his age and remote living, he might be dismissed from said service, which was

accordingly allowed him. The vacancies in the Council were filled by the election of Joseph Smith, Kingsley Hall and Sampson Sheafe, and on the 25th of February, 1698-9, of Lieutenant Peter Weare, the eldest son of the former councilor. These new members retained their seats till Governor Bellamont's commission, dated the 8th of August, 1697, was published, July 31, 1799, when they were of course suspended by the councilors named in this commission.

Mr. Weare resumed his place with the others of these councilors, and from this time was pretty regular in his attendance at the Council till December 24, 1715, when he ceased to attend. His name was probably omitted in Gov. Shute's commission, with Elliot's, Waldron's and Vaughan's, when six new councilors were appointed in 1716.

Mr. Weare was occasionally of the commission of the peace till 1699, after which he remained a justice of the quorum until his retirement, in 1715.

Mr. Weare was a member of the church at Hampton as early as 1671, and his wife, Mrs. Elizabeth Weare, was admitted July 14, 1700. She died February 10, 1712. His sons, Peter and Nathaniel, were also members, and were set off with the councilor and his wife and forty-four others, "in order to the entering into church state in the south part of the town."

Mr. Weare died May 13, 1718, and his death is thus recorded in the Hampton records:

"Nathaniel Weare, Esq., for some years one of the members of the Council of N. H., died the 13th of May, 1718, in the 87th year of his age."

Mr. Weare had two sons, Peter and Nathaniel. Peter, besides being councilor, was four years a justice of the superior court. Nathaniel was eight years a justice of the same court, and his son Meshech was chief justice and president of the Council during the war of the Revolution. Many of his descendants remain in the State.

AUTOGRAPHS OF OTHER DISTINGUISHED NAMES FOUND
IN THE PRECEDING PAPERS.

Edw Cranfield

Francis Hooper

R: Chamberlain Lord.

Walter Barfoot

Henry Toby

James: Sherlock

Jos: Rayne

UNSETTLED STATE OF THE PROVINCE.

The following notes, by Hon. S. D. BELL, will serve to illustrate the disordered state of society and of government in New-Hampshire, after the overthrow of Andros' Government, April 18, 1689, to the publication of Gov. Allen's commission, August 13, 1692.

☞ These notes should be compared with the papers and documents copied from Massachusetts records, and found on pp. 292-303 of this volume.—EDITOR.

It may be premised that, almost from the commencement, this was a period of anxiety and distress from the Indian War.

June 28, 1689, Waldron and twenty-two others were killed, and twenty-nine captured at Dover. August, 1689, eighteen killed at Oyster River. August, 1689, two killed at Andover. February 2, 1690, sixty killed, twenty-seven captured, at Schenectady. March 18, 1690, twenty-seven killed, fifty-two captured, at Salmon Falls. August 22, 1690, one taken at York. August 22, 1690, fourteen killed, six taken, at Fox Point, Newington. July 4, 1690, eight killed, one taken, at Lamprey River. July 5, 1690, eight killed at Exeter. July 6, 1690, sixteen killed at Wheelwright's Pond, Lee. July 7, 1690, three killed at Amesbury, Mass. July, or August 3, 1690, one killed, one wounded. September 21, 1690, eight killed, twenty-four wounded, at Maquoit, near Casco. January 25, 1692, forty-eight killed at York, Me. July 18, 1692, six killed, one wounded, at Lancaster, Mass. August 1, 1692, six killed at Billerica, Mass. September 28 and 29, 1692, two killed at Berwick; twenty-one killed at Sandy Beach, (Rye).

We are, of course, not to expect much fullness nor regularity in the records of mere political incidents.

This is the account of Dr. Belknap; quite too concise to be accurate:

"The revolution at Boston, though extremely pleasing to the people of New-Hampshire, left them in an unsettled state. They waited the arrival of orders from England; but none arriving, and the people's minds being uneasy, it was proposed by some of the principal gentlemen, that a convention of delegates, from each of the towns, should consider what was best to be done. The Convention Parliament in England was a sufficient precedent to authorize this proceeding. Deputies were accordingly chosen, and instructed to resolve upon some method of government.

NOTE. The members of this Convention were, for

Portsmouth—Major William Vaughan, Richard Waldron, Nathaniel Fryer, Robert Elliot, Thomas Cobbett, Capt. John Pickering.

Dover—Capt. John Woodman, Capt. John Gerrish, John Tuttle, John Roberts, Thomas Edgerly, Nicholas Follet.

Exeter—Robert Wadley, William Moore, Samuel Leavitt.

It does not appear, from Hampton records, whether they joined in this Convention, or returned immediately to the government of Massachusetts.

At their first meeting, January, 1690, they came to no conclusion, but afterwards they thought it best to return to their ancient union with Massachusetts. A petition for this purpose being presented, they were readily admitted, till the King's pleasure should be known, (March 12,) and members were sent to the General Court, which met there in this and the two following years.

NOTE. The original petition, signed by three hundred and seventy-two persons, is among the files in the Secretary's office of Massachusetts, and a copy of it is in the office of the Secretary of State of New Hampshire. [See pp. 293-98.]

The Representatives during this period were, for Portsmouth :

1690, Elias Stileman, John Foster; 1691, Richard Waldron, John Pickering; 1692, Richard Waldron.

None were sent from any other town.

The gentlemen who had formerly been in commission for the peace, the militia, and the civil offices, were, by town votes, approved by the General Court, restored to their places, and ancient laws and customs continued to be observed.

[NOTE. The names of the military and civil officers, as presented to the Governor and Council, and approved by them, and the deputies of Massachusetts in March, 1690, may be seen on pages 299-300.]

Had the inclination of the people been consulted, they would gladly have been annexed to that government. This was well known to Mather and the other agents; and, when soliciting for a new charter, they earnestly requested that New-Hampshire might be included in it. But it was answered, that the people had expressed an aversion to it, and desired to be under a distinct government.

In this unsettled state of affairs it was proposed to call a convention to advise in what manner to proceed, and to agree upon some form of government. Major William Vaughan, Richard Waldron, Nathaniel Fryer, Robert Elliot, Thomas Cobbett and Capt. John Pickering, were chosen deputies from Portsmouth. [Adams' History of Portsmouth.]

1690, the Convention recommended a re-union with Massachusetts, until the King's pleasure should be known. Application was made to that Government and readily agreed to. The union took place on the 12th of March. Mr. Richard Waldron and Capt. John Pickering were elected and sent Representatives to the General Court.

The town voted that Mr. William Vaughan, Mr. Richard Martyn, and Mr. Nathaniel Fryer, who were formerly chosen by the town, and

confirmed as magistrates by the Governor and Council of Massachusetts Bay, be the persons that are to attend that work, according to their oaths taken.

The record of Exeter on this subject is: At a town meeting held at Exeter, December 25, 1689, then chosen to meet the messengers of the Province to consult about settling matters for this town, Robert Wadleigh, senior, Ensign William Moore, Samuel Leavitt.

Also, that these men are empowered, after they return home, to convene the people to receive the opinion of said people of the other towns. Nothing further has been observed.

The record of Dover on this subject: At a public town meeting appointed to be held at the meeting-house upon Dover Neck, October 28, 1689,

The inhabitants of the town being met, *Voted*, The said meeting to be legal. At a public town meeting, held at Dover this 28th of October, 1689,

Voted, That Lieut. John Tuttle is chosen to open the votes at Portsmouth, for the choice of a Commissioner, by the majority of votes, for the joining with the Commissioners of the United Colonies, and to join with the rest of the Representatives of this Province in giving such instructions to the said Commissioners as shall be thought meet for the vigorous management of the present war.

NEW-HAMPSHIRE: DOVER NECK, IN NEW-ENGLAND.

At a public town meeting, held January 1, 1689-90: Whereas this Province, since the last revolution in the Massachusetts Colony, has been destitute of government, and has hitherto waited their Majesties' order for a settlement thereof, which, not yet arriving, and seeing a present necessity of falling into some method of government, in order to our defence against the common enemy:

Voted, nemine contradicente, that six persons be chosen in this town, as commissioners, to meet with the commissioners of the other towns of the Province, to confer about and resolve upon a method of government within this Province, and what the said commissioners of the whole Province, or the major part of them, shall conclude upon, and agree as to the settlement of government among us; we, the inhabitants of Dover, shall hold as good and valid to all intents and purposes; hereby obliging ourselves to yield all ready obedience thereunto, until their Majesties' order shall arrive for the settlement of the government over us.

The persons chosen by the majority of votes of the town are, Capt. John Woodman, Capt. John Gerrish, Lieut. John Tuttle, Mr. Thomas Edgerly, Lieut. John Roberts, Mr. Nicholas Follet.

This passed a clear vote in the town meeting in Dover meeting house, this first day of January, 1689. These seem all that appear on the Dover records.

The records of Hampton are as follows:

Resolves relating to the formation of Government, July 8, 1689. In answer to a letter bearing date 2d of July, 1689, subscribed by several gentlemen of Portsmouth and Great Island, Ensign Henry Dow, Serj. John Smith, and Mr. Joseph Smith, were all chosen and appointed to go to Portsmouth upon Thursday next, the 11th of this instant, as the town representatives, who are to meet with those chosen out of the other towns in this Province, there to consider of what shall be adjudged meet and convenient to be done by the several towns in this Province, for their peace and safety, until we shall have orders from the Crown of England. And they are to bring a true account of every particular which shall be adjudged meet to be done by the major part of the said representatives, chosen by the several towns in this Province, unto our town meeting, upon Saturday, the 13th inst., that so the town at that meeting may agree and consent to any, or all of the said particulars, if they shall see cause.

At a meeting of the town of Hampton, this 22d of October, 1689,— Having there received from the Honorable, the Governor of the Massachusetts Colony, intimating the readiness of the Confederate Colonies, viz., of Plymouth and Connecticut, for the vigorous prosecution of the war, and expecting the Province of New-Hampshire should send a commissioner, to consider and agree, so far forth as is reasonable, with the said commissioners, for the vigorous prosecution of the said war against the common enemy; we therefore, of the town of Hampton, considering the charge and great expense, in several contingencies, that happened since the murderous invasion of the Indian enemy, and not knowing how far it may further proceed, we agree now to send, according to request, a commissioner for to debate and consider of what is expedient for the future, and hold ourselves bound to comply with those methods that shall be agreed on for the defence of our country and ourselves, for any time hereafter the date hereof.

These men do dissent from this vote: Henry Dow, William Sanborn, senior, Samuel Cass, Jacob Perkins, Abraham Cole, Aaron Sleeper, William Marston, John Redman, Jr., Ebenezer Perkins, Mephibosheth Sanborn, John Leavitt, David Wedgewood, Philip Towle, senior, Christopher Palmer, Thomas Nudd, Benjamin Moulton.

December 18, 1689. The town, considering the unsettled state that we are in for want of government, and so the more incapacitated to defend ourselves against the invasion of any enemy, do think meet that some persons be chosen to meet with some persons deputed by the several towns, to consider and debate the matter that be now incumbent upon us, and make report of their advice to the town at the next meeting, or otherways. The persons so chosen as above were Mr. Nathaniel Weare, Capt. Samuel Sherburne, and Ensign Henry Dow; Abraham Green, dissents.

January 20, 1689. At a public meeting of the town of Hampton:

Forasmuch as, since the late revolution in the Massachusetts Colony, no orders from their Majesties' have yet arrived for the settlement of

government in this Province, and no authority being left in our Province but that of the late justices, which, considering our present circumstances, can not answer that end of government, viz. the raising of men, money, &c., for our defence against the common enemy; and the neighboring towns, Portsmouth and Dover, having considered that there is a present necessity of falling into some method of government, in order to our defence against our professed enemies; and they having chosen six persons in each town, as commissioners to meet with the commissioners of the other towns in the Province, to confer about and resolve upon a method of government within this Province, the said commissioners having sent to us to desire us to join with them, and to send our commissioners, with full power to agree upon a method of government, as they have: We, therefore, the inhabitants of the town of Hampton, in answer to their request, have agreed to send them six persons, as our commissioners, to join with the commissioners of the other towns of the Province, to confer about and resolve upon a method of government within this Province. And what the said commissioners of the whole Province, or the major part of them, shall conclude and agree upon, as the settlement of government amongst us, if these our said commissioners, viz. Henry Green, Esq., Ens. Henry Dow, Mr. Nathaniel Weare, Captain Samuel Shurburne, Morris Hobbs, sen., and Mr. Edward Gove, in discoursing and agreeing about the same, if they, or the major part of them, shall see just cause to comply and agree with the other commissioners, as to the way and method of government that shall be settled amongst us, and shall subscribe thereto, we, the inhabitants of the town of Hampton, reposing especial trust and confidence in our said commissioners, what they shall agree to, or the major part of them, we shall hold as good and valid to all intents and purposes, hereby obliging ourselves to yield all ready obedience thereto, until their Majesties' order shall arrive for the settlement of government over us. Voted.

These men dissent: Joshua Shaw, Benjamin Swett, Henry Moulton, John Smith Taylor, William Sanborn, sen., Ephraim Marston, Jonathan Wedgewood, James Marston, John Hussey.

Oct. 26, 1691, receiving a letter from John Pickering by the order of Maj. Vaughan, wherein is requested that some men be sent to Portsmouth to advise what is most requisite and needful to be done in our defence against the common enemy, we have made choice of Mr. Nathaniel Weare, Henry Dow, and Mr. Joseph Smith, as a committee to meet with the gentlemen of this Province, that shall now meet according to his letter, and what shall be our proportion of charge, or men and pay, in order to our future defence, we hold ourselves obliged to, in that method as our said commissioners, or two of them, shall agree and subscribe to.

[For the "Petition of New-Hampshire Settlers," see p. 293.]

In his letter to Major Pike, Mr. Weare says: "It was for the most part concluded that we had no governors, nor authority in this Province."

"Many essays were made to make some government, till their Majesties should take further order."

"At first there was in the several towns persons chosen to manage the affairs of government in this juncture of time, but that was for the same reason laid aside."

"Afterwards three persons were chosen in the town of Hampton, to meet with the commissioners of the other towns, if they see cause to appoint any to debate and conclude what was at this time necessary to be done in relation to some orderly way of government, and to make their return to the several towns for approbation, or otherwise."

"But the inhabitants of Portsmouth met, and made choice of some persons to meet with the commissioners of the other towns, to debate and consider of what was to be done, in order to the settlement of some government, till their Majesties should give order in the matter. What they did, they engaged themselves certainly to comply with. The inhabitants of the town of Hampton began to be very jealous of their friends and neighbors, that they would bring them under several inconveniences in commanding from them men and money as they pleased, some very hard to be brought to any thing; but after several meetings did choose six persons as commissioners, with power according to the other towns, viz., Portsmouth, Dover and Exeter, and every man then present agreed to such method as was then drawn up."

"Then the towns were to choose persons for that end, and the inhabitants of Hampton met." "The major part seemed fearful and suspicious," "and so they made a vote they would not choose, and so all proved ineffectual."

"The inhabitants of Portsmouth drew up and signed, so many as did, as I am informed, for I never saw it, to the Governor and Council of the Massachusetts Colony, to take this Province into their care, protection and government, as formerly, and so the other towns, Dover and Exeter, complied with, how generally I know not, and so brought it to Hampton, on Wednesday, the 20th of February last, when the soldiers were there; no intimation given for the end of signing the petition, so that several children and servants made up the number of names. It was quickly after, by William Vaughan, Esq., and Capt. John Pickering, brought into the Province, declared to be accepted by the said Governor and Council, with orders given to meet on such a day, for choosing selectmen and constables, and other town officers, according to former usage, as appears by order given to Justice Green, bearing date the 4th of March, 1689-90."

"What was done on that day, yourself knows." "That choosing of Mayor, Treasurer and Recorder, was not according to former usage." It was pressed by some to have a vote taken, if Hampton would comply. He objects to "fifty persons prescribing the method of government for two hundred. To the subscribers acting contrary to their petition:

"Formerly," he says, not to meddle with the custom and usage of the

gentlemen of Piscataqua, "we, at Hampton, had the choice of our magistrates and officers; and how the assistants, or magistrates at Portsmouth, can grant any warrants, or exercise the administration of government over Hampton, that never chose them, I know not; so that, upon the whole, the Government of Massachusetts cannot, I suppose, exercise or appoint any governors over us, till they have authority to do so from the crown of England, or we, or the major part in the several towns, do pray for it, which at present is not in Hampton, as it plainly appears. So that to be subjected to a government in the Province, and principally at Portsmouth, will be very tedious." And he apprehends distractions, heart-burnings, disobedience to supposed commanders, &c., and remonstrances, that may reach as far as England, and so make way for a person to be deputed by the crown of England, that may, under color of a commission, exercise his own will.

Date, March 15, 1689-90.

[Note to the Editor, from Hon. Chandler E. Potter.]

HILLSBOROUGH, March 26, 1866.

MY DEAR SIR,

I forgot to ask you, if you publish the letters of John Hogkins to Cranfield and Mason, in 1685. If you publish them, please notice that Belknap and Farmer both have the name of the second Indian to the first letter *wrong*. They have it *Detogkom*, when it should be *Betogkom*. You will see this is so by looking at the *second* letter, where the B is made plainly. There was no such Indian as *Detogkom*, while *Betogkom* was an Indian preacher and pupil of Eliot, and was at Penacook about this time. He wrote all these letters, as you will see by consulting the originals. Hogkins says: "This all Indian hand;" but he does not say it is all his hand. He could not write, and made his mark to the second letter, but omitted so to do in his first letter. The fourth letter establishes the fact that Cranfield left Newcastle and his government on the 16th of May, 1685. Hogkins says to Mr. Mason, "I will speak this governor, but he go away, so he say at last night." This is written May 16, 1685, and shows Cranfield at home on the night of the 15th of May, 1685, and absent the next day, the 16th of May, and he was not heard of in the Province after. They are published in Belknap's Appendix in part, but should be published in the Collections, with notes of explanation.

Yours,

REV. DR. BOUTON.

C. E. POTTER.

REMARK. Having carefully examined the original letters of John Hogkins, which are found in "Province Records," B. I., on pp. 155-158, and printed in this volume, pp. 253-255, the editor is convinced that Judge Potter is correct, and that "*Detogkom*" should be *Betogkom*. Also, the inference is probable that Hogkins himself could not write. The four letters—certainly, the signatures—"John Hogkins," are in the same hand.—EDITOR.

MASSACRE AT DOVER.

Belknap in his History gives a detailed account of the Massacre at Cochecho, or Dover, on the night of June 27, 1689. Some additional facts are contained in the account prepared by Hon. C. E. Potter, and published in the *Farmer's Monthly Visitor*, May, 1853. The tragic death of Major Waldron at that time is described in Judge Bell's biographical sketch, p. 340 of this volume. We are indebted to Judge Potter for the Map of Cochecho, which will give a more distinct idea of the situation of the garrisons at that time. Belknap says: "In that part of the town of Dover which lies about the first falls in the river Cochecho, were five garrisoned houses; three on the north side, viz., Waldron's, Otis', and Heard's; and two on the south side, viz., Peter Coffin's and his son's. These houses were surrounded with timber walls, the gates of which, as well as the house-doors, were secured with bolts and bars."

COCHECO IN 1689.



Scale—one eighth of a mile to an inch.

- A. Otis' Garrison.
- 1. Waldron's Garrison.
- 2. John Harris' house now.
- 3. Heard's Garrison. On a small hill called *Little Hill*, afterward *Garrison Hill*.
- 4. Varney's hill.
- 5. Varney's house, said to be 170 years old.
- 6. Coffin's Garrison.

Among the captives taken by the Indians at Dover was the wife of RICHARD OTIS, with an infant daughter of three months old. The interesting and strange fortunes of this infant daughter are related in the following papers, which have never before been published in connection with the massacre.—*Editor.*

The following was published in the Boston Evening Post of March 15, 1773.

Died at Dover, Mrs. Christina Baker, born there in March, 1688-9; and when the town was taken and destroyed by the Indians, in June following, she was carried captive, with her mother, to Canada, and there brought up in the Romish faith, married, and had several children; but upon her husband's death a strong desire led her to return to the land of her nativity upon an exchange of prisoners in 1714.

After her return she married Captain Thomas Baker, then of Northampton (Ms.), when she renounced the errors of the Romish religion, and joined with the church under the care of the Rev'd Mr. Solomon Stoddard. An attempt was made to recover her by Monsieur Siquenot, a Romish priest, who sent a long and affectionate letter to her from Canada, which, being laid before the late Governor Burnet, His Excellency wrote a solid and judicious confutation of the erroneous principles therein advanced. Both the letter and answer were printed in Boston, and I suppose are the following:

Letter from a Romish Priest in Canada,

To one who was taken captive in her infancy, and instructed in the Romish faith, but some time ago returned to this, her native country;

With an answer thereto, by a person to whom it was communicated.

Boston: Printed for D. Henchman at the corner shop over against the Brick Meeting-House in Cornhill: MDCCXXIX.

NOTE. Her father's name was Richard Otis, who was killed in his garrison at Dover, N. H., 1689. See Belknap. She was the mother of the late Colonel Otis Baker, of Dover, N. H., and his daughter Lydia married Colonel Amos Cogswell, and his daughter Lydia married Paul Wentworth, of Sandwich, N. H., whose son is the Hon. John Wentworth, of Illinois.

The Book Seller to the Reader.

As it is with no small pains that I have been able to satisfy several persons who wanted to see what is contained in the following sheets, having made use of the interest of those whom I thought most likely to procure me the copy for the press: I dare not be so much farther troublesome as to desire an introduction from the hand that answered Mr. Siquenot's letter, and therefore I shall myself give an account of what I know of it. The Romish priest's letter to a gentleman now married and settled in this country, was written in French in a very crabbed and hardly legible hand, and was recommended by her husband to a gentleman well versed in that language to transcribe, in order, to employ some person to answer it; whereby to remove the impressions which Mr. Siquenot expected by his letter to work on the mind of his stray sheep (as he is pleased to call that gentle woman), and to deprive him of the triumph which his having challenged without being answered would have given him. The letter, after having been a pretty while in the above gentlemen's hands, was at last transcribed, and what is contained having excited the curiosity of a person of distinction among us, the letter was communicated to him, and he was prevailed upon to write an answer to it, which he did in French, since in English it would have been unintelligible to the gentle woman, and the priest for whom it was chiefly designed. The manuscript of both letter and answer, after having been seen by some in this town, was translated into English at the desire of others who did not understand the French tongue; and having met with a general approbation from those who read it, it could not but raise the curiosity of many more, at whose desire I made application for the copy, and with much ado, as I said before, obtained it. This difficulty I can no otherwise account for than by acquainting the reader that the author of the answer, having no desire of appearing in print in a matter that had given him but little trouble, and could be of no benefit to him, and, besides, had been done pretty hastily, did not do it out of choice, but to oblige such as signified their earnest desire to him, especially a lady of considerable figure in this town.

A Letter from a Romish Priest in Canada.

J. M. J.—These three letters are put in honor of Jesus, Maria, Joseph.

My dear Christina, and whom I may call my spiritual daughter; since I esteemed and directed you as such, whilst you were here, and had the happiness of making one of the holy family of Jesus, Maria, Joseph, Joachim and Anne, whereof I had the honor to be the director, and that you, as well as Madam Nobitail, your mother, whose confessor I am become since the death of Mr. Nermi, who was well known to you, were of the number of about two hundred women of the best fashion of Ville Maria (that is Mountreal), who then made up the mystical body of that holy association; I own also that all our members of the seminary, as well as all Mountreal, were edified with your carriage, you being sober and living as a true christian and good Catholic; having no remains of the unhappy leaven of the irreligion and errors of the English, out of which Mr. Meriel had brought you, as well as your mother, taking you out of the deep darkness of heresy, to bring you into the light of the true Church, the only spouse of Jesus Christ.

It was allowed, under the law of nature and under that of Moses, to have many wives, for reasons which your ministers must have known; but under the law of grace, in which we live, established by Jesus Christ, the holy and true legislator, multiplicity of wives is forbidden, and for that reason Jesus Christ himself chose to have but one single spouse, which is his church, which he purchased by the price of his adorable blood, which he loves and will love to all eternity, and against which the gates of hell and all the powers of this corrupted age, shall not prevail; as he assures us, St. Matthew, chap. 16, when he saith to St. Peter: Thou art Peter, and on this rock I will establish my church, which all the infernal powers shall never over set, which is verified by the experience of all the heresies, which almost in all ages have assaulted her; since she has dissipated, thrown from her bosom, and crushed all those vipers, and has along subsisted whole and without spot and true to her spouse, Jesus Christ, and will continue in that unalterable fidelity. And since Jesus Christ has promised on

his side to be with her to the end of the world : Matt. 28 : 20. There is, saith St. Paul (Eph. 4 : 4, 5), but one God, one Jesus Christ, one faith, one baptism, one single Body, which is the Church ; one single Spirit, which animates and directs her. The English, the Dutch, the Calvinists, the Lutherans, the Zuinglians, dare not take those qualities to themselves, since they are many bodies, and many spirits, different as to the doctrines of faith, differing the one from the other. The Puritans in England make up one, the Nonconformists another ; the Presbyterians one, the Episcopalians another ; the Quakers one, the Anabaptists another ; the Poor* one, the Lutherans in Germany another. And do not the Calvinists in the Marquisot of Brandenburg make up a separate body from the rigid or moderate Lutherans ? Lastly : Do not the Zuinglians in Switzerland, and the Genevese, their neighbors, make up bodies different from many others ? And these different sects, far from being animated by the same spirit, do they not contend with one another ? and to say the truth in one word, there is not one of all these sects that can boast of any religion.

And, for proof of this, *What is Religion ?* It is a virtue by which we worship God as the sovereign and absolute Lord of all his creatures, whether by sacrifice and real offering with blood, as did of old the priests, Aaron and his successors under the Mosaical law, in killing bullocks, rams and lambs ; or mystically, though very really, as do the priests under the law of grace, in sacrificing and offering every day to the most adorable Trinity, Jesus Christ, upon our altars. This sacrifice besides was by Jesus Christ himself, the great and high priest of the new law, to thank God for his mercies, to ask for new blessings, and to obtain of his goodness the pardon of our sins ; so that the sacrifice of the law of grace, instituted and commanded by Jesus Christ, performs itself alone all that the sacrifices of the Mosaic law did together, and in a more effectual, more real and truer manner, since those of the old law did not bestow grace, being, as St. Paul saith, but weak and poor elements—Gal. 4 : 9—whereas those of the new law have it in themselves, and truly give it—Gal. 4 : 5—since

* By which is meant the Vaudois, who were called the Poor of Lyons.

they contain the merits of the death and passion of Jesus Christ and of his adorable blood, and give us a real entrance into the adoption of the children of God. Egeus, President of Achia, for the Romans, willing to oblige the apostle Saint Andrew, to offer sacrifice to his false gods, he made this answer, which ought to confound all those who are out of the Catholic Church, and especially the ministers. I offer every day, said that holy apostle, to the Almighty God, not the flesh of bulls, nor the blood of goats, but Jesus Christ, the Lamb without spot, whose flesh remains whole after the faithful have been fed and satisfied by the real eating of this divine victim, which is the bread of angels and children of God.

From this argument I conclude, and you ought to conclude with me, my dear Christina, that the real sacrifice of some victim is essential to religion; and this is so true, that the first idolaters and pagans, seeing that the Jews offered fleshly offerings to the true and holy God, according to the commandment given by the Lord to Moses on Mount Sinai, since this blind people, following the example of the Israelites, did build temples, where they offered living creatures to their false gods; and it is what the Chinese and Japanese do to this day, who offer to them reasonable creatures, as do also the Africans in some places of that third part of the old world, and in America, whence I conclude that there is no religion either in Old or New-England, nor in Holland, nor in part of Germany, nor at Geneva, nor in the Swiss cantons that follow Zuinglius; because in all those places there is neither sacrifice nor sacrifices, though they know, as we do, the true God, and because, by a most deplorable blindness, they have banished from among them the priesthood of Jesus Christ.

Reflect seriously, my dear Christina, on those fundamental truths, and know that the Catholic Church is the only mystical ark of Noah in which salvation is found. All those who are gone out of it, and will not return into it, will unhappily perish, not in the deluge of waters, but in the eternal flames of the last Judgment. Let me, my dear Christina, say to you, what St. Paul said to the Galatians, Who has so far bewitched and blinded you, as to make you leave the light and the truth to carry you among the English, where there is nothing but

darkness and irreligion, schisms, divisions and confessions, and consequently where the Catholic Church is not? she who is the only spouse of Jesus Christ; a church of peace and unity. In a word: All those pretended churches spread over England, Holland, Switzerland, and part of Germany, are a very tower of Babel, where they neither understand nor agree with one another; without head, without charity, without faith, without sacrifices, and consequently without religion: a tower of Babel, which destroys itself, and which shall be thrown down into the abyss at the terrible day of the last coming of Jesus Christ, the Supreme Judge of the living and the dead.

Consider within yourself, my dear Christina, poor stray sheep, and following the example of the prodigal son, come back to your heavenly Father. Humble yourself before him as Achab did; own yourself guilty—as certainly you are—to have apostatized and forsaken the Lord, the only spring of the healing waters of grace, to run after private cisterns, which can not give them to you, since they have them not, having only the muddy waters of the Nile of unbelieving Egypt, and those of the Euphrates of infamous Babylon. Look once more within yourself, my dear Christina, as the prodigal son in the Gospel; hearken to the stings of your conscience, for it is impossible but you must feel them reproaching your apostasy. Read with attention the two letters I send you concerning the happy and Christian death of your daughter. Above all, weigh with care the particular circumstances by which she owns herself infinitely indebted to the mercy of God, and the watchfulness of her grandmother, for having withstood her voyage to New-England, and not suffered her to follow you thither. Consider with what religion and inward peace she received all her sacraments, and with what tranquility she died in the bosom of the church. I had been her confessor and director for many years before her marriage, and before her going down to Quebec, where she lived with her husband peaceably, and to the edification of all the town. Oh! happy death, my dear Christina, would you, like her, die as predestinated. Come in all haste, abjure your apostasy, and live as a true Christian and Catholic; else fear and be persuaded that your death will be unhappy, and attended with madness and

despair, as that of Calvin was; whose errors are followed in New-England, and who bewailed at his death, and, acting like an agitated fury, detested the fatal moment in which he had separated himself from the Roman Catholic Church, and those false and calumnious writings he had published against her. Luther, his predecessor, did not make a much happier end: he dying suddenly, at the end of a plentiful supper, which lasted till 10 or 11 at night; at which supper were present his three children, and Catharine de Bore, his wife, who had been a nun, and made her three vows of poverty, chastity and obedience; a woman of condition, and whom he had taken out of a monastery to make his wife, and had the impudence publicly to marry after the death of the duke and elector of Saxony, his protector; for he would not have dared to accomplish that sacrilegious marriage whilst that prince was living; who, though a Lutheran, abhorred marriages contracted between persons who before God and the Church had made vows of chastity, which Luther had done in the Convent, and Catherine de Bore in hers. But after the death of that Elector, Luther pulled off the mask, and publicly married her, for all that he was a priest and a monk, and Catherine de Bore a nun.

Henry the VIII, King of England, was the first that made a schism with the Roman Church, not willing to own her for his mother, as he and all his predecessors had done very religiously before. He left the Roman Church, that he might put away his lawful wife, Catherine of Arragon, a princess of eminent virtue, and aunt to the Emperor Charles the Fifth, and marry Ann Boleyn, whom some English historians believe to have been his daughter, begot by him of the Lady Boleyn, in the absence of Sir Thomas Boleyn, whom he had sent to France as Ambassador to Francis the First. The same Henry the VIII, four years after this scandalous marriage, caused the same Ann Boleyn to be beheaded, having discovered her unfaithfulness and her intrigues with some gallants which she had. This schismatical prince, feeling himself near his end, was desirous of confessing himself, and notwithstanding he was a schismatic, he had not renounced those two sacraments of the Catholic Church, instituted, like the other five, by Jesus Christ. The bishops and priests who were there in London hid them-

selves, and would not receive his confession, as much in regard to the great scandal he, by his schism, had given to the Church, as on account of the unheard of cruelties which he had committed against the monks, and some people distinguished by their characters, as Thomas More, Chancellor of England, and John Fisher, a bishop who had refused to subscribe to his pretended and impious Primacy of the English Church, and for having, beside, plundered and rifled all the goods, even to the holy vessels, out of the churches of the chief and richest abbeys of his kingdom. One of those bishops, however, confessed him, laying him under an obligation to build an hospital, thereby in some measure to redress the excessive wrongs he had done to the churches; which hospital, to speak justly, was nothing, however, in comparison with the rapines and extortions he had committed. He received the communion, and as the consecrated host was offered to him, he would come out of his bed and fall down before it, a token that this unfortunate prince had kept the Faith toward that divine sacrament and toward the other six, on which he had writ a treatise against Luther, who had writ him a wheedling letter, to bring him into his party, which the king would not hearken to, but treated Luther as a heresiarch. And we read in history that one of king Henry the VIII predecessors, on his being to give battle to one of our kings of France, ordered that on the morning of the day of battle all the soldiers should, as well as himself, partake of the adorable body of Jesus Christ, at the masses which the chaplains of the army were to officiate in, every one in his own quarters. Why, then, do the English at this time no longer acknowledge the truth and reality of the presence of Jesus Christ in that awful sacrament? The same history tells us that the English of former times built magnificent churches in some of our provinces, when they were in their possession, and in which churches mass was said, and Jesus Christ offered to his eternal Father. Why, then, do the English at this time not make profession of the same religion with their ancestors, who were thoroughly Roman Catholics? Was not Zuinglius the chief of the sacramentarians, killed at the head of the army he led against the Catholic Switzars, whom he would by force oblige to embrace his sect and his errors? Have even the

apostles or any other laborers in the gospel whereof the Protestant ministers pretend (but without reason) to be the successors, been seen to march at the head of armies with swords in their hands and cannon pointed to enforce the Gospel? I leave it to your ministers to judge of so extraordinary a proceeding.

But let us return to you (poor stray sheep); think seriously on death, which may be nearer to you than you think of. What will you, in that moment, say for yourself to Jesus Christ to justify your apostasy, when he shall come to judge and decide of your fate to all eternity? Rather, in what sorrow and despair will you not be, when you find that you have nothing solid to allege to him to excuse your cowardly desertion? Perhaps, like the unfortunate Antiochus, you will own that you were in the wrong in forsaking Him and his Catholic Church, his only spouse, promising that if he grants you health again, you will repair the scandal that you have given by your apostasy. But do you know, my dear Christina, what will happen to you? The same (poor lamb) that happened to that unfortunate prince to whom the Lord showed no mercy, and whom he left to his justice, because he had first forsaken him; and that, when in health, and able to convert himself, he had slighted the Lord, and trod under foot the warnings which godly people had given him from God. Do not, then, dear Christina, saith the Lord by his prophets, defer any longer, and do not delay your repentance till the hour of death, but work it out now, as saith St. Paul, whilst you have time. Harden not your heart, as saith the kingly prophet, but hearken to the Lord, who speaks to you by our means. Your soul, my dear Christina, like that of the prodigal son, dies with hunger in the strange land whither you are gone. I call strange land that which is out of the Catholic Church, our true Mother, who abundantly fed you with her milk and her honey. You have, where you are, no body that can absolve you of your sins, and give you that grace again, which they have made you lose. You hear no longer the wholesome and true word of God, having in that strange land no preachers who have received their mission from Jesus Christ or his apostles; no bishops, their successors, to declare to you that Divine Word, and to instruct you in the fundamental points of faith, and principles

of the gospel, and in the practice of virtues, such as humility christian charity, contempt of the world and all its vanities, chastity, prayer, fasting, repentance, mortification, sufferings, love of the cross, longings after eternal blessings, and other principles taught in the Catholic Church; a language unknown to the Protestants and to your fine reformers, let us say, rather the true destroyers of all those holy practices. Who has sent these worthy reformers? Is it Jesus Christ? Has he spoken to Luther, to Calvin, to Zuinglius, or to the other schismatics, who have withdrawn themselves from the Catholic Church to set up for themselves, as he spoke to St. Peter, "*Thou art Peter, and on this Rock I will build my Church?*" Did he say to them as he said to the same St. Peter, and to the apostles, "Go preach my Gospel to all the world; whatsoever sins ye remit on the earth, will be remitted and pardoned in Heaven; and whatsoever sins you shall bind, shall be bound in Heaven!" Your ministers dare not say that Jesus Christ has sent them, or Luther, or Calvin, or Zuinglius, in such a manner; they never durst say it. Now none (saith St. Paul, Rom., chap. 10) ought to intrude into the gospel ministry without an authentic mission. Let us add, dear Christina, that the strange land in which you are, does not afford you the Paschal Lamb, the true heavenly manna, the bread of angels; I mean, Jesus Christ contained really within the holy Eucharist, which is only to be found in the Catholic Church: so that you are in that place like the prodigal son, reduced to feed on improper and insipid food, which can not give you life, after having fed here on the most exquisite, most savory and most delicious food of Heaven; I mean the adorable body and precious blood of Jesus Christ at the holy sacrament of the altar, as saith the prophet Jeremiah, in his Lamentations, chap. 4, v. 5. ONCE more, dear Christina, return to this land, where you have received your baptism, and which I may say has given you life, since it is there you have been regenerated with water and the Holy Ghost, and have received the grace of adoption, and eaten the bread of angels and children of God. Prevail with your husband to resolve on the same undertaking; the Holy Church, our good Mother, will, on your abjuring your errors, receive you with open arms, as well as Mr. Nobitail and his wife, your

mother. You shall not want bread here, and if your husband will have land, we shall find him some in the island of Montreal; but if he doth not desire any, and has a trade, he shall not want for work. But what is most essential is that you shall be here, both of you, enabled to work out your salvation, which you can not do where you are, since there you are not in the mystical ark of the true Noah, which is the Catholic Church, the sole spouse of Jesus Christ, in which your daughter was bred, and in which she died.

Read, dear Christina, again and again, that letter with the attention it deserves, since your eternal happiness or misery is at stake. Show it to your ministers, if you think it proper, or to whom else you please, and if they will answer me, let them do it in Latin or Greek, if they can not conveniently write in French. I shall reply in Latin or Greek, for I can not speak the English or Dutch tongue; and I hope, with the grace of God and the assistance of the Holy Ghost, who is the Spirit of Truth, I shall evidently show them that they are in an error, and that they entertain therein the people that hear them. Tell them, from me, to refute if they can the principles which I have set forth in this letter concerning the unity of one only true Church, founded by St. Peter and the other apostles, and transmitted by the bishops, their successors, to whom Jesus Christ has committed the keeping of the Faith and the direction of that same only spouse of Jesus Christ, till now, and will continue so to do without any interruption, as the Scripture testifies in St. Matthew, and in the Acts of the Apostles, to the end of the world. Desire them, from me, to keep to that point, and to answer me with solidity, which they can not do, to the principles I have laid down in this letter; for it would be endless to go over every article wherein we differ from one another, which, as it draws to no conclusion, serves only to maintain the dispute; and it is what those who find themselves in an error choose to do. In a word, let them give me an answer to what is essential and solid and to the principles I lay down of the unity of one true Church, the only spouse of Jesus Christ. And let them show me that the same Jesus Christ sent Luther, or Calvin, or Zuinglius to establish that same only Church, as he sent St. Peter and the other apostles

to preach his gospel, and to found that one Church. It is what they can never do, who have framed many churches, all differing the one from the other; and it is what evidently proves that they err; and that those that follow them are maintained in an error; all their pretended churches being no other than a tower of babel, which, by its confusion and multiplicity destroys itself.

Yield, dear Christina, to those truths which are clearer than the sun at noonday, and return to the Catholic Church, the sole church and spouse of Jesus Christ, her only husband.

Before I make an end to this letter, I must tell you that we have received here at Ville Marie, the abjuration of Mr. Henry Lideus, son to the deceased Mr. Lideus, or Dellius, late minister at Albany, and he is married to a very virtuous French young woman of Canada.

I received his abjuration, and officiated at his marriage; the one and the other was performed to the edification of all Ville Marie. I expect your answer to my letter, and am, dear Christina, entirely yours in Jesus and Marie.

SEGUENOT,

Priest of the Seminary at Ville Marie, you know very well.

At Ville Marie (that is Mount-real), the 5th of June, 1727.

The Answer.

BOSTON, Jan. 8, 1728-9.

[This answer, it is understood, was written by WILLIAM BURNETT, Governor of Massachusetts and New-Hampshire in 1728-9. He was the eldest son of the celebrated Bishop Burnett, of England, which may serve to explain the ability and learning displayed in this letter.]

MADAM;—I am very sensible of the disadvantage I lie under, in not being able to address myself to you under as endearing a title as that which Mr. Seguenot takes to himself. But I do not doubt but your good sense will put you on your guard against such flattering expressions, which are commonly made use of for want of good arguments. And since you have been pleased to communicate Mr. Seguenot's letter to a certain person, according to the general liberty which Mr. Seguenot gave

you to do to any body, I will endeavor to execute what he desired us to do, with that air of sufficiency that is to destroy the principles which he has advanced in that letter, but of which he makes an artificial and distinguished recital, toward the end of the letter; where he would make you believe that it was enough for him to prove the unity of one only Church established by St. Peter and the other apostles, and transmitted by their successors, the bishops, to whom Jesus Christ has committed the care of the faith and guidance of that same only Church of his to our days, and even to the end of ages. Though we should grant him all this, he would still have it remain to be proved that this only Church is the Roman, and that the Pope alone has all the power of St. Peter and all the apostles.

For without this be proved, the Greek Church may have been that only Church, since it is certain that it received the faith from the apostles themselves, and particularly from St. John; and if they are a true Church, it will follow necessarily from Mr. Seguenot's reasoning that the Romish Church is not so, since, according to him, there can be but one such.

You see by this that his denying the Protestants to prove that Jesus Christ sent Luther, or Calvin, or Zuinglius, is very ill grounded, since he himself has not proved that Jesus Christ sent the Pope, nor that the Pope is successor of St. Peter, nor even that St. Peter was ever at Rome, which is a very uncertain fact; and of which the Papists have no better proof than in these words of I Epistle of St. Peter, V: 13, "*The church which is at Babylon saluteth you,*" according to the opinion of Rebera, a famous Jesuit, in his commentary upon the Revelation. But this proof, if well founded, ought at the same time to make the Papists blush, since they will be obliged to confess that this very Rome is the Babylon in the Revelation, XVII: 5, "*Mother of harlots and abominations of the earth.*"

I might, Madam, content myself with these short remarks to let you see that Mr. Seguenot has proved nothing of what he should have done, in that very place of his letter where he seems resolved to muster up all his strength to overpower us. But, because he has scattered several things up and down in his letter which might startle you, I will take the pains to go

through it from one end to the other, to make you feel the weakness and false reasonings of it.

He takes a great deal of pains to prove the Church is the only spouse of Christ. But it remains always to be shown what is that true Church against which the gates of hell shall not prevail. For my part I say that this Church contains all the faithful of all ages dispersed all over the world. As St. Peter says, Acts X: 35, "In every nation he that serveth him and worketh righteousness is accepted with him."

Neither is it necessary that this unity of the Church should be visible. The passage of St. Paul which he cites justifies my opinion, Eph. IV: 4, 5, 6, where St. Paul says, according to Mr. Seguenot's citation, somewhat different from our Bibles; "There is but one God, one Jesus Christ, one faith, one baptism, one only body, which is the Church, one only Spirit which conducts and animates it."

If this Spirit conducts it, the Church has no need of a visible head on earth. The same apostle speaking of the members of the true Church in his II Epistle to Timothy, II: 19, says, "Nevertheless the foundation of God standeth sure; having this seal—"The Lord knoweth them that are his. And let every one that nameth the name of Christ depart from iniquity." Here are the two characters of true servants of God; the first invisible, known to God alone; the second is visible, but requires nothing but the good dispositions of private persons; Jesus Christ being willing to give a visible mark whereby to distinguish his true followers from other men, says, John XIII: 35, "By this shall all men know that ye are my disciples if ye have love one to another," which can never agree to a persecuting church as the Roman is. Again St. Paul gives a general description of the condition of true christians, II Timothy III: 12, "All that will live godly in Christ Jesus shall suffer persecution." He gives also a description of false christians, ver. 13, "But evil men and seducers shall wax worse and worse, deceiving and being deceived." He had given particular marks of them in the preceding verses, and among the rest vers. 6, 7; 6, "Of this sort are they which creep into houses, and lead captive silly women laden with sins, led away with divers lusts;" 7, "Ever learning, and never able to come to the

knowledge of the truth." Would not any body say that the apostle is pointing directly at those confessors who pretend to direct the consciences of the ignorant, and chiefly of women, in the Church of Rome?

And if the foregoing description of true christians by St. Paul is right, it will follow necessarily those whom the Roman Church has persecuted in so barbarous a manner in all ages have been the true faithful followers of Christ; and that the Church of Rome which has lived in the midst of riches and pleasures at the time she was persecuting others, was really prophesied of in the Revelation, XVII: 4, 5, 6, under the figure of the woman that was arrayed in purple and scarlet color, and decked with gold and precious stones and pearls, having a golden cup in her hand full of abominations and filthiness of her fornication; and upon her forehead had a name written, "Mystery, Babylon the Great, the Mother of Harlots and Abominations of the Earth;" 6, and whom St. John saw "drunken with the blood of the saints and with the blood of the martyrs of Jesus." Mr. Seguenot says afterward that the English, and Dutch, and Calvinists, and Lutherans, &c., dare not apply to themselves these qualifications of unity and true christianity, since they are many different bodies and different minds, disagreeing with one another about their articles of faith. But though they constitute different congregations, under different regulations, this does not hinder them from looking upon one another as members of the one only universal Church of Christ. We may say the same things of Papists which he objects to the Protestants. They are many bodies and many minds, disagreeing one with another about the same doctrines which divide Protestants. As, for instance, the Dominicans and the Jesuits, who have the same controversies between them about grace which separates the Calvinists from the Arminians. This does not hinder them, however, from acknowledging one another to be good Catholics. The Papists have even great disputes among themselves where the infallible authority of the Church subsists, which seems to be the chief point about which they ought to agree. For supposing a visible head to be necessary, it will follow certainly that all ought to know where it is. But this is not the case, for the greater part of

the Church of Rome look upon the Pope as infallible, whereas the Gallican Church does not believe him to be so, without the consent of a great council. The first believe the Pope above the council, though the last, the council above the Pope; and do not even receive all councils, and particularly France has never received the decrees of the famous Council of Trent. I have said enough to let you see that if Protestants have not unity among themselves, the Church of Rome has it no more than they.

Mr. Seguenot next sets about proving that none of the sects of Protestants have any religion, because they do not offer any real sacrifice to God, as the Roman Catholics do every day the body of Jesus Christ. In this he has the misfortune to contradict St. Paul, who says, Heb. IX: 25, "Nor yet that he (meaning Christ) should offer himself often, as the high priest entereth into the holy place every year with the blood of others;" ver. 26 (for then must he have often suffered since the foundation of the world) but now once in the end of the world hath he appeared to put away sin by the sacrifice of himself;" vers. 27, 28, "And as it is appointed unto men once to die, but after this the judgment; so Christ was once offered to bear the sins of many; and unto them that look for him shall he appear the second time, without sin unto salvation." Here, then, is the opinion of St. Paul, that Jesus Christ could not offer himself often without dying several times; and can the meanest of priests do that which our Savior himself could not do? and which consequently he did not do when he said *this is my body*, for otherwise he must have offered himself twice, once at that time and again at the hour of his death, which would be a contradiction to St. Paul's doctrine; and if Jesus Christ did not offer a sacrifice when he instituted the sacrament of the Lord's Supper, shall a wretched sinner of a priest be said to do it in following our Savior's institution?

Beside, we see by St. Paul, that after the death of Jesus Christ he was to be offered no more; and that those who pretend to do it deserve to have a passage of the same Epistle applied to them: Heb. 6: 6, "They crucify to themselves the *Son of God afresh*, and put him to an open shame." Mr. Seguenot, after having repeated the same thing over and over

upon these two points, of the unity of the Church and the necessity of a sacrifice, to which I have given sufficient answer, comes again to work upon your affections, upon the moving occasion of the death of your daughter, who he says died like a good Catholic; and what wonder is it that a young person should believe herself in the true way of salvation, though erroneously, when she has never received any lessons upon the subject of religion but such as the priests of the Roman Church were pleased to give her; she judged according to the light she had, and, if she was mistaken, it is to be hoped that the Lord will forgive her on account of the false guide who had hid the truth from her and taught her falsehoods.

But for fear this consideration alone would not prevail enough upon you, he endeavors to frighten you with the danger of dying a Protestant, by the example of Calvin, who, he says, repented on his death-bed of having separated himself from the Church of Rome. It is Varillas, a Papist, who gives this out; Beza, a Reformer, in his life of Calvin denies it, and Papyrius Masson, though a Papist, declares himself against the Calvinists, which Bolsec and other enemies of Calvin gave out against him. I perceive, madam, that I am quoting authors that are unknown to you, but you may lay the blame of it upon Mr. Seguenot, who amuses you with stories, into the truth of which you can never examine, and which for that reason he should only have mentioned as doubtful facts.

He seems to have thought himself obliged likewise to attack the character of Luther, that he may blacken our two greatest reformers; and as the same fable had never been invented about him as about Calvin, that is, that he repented his having quitted the Church of Rome, Mr. Seguenot finds himself reduced to attack him upon another topic, that of his marriage, upon which he says several things that are very far from being true. As in the first place, that Luther took Catherine de Bore out of her convent to make her his wife. This is not true; she and eight more nuns left their convent of their own accord, assisted in their escape by a senator and some honest citizens of the town. Luther was not then in that country, which is called Misnia, and the convent was in the diocese of the bishop of Misen, who was very zealous for popery. Beside, after her

escape out of the convent, Luther would have married her to a doctor named Gasper Glace, to which marriage she expressed her dislike to Arnsdorff, bishop of Naumbourg, which is a plain sign that Luther did not in any wise get her out of her convent with a design to make her his wife. As for what Mr. Seguenot says of the Elector of Saxony, as if he blamed this sort of marriages, I defy him to make that appear. He must either mean George, Duke of Saxony, who persecuted the Lutherans, or he must have confounded this kind of marriages with the second marriage of the Langrave of Hesse, which indeed he did blame. But I never would have advised Mr. Seguenot to speak of the marriage of Luther against his vows of chastity, when it is so notorious a fact that curates and other ecclesiastics, and even the prelates in France, frequently keep concubines or marry privately, which afterward becomes public by their posterity. He ought likewise to remember that at the Council of Trent, the ambassador from Bavaria informed the council that among the clergy of his country, concubines were so common a thing, that, of a hundred, you would not find above three or four but what had them, or wives whom they had married privately, and some of them publicly. It is the famous Father Paul, who lived and died in the communion of the Church of Rome, that writes it.

Mr. Seguenot comes next to speak ill of the marriage of our King Henry VIII with Ann Boleyn. He has taken his materials out of Sanders, an English Papist, who has been convicted of gross falsehoods in his book of the English schisms, where he gives out that Ann Boleyn was thought to have been daughter to Henry VIII, who had an intrigue with her mother, and upon that account sent Sir Thomas Boleyn ambassador to France, that he might be out of the way. But this is a very ill-contrived story, for Ann Boleyn was born two years before Henry VIII came to the crown, and Sir Thomas Boleyn was not sent ambassador to France till the seventh year of his reign; beside, it is clear from history that Henry's love to Anne Boleyn was not that which made him break his marriage with Catherine of Spain; but it was scruples about his first marriage, from the beginning of it; for soon after that marriage was made, in 1503, Warham, Archbishop of Canterbury, a Ro-

man Catholic, filled the mind of Henry VII so with scruples about it, that by his order prince Henry made a protest to declare it null, and Henry VII, on his death-bed, conjured him to break it off. But after his death, the council having declared for his marriage, Henry VIII renewed it publicly, and had several children by his wife, who all died young except the princess Mary, in 1524. Cardinal Wolsey, as Legate, published a Papal Bull against those who had contracted marriages within the forbidden degrees of kindred, and it was then that the King revived his former scruples, for in the year 1531 he assured Cryneus, as this last writes to Bucer, that he had then for seven years abstained from the Queen upon scruples of conscience. And that which made his scruples become public was the objections which the ambassadors of France made to the legitimacy of the princess Mary, in April, 1527, to solicit a marriage for him with the Dutchess of Alençon; and it was not till September, 1527, that the King's affection to Ann Boleyn was observed, upon the Cardinals being sent to Lord Piercy, who then courted her in marriage, to advise him to see her no more.

I have told you this piece of history at length which can be justified by the best memoirs of that time, that you might see with what pains the Papists disguise the truth, to impose upon their people. It is indeed true enough that Henry VIII did not finish the Reformation, and that he exercised cruelties against the Reformed as well as the Papists. But nothing can be falser than the fable of his returning to the Church of Rome at the hour of his death. This is another of Sanders' fables which contradicts itself, for Sanders says it was Gardiner, bishop of Winchester, that persuaded him to return to that Church; but this can not be credited at all, since Gardiner would not have failed to have bragged of it in Queen Mary's reign, who was a Papist, which however he never did. But certainly it carries a strange assurance with it, for a Papist to hunt after matter wherewithal to stain the reputation of our first reformers, when it is so easy to turn the tables upon them by reminding them of the infamous lives of so many of their Popes. I will not do like Mr. Seguenot, who takes all his calumnies against us out of authors that were professed enemies

to our cause, but I will confine myself for proof of the scandalous lives of Popes to what their friends say of them, and particularly Cardinal Baronias, one of the chief champions of the Church of Rome.

He calls these three Popes, Benedict IX, Silvester III, and John XIX, a triple beast come out of hell; and speaking of Steven VII, he cries out, "O shame, O sorrow! How many monsters have been thrust into the apostolic seat? What mischiefs have they not done? What tragedies have they not acted? What filthiness have they not thrown upon the Spouse without spot? And have they not covered her with infamy that never will be wiped off?" And speaking of the IX century, he says, "This century was deplorable and fatal to the Church of Rome, because all those whose business it was to watch were asleep, and even did all they could to sink the apostolical boat under the waves." And in another place, "How frightful was the face of the holy Roman Church during the government of the most infamous courtézans, who disposed of popedom at their pleasure, named the bishops, and, which was most horrible and vile, placed their own lovers upon St. Peter's chair." I will quote but one author more, and that a Popish one, Genebrard, Archbishop Aix: "There was," says he, "for above a hundred and fifty years or thereabout, fifty Popes of so abandoned lives that they deserved the name apostates better than apostolical." Is not Mr. Seguenot's visible head of the Church painted in fine colors by his own adorers? And now let him tell us his lame stories of our reformers, as he can not help doing about Zuinglius, who he says died at the head of an army; and thereupon he cries out, were the apostles ever seen marching at the head of armies to plant and settle the gospel? Surely one must have a good deal of patience to suffer such a reproach from the mouth of a Papist. What! is Mr. Seguenot so ignorant that he does not know that the Church of Rome owes her empire to nothing but fire and sword, with which she has filled the world? What else were those Crusaders against the Turks and the poor Vaudois and Abbigeos? What were the religious wars for these two last centuries when Charles V, Emperor, Philip II, King of Spain, Ferdinand II and III, Emperors, and last of all Lewis XIV,

used all their efforts to extirpate the Reformation? Are there numbers of living witnesses of the conversions that were attempted to be made by dragooning? And for all this Mr. Seguenot has the assurance to talk of the manner in which Zuinglius died in the field of battle; which, beside, he did in the defense of his country; for the Roman Catholic cantons had sent an army to invade the lands of the cantons of Berne, who were Protestants, when that battle happened.

Mr. Seguenot comes again to his endeavors to soften you with sweet words, thinking he had given reason enough; but remember what Jesus Christ says, Matt. VII: 15, "Beware of false prophets which come to you in sheep's clothing, but inwardly they are ravening wolves;" ver. 16, "Ye shall know them by their fruits." This is the method of the church of Rome to draw back them that are escaped from them by flattery, and to treat them with severity when they have got them into their power. This was the way they used the famous Antonio de Dominis, Archbishop of Spalatro, who fled into England and abjured the errors of popery. The court of Rome made him a thousand promises to engage him to return, which he did at last, upon some discontent which he met with in England; but he was deceived in his hopes, for they immediately clap'd him up in the Inquisition where he ended his life. And this is the manner of those whose mercies are cruel, according to Solomon, Prov. XII: 10. He afterward repeats again without method what he had said before, and what I have sufficiently answered; for, as to the text which he lays such stress upon, "Thou art Peter, and upon this rock I will build my Church," it proves nothing but that St. Peter was one of those twelve rocks or stones upon which the Church was to be founded, according to what we find in the Revelation where St. John calls the Church in its triumphant state the Heavenly Jerusalem, of which he says, Rev. XXI: 14, "And the wall of the city had twelve foundations, and in them the names of the twelve apostles of the Lamb."

And now to destroy his whole scheme at once, it is enough to say that it was Luther and Calvin and Zuinglius that brought us back into the right path by receiving the doctrine of Jesus Christ and the apostles, which the Papists had corrupted

and changed so that it was no longer the religion of Christ, but of anti-Christ, which they taught.

He attempts once more, toward the close, to gain you by flattery and to persuade you by your temporal interest, as well as your spiritual, to come, and your husband along with you, and live in Canada. He offers him lands to live upon, or work enough if he has a trade. It is to be hoped that Mr. Seguenot does this out of ignorance. But for persons that know what it is to live in a free country to go and throw themselves headlong into the clutches of an absolute government, it can not be imagined that they can do such a thing, unless they have lost their senses.

To make an end, then, of this long letter, I will only add that it is written by a person unknown to you, but who wishes you well, and that you may send it to Canada to whom you please that they may answer it; and that so you may see what will be said on both sides, and that after you have carefully examined both sides of the question, you may be able to fix on what is best for the happiness of your life and the salvation of your soul, which is the hearty desire of, Madam,

Your unknown, but humble servant.

To His Excellency, Jonathan Belcher, Esq., Governor and Commander-in-Chief in and over His Majesty's Province of New-Hampshire, and the Honorable, His Majesty's Council for said Province.

The petition of Christina Baker, wife of Thomas Baker, of Dover, in the Province aforesaid :

Humbly sheweth—That your petitioner was in her infancy taken captive by the Indians, and by them transported to Canada, where she lived among the French many years, and at last purchased the liberty of returning to her native country, with the loss of all her estate, which was not inconsiderable.

That since your petitioner's return to New-England she has met with many misfortunes and hardships too long to be (at this time) related, and having several children which may

possibly be burdensome to your petitioner to maintain, especially considering that she is not in such comfortable circumstances at present as she has formerly lived in :

Your petitioner therefore humbly prays your Excellency and the honorable Council to grant her a tract of land in this Province of such contents as you shall, in your wisdom and goodness see meet, which may hereafter (or when your petitioner shall have occasion) be of service to herself or children. Thus your petitioner, as in duty bound, shall ever pray.

CHRISTINA BAKER.

Mrs. Baker's petition, March 16, 1736-7. Ordered to lie for consideration till next session.

CHARACTER OF THE PENACOOKS.

BY REV. EDWARD BALLARD, A. M., BRUNSWICK, ME.

Read before the New-Hampshire Historical Society, at a Special Meeting, April 18, 1860.

INDIAN depredations occasioned many disasters on the northern frontier of New-Hampshire during the French and English wars. They were severely distressing at the time of their occurrence, and their cruelties are even now remembered with a feeling of horror at the thrilling recital. The hardships of the settlers in the towns whose frontier boundary was the unsubdued wilderness were always great from the harshness of the climate in the winter season; and, at all times, from the want of many of the conveniences and comforts, and not unfrequently the necessities, of ordinary life. But to these trials of fortitude and self-denial were added, for a long space of time, the fear of the war-whoop, awakening the slumbers of the morning, or the ambush of the enemy to seize or slay the anxious laborer in the corn-field. Thus their life was made a season of perpetual alarm. For mutual defense and security, they were compelled to leave their dwellings and find shelter in the wooden forts which their own hands had reared.

It has been thought that these marauding expeditions were made by the Indians who once inhabited the valley of the Merrimack and its tributaries, and whose various dwelling-places are now remembered, as Penacook, from which the tribe has received its name, Contoocook, Naticook, Amoskeag, Merrimack, which has given its name to the river; Souhegan, Pawtucket, Wamesit, and other places, where portions of the tribe had their homes, in subjection to the wide-spread sway of Passaconaway, "The Child of the Bear." It has been an opinion that they went forth in armed companies in time of war, to take revenge, because of the ill-treatment received from the hands of white men, in taking their lands at a price which, they lamented too late, was scarcely to be named as a compensation,

—in cheating them in the traffic for furs,—and in acts of personal insult and cruelty, oft times repeated. Unhappily for the memory of the traders and some of the pioneers, these charges were true.

But though these Indians had many provocations to retaliate their injuries, there is sufficient evidence to show that, as a tribe, they were not concerned in these fear-bearing expeditions at all. One exception only is recorded in which a few of its members were led into the warlike movement by the revengeful memories of their sachem, and the influence of other tribes, who were directed by the control of the French. This evidence is found in the *peaceful disposition* of the Penacooks, and the *date of their removal* from the home of their fathers; to which may be added, the proof, from the *names* of the Indians engaged in these troubles, so far as they have been preserved in the traditions of those events.

Little is known of this tribe prior to the paternal rule of Passaconaway,* but the indications from tradition and the remains of wigwams still existing on the banks of the Merrimack and its tributaries, with other circumstances, declare that the nation was much larger before it was known to the English, than at the date of their first acquaintance, or at any time afterward. The tradition of the attack by the Mohawks on the chief settlement, within the limits of the present city of Concord, shows their original strength to have been greater than ever since known. The loss of their people, occasioned by these ruthless invaders, was never repaired. Their spirits were broken by their defeat in this war of self-defense against the "Men-Eaters" † of the West, whose name alone was a terror through the valley, so that two of the tribe could frighten the people of a village to flee to the wilderness for a refuge. Under this subjected state of feeling they were not prepared to exhibit or ever cherish a warlike spirit against the English.

It is probable, too, that the ravaging disease, which swept off large numbers of the natives on the sea-coast, but two or three

* His name is on the Wheelright Deed of 1629, but this deed may have been a forgery. *Farmer on Penacooks*, Coll. N. H. Hist. Soc., vol. 1, p. 219.

† *Mohawks*, from *Mo-ho-waug-s-uck*, the plural form of the noun, derived from the verb *Mo-ho*, to eat, shortened to *Mó-hō-waug-s* in the English pronunciation, and thence to *Mó-hawks*. *Eliot's Key*, 209.

years before the landing of the Pilgrims on Plymouth Rock, brought a portion of its desolation to this region.* Indian usages kept up frequent visits between the interior and the sea-board, where the disorder began and prevailed; and as it appears to have been contagious to the natives, though not to the whites, who were exposed to it in Maine, it was a sufficient cause for the diminution of their numbers, and of course their warlike ability.

The debilitated condition of the tribe is further shown by the petition of Passaconaway to the Legislature of Massachusetts (1662) for a grant of land for a residence, as he appeared to have had none that he could call his own. The answer of the government allowed him and his associates a tract "a mile and a half on either side of the Merrimack," about Naticot†—the present Litchfield.

Their peaceful spirit may be also shown from the counsels of this chief in his old age to his assembled people (1660), that they should never quarrel with the English, for, though they might do the new comers much mischief, yet they would in time all be destroyed, if they acted in opposition to his advice; that he had tried (probably by his pretended sorceries), to prevent their settlement, but could not effect his purpose. He therefore advised them never to contend with the English, nor to make war with them. He lived to be more than a hundred years old,‡ and at his death left his sachemdom and his pacific advice as his legacy to his son Wonnelsanet, according to the laws of Indian inheritance. His example had already been in accordance with this advice, for (1632) he had pursued an Indian from the neighborhood of the Mohawks, who had killed an Englishman, and captured the murderer.§ Thus, both by words and deeds, Wonnelsanet was encouraged to imitate the course of his father in the new duties of government.

Before entering on the discharge of his office he had received (1642) a sufficient provocation from the English authorities at Boston to induce his resort to the frequent Indian remedy of

* Fox's Dunstable, p. 19.

† Hubbard.

‡ Gookin's Hist. Praying Indians.

§ Drake 3, p. 94.

revenge on any one of the white race whom he might chance first to meet. On mere suspicion he was made a prisoner, with a view to disarm the tribe, and on making his escape was shot at by the persons who endeavored to retake him.* For these and other equally censurable actions, the English, fearing the resentment of savage vengeance, sent Cutshamekin to let him know that a portion of the treatment was unauthorized. These "unwarrantable proceedings," as they were called even in those early days, produced no retaliation from the natives against whom they were directed.

During his sachemship an "agreement" was made between the New-York Indians and Col. Cartwright, in behalf of the English government. In the articles it was stipulated that the English should "not assist the three nations of the Ondiakes, the Pinecookes and Pacamptecooks, who murdered one of the princes of the Maquas (Mohawks) when he brought ransoms and presents to them on a treaty of peace."†

This fragment of history shows that the Penacooks cherished, with deep and long feeling, the ancient animosity against the Mohawks, and did not hesitate to take revenge, in an unauthorized way, to increase the rancor of their distant foes. It equally shows that the English would show them no favor when their interest called them to give it in another direction; and thus to increase the provocations already existing.

On the 5th of May, 1674, then about fifty-five years old, Wonnelanset listened to the preaching of Eliot, the missionary, who addressed the natives in his wigwam at Pawtucket. He had previously been opposed to the importunity that urged him to abandon the faith of his fathers. But now he was willing to follow the advice, and, in his expressive language, "to leave his old canoe and embark in a new canoe,"‡ and serve the God of the Christians for the rest of his life. Thus a new motive was added to strengthen the friendly feelings which he had always entertained toward the English, and he never swerved from these relations.

* 3 Drake, 95.

† 3 Colon. Doc., New-York, p. 68.

‡ Gookin, 2; Drake, 98.

Proof of this fidelity is found in the incidents connected with Philip's war. This wily sachem was capable of large views, and jealous of the growing power of the English, whom he saw to be gaining the richest profit from the lands which they had purchased at a small price. He had planned a general rising of all the Indian tribes of New-England for the destruction of the settlers. The people were fearfully alarmed, and in the progress of the strife much cruelty and many deaths followed the barbarous prowess of the invaders. Wonnelanset had heard of the forthcoming conflict, but he had no sympathy with the designs of the sachem of the Wampanoags. Still, he was suspected, and in September, 1675, a hundred men, under Capt. Moseley, were sent from Massachusetts to ascertain the position of this sachem in regard to the war. But when the band arrived at Penacook, they found that all the Indians had withdrawn. They had received notice of the approach of the troops, and had concealed themselves in the neighboring woods, where they could easily see the proceedings of the men. The deserted wigwams, containing dried fish and other articles, were burnt in the spirit of wanton mischief, bad enough to have incited the innocent owners to join the forces of Philip. But no act of retaliation followed the loss of their shelters and provisions, though several of the young Indians were impetuous to commence an attack at once on the authors of the ruin. The chief soon afterward (October, 1675), led his followers to the head-waters of the Connecticut, where, in their rude and hastily made wigwams, they spent the winter and supported themselves by hunting.*

After his return the next year, he was allured, at the beginning of autumn, to Dover, with some of his Indians, and there they were made prisoners by stratagem, with others, to the number of about four hundred. He was, however, soon set at liberty with his followers, and returned to his dwelling on the Merrimack.† But he did not feel at rest. During his absence, occasioned by the wars, the English had plowed and sowed his lands with rye, and he had little or no corn for his sustenance. Some of his people had been wounded and others killed by

* Hubbard; Drake, III, 96; Gookin, *Praying Indians*, 2 American Antiquarian Collection, 460-4.

† Belknap, 78.

“the wicked actings of some English youth.” About this time a party of Indians from Canada, some of whom were refugees from Philip’s war, started to make incursions. In their progress they divided into two parties. One went to Hatfield, Ms., where they appeared for mischief, and took twenty or more captives, and speedily returned up the Connecticut. The other party came to Penacook. In this party was a brother of Wonnelsan’s wife, and other kindred. They urged him and his people to return with them to Canada, where his eldest son lived. He reluctantly consented to go, and, on the same day with the attack on Hatfield, they all departed except two in number, about fifty, of whom not above eight were men, so much had the forces of the tribe now become reduced. One, with his wife, child and kinswoman, who were of “the Praying Indians,” returned soon afterward, and told the English what had been done.*

The valley of the Merrimack, however, had attractions for him still remaining. After peace had been restored, as the sequel to the death of Philip (1676), he appeared at Chelmsford, and called on the Rev. Mr. Fiske, with the inquiry whether he and his people had received much suffering from the Indians during the late troubles. The worthy clergyman replied that they “had not,” and devoutly thanked God. “Me next,” said the sachem; thereby implying that he had restrained the Indians under his control from engaging in that war.†

When the rumor was spread, in Barefoote’s brief administration (1685), by four Penacook Indians, who had returned from Fort Albany, that the Mohawks had threatened to “kill all the Indians from Mount Hope to Pegypscot,” Wonnelsan was again on the grounds familiar to him in his youth.‡ Cranfield, just before his resignation of the government of New-Hampshire, had been at New-York to engage these merciless fighters, and the Seneca and others in New-York, to assist the English in the war with the Eastern Indians.§ These auxiliaries had but little care whether they killed the Indians friendly to the English, or their foes, and their reported threat showed that they were willing to make an indiscriminate slaughter of all

* Eliot’s Letter II to Boyle.

† Allen’s Chelmsford, 197.

‡ Belknap, 115, 510.

§ 2 N. H. Coll., 199.

the red men of New-England, whom, for some unknown cause, they were willing to regard as welcome objects for invasion. Already had a similar scheme proved pernicious, when they had made no distinction between the tribes, whether they were at peace or at war with the English. Alarmed by the appearance of danger, the Indians at Saco and Penacook gathered their corn hastily, and the former removed their families to places of greater safety, at the home of the latter. These actions awakened the fears of the settlers, and they sent messengers to demand an explanation of the movement. In reply it was stated that they dreaded the Mohawks, and feared to go to the English, lest their enemies should "kill all the English for harboring them."* The Saco Indians returned to their home under the guidance of Natambonet. The "two sagamores of Penacook," Wonnelanset and Mesandowit, appeared and stated that they were in "no posture for war, being about twenty-four men, beside squaws and papooses." A treaty of mutual defense was made (1685). The peril of the war was found to be without foundation, and peace continued for about four years.

No mention is made of this chief for about a dozen years. Then it appears that he was still on the Merrimack, where (1696-97) he was placed under the care of Jonathan Tyng, of Dunstable, where he probably had his home on or near the island named Wickasaukee, which had been the possession of the aged Passaconaway. At that time he was nearly 80 years old.

This is the last notice of the ill-treated and gentle Wonnelanset, all whose actions exhibited a peaceful disposition toward the English, though their provocations, with insult and injury, had been frequent and severe. But no ill-treatment could lead him to depart from the peaceful path, marked out for his steps by the counsels of his father, and commended to his acceptance by his sincere adoption of the rules of life enjoined in the Christian faith. From this time his name disappears from the history of his tribe, whose pages are sadly marked by the revengeful deeds of Kancamagus, his nephew.

This Indian was the son of Nanamocomuck, the eldest son of Passaconaway. Though not brought under the influence of

* Belknap, appendix, 510.

the religion to which his uncle had yielded, he appears to have had at the first a friendly disposition toward the whites. But the memory of the capture of the four hundred Indians of various tribes, by stratagem, at Dover, still remained in the heart of the natives, and rankled in his own. In this capture the Penacooks were included, and some of their kindred in other tribes, who were imprisoned, of whom some were hanged and the rest sold into foreign slavery, to toil in an uncongenial clime beneath the lash of the task-master. As the stratagem was accomplished by a flagrant breach of hospitality and friendship, it demanded, on their principles of justice, at the proper time a severe retaliation.*

When the rumor came that the Mohawks were to be let loose at Cranfield's solicitation, he fled (1684) with a portion of his tribe, and some refugees from Massachusetts, to the fort of Welumbee† at Rocamecook (Jay Point) on the Androscoggin.‡ In the following spring (May, 1685), he appeared at the seat of the English government in New-Hampshire. A few followers came as his retinue. He there addressed three friendly letters to Cranfield, "all Indian hand," reminding him of his grandfather and the English, that they "made a good government, they good friends always," adding a present of "this few skins," and soliciting aid and protection, to enable him to return to his home on the Merrimack, and engage in planting, which the fear of the Mohawks forbade him to do. The first letter received no attention. The peltry of the beaver, sent with the second letter, gained him an invitation to visit the governor in the evening. But the spirit of the grandson of Passaconaway received a wound which seems to have rankled deep and long. He still might have been secured to the English interest, if even a few efforts at conciliation had been applied to that purpose. A few soldiers sent to Penacook would have guarded the native planters in the cultivation of their corn-patches, and Kancamagus would not have been the leader in the fearful massacre, through which he found an outlet for the pent up feelings of his irritated mind. His third letter to Cranfield

* Farmer on the Penacooks.

† So spelt by Church. Others write it Morumbee and Morumbo.

‡ Drake, 113; Potter's Last of the Penacooks.

indicates a disposition to remain in friendly relations, to restrain his Indians from mischief, and punish them when guilty of injuries. His fourth letter, on this visit to Mr. Robert Mason, a member of the Council, to whom Cranfield the next day turned him off, when he himself was going away, intimates the feeling that he felt neglected by the Governor; and there is no reason for believing that his claims received any attention from the interest of the councilor. He left Great Island (Newcastle), where the government was held, with no good opinion of the friendship or protection of the men in power. He returned to his woodland home, and bore with him the feelings of insecurity against the savage enemy, and the want of defense that he had solicited in vain.

In September following this visit (19, 1685), he signed a treaty of peace with other Indians both from New-Hampshire and Maine. Here he added his English name, John Hawkins, in his signature. These articles of "a lasting peace, friendship and kindness," continued to bind the parties for only four years.

During this period, whether he was at his tarrying place with Welumbee, or at his wigwam on the Merrimack, though Wonnelanset was still living at an advanced age, he gathered around him a remnant of the aggrieved Penacooks, and concerted measures with the diminished forces of the Eastern tribes to satisfy the demands of their slumbering revenge. The Pequawkets had grievances to redress, and were ready for murderous action. The Indians of Maine had not forgotten the grudges of the past, and a portion of the disaffected Indians from the southern part of New-England, who had been scattered by the defeat and death of Philip, found a refuge, under the name of "The Strange Indians," among their northern* and eastern friends, and were ready to unite with them to redress their real and supposed wrongs. The emissaries of Castine, in the French interest, were at hand to stimulate the ferocity of all the parties to take up the hatchet, and fight for the French in King William's War. "They probably needed very little urging. One can not but wonder at this

* Hubbard says: "they went northward toward Penacook, upon Merrimack;" p. 211.

day that they should not have joined in a general war upon the English. They had been treated with neglect or the most flagrant oppression. Their friends had been sold into slavery, hung on trees in Boston, shot down in the streets at noon-day, and burnt in their wigwams by dozens in time of peace. What class or nation of whites, at the present time, would suffer such wrongs to go unavenged? Should we expect more of patience from the rude, untutored red man?"*

An assemblage of thirty fighting men in one company, under Kancamagus at Penacook, and its warlike appearance, arrested the attention of the government of Massachusetts.† In a council of these confederated warriors, held before mid-summer, 1689, at the home of their leader, it was planned to make an attack on Cochecho, now Dover, and inflict what they deemed a merited punishment on Waldron and the garrison. Intelligence of the intended assault had been borne by friendly Indians to Dunstable, and thence had been sent to warn him of the danger. But the messenger arrived too late. The concerted action of the savages brought them together at Cochecho soon after the agreement was made. No alarm was felt by the aged commander, when he was told that the town was "full of Indians." On the 27th of June an adroit and successful method of gaining entrance within the garrison took him and the unsuspecting inhabitants by surprise, and they became an easy prey to the power and daring of the invaders. Waldron, though at the age of eighty years, leaped from his bed and defended himself with great bravery. But his foes were too numerous. With revolting and torturing barbarity they put him to a lingering death, with insults added to savage cruelty. Twenty-three persons were killed in this attack, and twenty-nine carried into captivity. Houses and mills were set on fire, as they started on their retreat, and so rapid had been their movement that they were already beyond danger before the inhabitants of the other parts of the town were aroused to assist the sufferers. They came by

* "The Last of the Penacooks," by Hon. C. E. Pötter, who has rescued many facts from oblivion in his researches.

† Danforth's *Let. Farm. Visitor*, v. 13, p. 122; *13 Farm. Vis.* 133. As early as April, 1689, a messenger was sent to Penacook to ascertain the number and intentions of the Indians there.

the light of the buildings burning in the night to see the havoc which glutted the vengeance that had been nourished for thirteen years. So bitter was the resentment against Waldron that several years after these disasters his treatment of the Indians was remembered in Canada. Actions done fifteen years before these events were recounted as a justification of the war.*

The boldness, skill and fatal success of this attack struck terror into the colonies. A sentence of outlawry was pronounced on Kancamagus, and a reward offered for his head. Soldiers were sent to Penacook. But the place was forsaken, and the corn found was burnt. The chief part of the Indians hastened with their booty to Canada, and the Penacooks never afterward resided in any numbers in the valley of the Merrimack.

In the month of September, in the next year, Welumbee's fort was taken by Capt. Church, and the wife, four children and a brother-in-law of Kancamagus were taken captives in the place where they had probably withdrawn for safety during the expedition against Cochecho. This loss excited him to enter the war-path again, and on the 21st of the same month he is reported to have united with Welumbee and other Indians in an attack on Casco, in which, after a severe conflict, they were compelled to flee.† It would appear that they were restored, as he was at a meeting of the contending parties at Sagadahoc, in 1691, without any complaint of his bereavement, and signed an agreement to maintain peace for one year.‡

No mention is made of him after this date. His followers, of whom a portion were the "Strange Indians," made desperate by Philip's defeat, were afterward scattered among other tribes, and it is thought were principally united with the Pequawkets. Wattanummon signed the treaty of Falmouth, in 1703, as the leader of the Penacooks with the Pequawkets,§

* Belknap, Chap. X.

† Farm. Visitor, v. 13, 136.

‡ This treaty was made "on the water in canoes, when the wind blew." 3 Drake 122. Magnalia Christ. Amer. B, 7, Act 28, p. 94.

§ Penhallow, p. 20. *Ibid.* 80. A treaty was made in 1718, in which the Penacooks are mentioned as a party to it. But there were none present to append their names. *Ibid.*, p. 82, 83.

and with his two sons, twenty-five years later, was a quiet occupant of the lands that still bear his name in Concord. In 1712, twenty-three years after Waldron's death, during Queen Anne's war, a party of fifty men went up the Merrimack and killed eight Indians, recovered a considerable quantity of plunder, and returned without loss. It is not known that these were Penacooks. Lovewell's fight was in 1725, and there are circumstances to indicate that the valley was at that time abandoned by the Indians. That victory broke up the power of the northern enemy, who, after that event, were merged in the St. Francis tribe, and thus added another element to that assemblage which had been mainly composed of the retreating fragments of tribes from New-Hampshire and Maine. Wattanmun, with a few others, was at Penacook, and a friend to the first settlers in 1727, and was probably one of the Indians who went through the deep snow to Haverhill to inform the proprietors concerning the starving condition of the few persons who remained in the block-house during the winter.*

At the time when the war-cloud was gathering and threatening in the troubles that preceded the massacre at Cochecho, some events occurred in other parts of the country which furnish an indication that the predominating disposition of the Penacooks toward the English was of a peaceful nature.

In September, 1687, during a contest between the French in Canada and a portion of the New-York Indians, the Onagongues, residing on the head-waters of the Kennebec, were displeased at the attitude taken by the French, both in regard to the Indians and the English. Being in the neighborhood of Montreal, they furnished some of the New-York Indians with "provision as much as carried them to a castle of the Penacook Indians, where they wanted for nothing." On their return to New-York they gave such assurance of the good inclinations of the Penacooks to assist the English, that it was resolved to send a delegation of "Indians with belts of wampum to that castle of Penacook, who would send some of their Indians to the Onagongues in Canada," for purposes of mutual benefit.†

* Moore's Sketch, 1 N. H. Coll. 158.

† New-York Colonial Documents, Vol. 3, p. 482.

In the next year, when the symptoms of war were becoming more decided, Capt. Francis Nicholson started from New-York to make inquiries in regard to the state of public affairs, with a special view to securing the friendship of the Indians in Connecticut, Massachusetts and New-Hampshire. He wrote from Boston in August, 1688, that he "came to Dunstable, about thirty miles from thence, and sent two Englishmen and an Indian to Penacook, up the river Merrimack." The design of the message borne by the men was to encourage them not to be so much cast down, for that they had the happiness of being the subjects of a victorious king, who could protect them from all their enemies.* This occurrence, when viewed in connection with the event of the year before, confirms the opinion of the friendly relations of this tribe.

One more incident to the purpose solicits a notice. In September following the last event (1688), it appears from the statements of an Indian, named Magsigpen, that a company of eleven Indians of New-England, but then resident in Canada, came to Deerfield, Mass., with threatening words against the Mohawks, and those whom they regarded as their abettors in New-York. A few Indians from that state were present, and endeavored to alarm the inhabitants on that part of Connecticut river. But they replied it was a time of peace, and advised their informants to hasten homeward and give the intelligence to their own tribe. The visit to the people on the river was one of peaceful results and awakened no alarm.†

Among these eleven Northern Indians were the five following, who had gone to Canada from Penacook :

Wampolack, the chief, Manangeseek, Wallamaquet, Maquawekanpawet, Tawawekakeeke, a Nimenæet (Nipnet?) who had lived at Penacook.‡

This scrap of history aids in the establishment of three points connected with this tribe : as to their friendly feeling toward the English, the reception of the "Strange Indians" into their wigwams at Penacook, and their emigration to find a new home in Canada.

* New-York Colonial Documents, Vol. 3, 551.

† They were at the house of Thomas Wells, mentioned in Penhallow, p. 105.

‡ New-York Col. Doc., 562. Also, Tapagkamin of Nashuach.

The *time* when this tribe lost its influence on the banks of the Merrimack, and departed to their red brethren at the North, is to be borne in mind when we read the history of the Indian incursions into this valley, after the white man had reared their cabins, and begun the toil of clearing away the forests, and beginning the labors of cultivation. These inroads were full of terror, and their memory has long been retained as a testimony to the hardihood and the sufferings of the pioneers in this wilderness.

It has been conjectured that the Penacook refugees in Canada were guides to the marauding bands who came from that quarter to Concord, Hopkinton, Boscawen and Salisbury, for prisoners, scalps and plunder. Such a conjecture may be true, but it is not sustained by any evidence. The captivity of Mrs. Dustin at Haverhill, in 1697, may be cited in its support; and the fact that the captives in that misfortune were taken to wigwams on the island that bears the name of the heroine at the mouth of the Contoocook, may be adduced as proof of the truth of the conjecture. But her captor was not a Penacook. He was one of the "Strange Indians" from Massachusetts, who had lived in the earlier part of his life in the family of Mr. Rowlandson, at Lancaster (Nashuok), and had afterward lived with the French in Canada, whose religion he said he liked better than that of his former master.* He had fled from the banks of the Nashua to the Penacooks, probably after the discomfiture of Philip, and thence to Canada, from whence he came with his party to make depredations. They built the temporary wigwams for the women on the island, to be occupied by them while the men descended the river to the scene of their intended havoc. These hastily made shelters were soon to be left, and their occupants were intending to take their captives, on a weary journey of a fortnight of the bitterest toil and exposure on their well known trail through the wilderness, and sell them among their French supporters in Canada. A fact worthy of special attention in this connection is, that in the narrative of Mrs. Dustin, no mention is made of the Penacooks. The significance of this fact is this: either that the Penacooks were all absent from their proper grounds, or

* Mirick's History of Haverhill.

that the captors of Mrs. Dustin and Mary Neff took special care not to be seen by them on their retreat.

The last of the Indian wars began in 1742, when the frontier had been pushed forward into the solitudes from Haverhill and Dunstable to Hopkinton and Salisbury. It continued for nearly twenty years. In this the Penacooks were not known. They had been absorbed in the mixed tribe on the St. Francis, and those who had emigrated from the Merrimack, if not already dead in the fifty-three years since they fled after Waldron's death, were too aged to engage in the hardships and dangers of these fear-inspiring expeditions. Their children, after their emigration, could no longer be called Penacooks, and would naturally imbibe all the feelings and adopt the habits of their northern friends, whose welcome had given them a home. If they came to the Contoocook and the Merrimack, they bore with them the influence of Canadian prejudice and hostility, impressed on their minds by the tuition of more than half a century.

It can not escape the notice of persons who have attended to the language of the Indian tribes, that the *names* of the savages engaged in these forays show a want of foundation for the conjecture before mentioned. A few of these names have been preserved. They show either a pure Abnaki origin, or a derivation from the teaching of the missionaries of the Church of Rome, to whose instruction they had yielded, and by whose influence with the French government it has been supposed the wars had been suggested and carried on. The attack on Woodwell's Fort in Hopkinton, in 1746, was led by an Indian whose name was "Pen-aus," which is derived from a word in the Abnaki language, meaning "rock."* The Penacook word for the same object was "hussan." The other names that have been preserved are the baptismal names of "Christo," whose origin needs no explanation; "Sà Bâtis," which is the Abnaki version of Jean Baptiste; and "Plausawa," or rather "Plawnsowa," which is the equivalent for "Francis," from the French "François." These Indians use *P* for *F* and *L* for *R*, and thus the name was formed. These two Indians, and especially the former, were very mischievous.

* Penobs.

These were killed by Bowen at Indian Bridge, in Salisbury. The leader of the attack when Enos Bishop was taken prisoner, and the wife of Philip Cate was slain, has been remembered as Capt. John "Soosup." This last name represents "Joseph," and is more correctly written "Zozèp." The letter *Z* is here substituted for *J*, and *P* for the sound of *Ph*.*

None of these names have affinity with the dialect used by the Penacooks, as is shown in the portions of their language which have been preserved. But they distinctly show the region from which the marauders came; and though they do not prove that no Penacooks were engaged in those scenes of distress to the frontier town, they show that the leaders belonged to another tribe. Indeed, as these remarks have shown, long before these later inroads, the tribe that was once numerous on the "winding place"† of the river, that bears the waters of the Winnipisaukee to the ocean, had dwindled to a fraction of its earlier numbers, and probably with the addition of the "Strange Indians," who had fled to it for protection, did not amount to more than fifty men at the time of the death of Waldron, whose treatment of the Indians by himself and his agents, and the cold neglect of Cranfield, wakened the vengeance of Kancamagus, and made him the only sachem of the tribe who ever showed hostility to the safety of the settlers. If his powers of mind had been at their maturity, and his anger had been aroused when Wonnелanset was made captive at Dover, the war with Philip might have had a different result with such an auxiliary; and Mount Hope would have been the monument to perpetuate the love of his people in the breast of that eminent chieftain, and not, with that love, the monument of his inglorious death in the swamp of Pokenoket, for a cause in which he risked his life and fortunes with those of his devoted nation and its sympathizing tribes. Kancamagus would have had the same sympathies if his provocations had come earlier, when his own tribe was more numerous, and he would not have needed the aid of other tribes to accomplish the plan of his retributive vengeance.

It is too late now to lament the policy of the English-toward.

* Vetromile's "Alnambay Uli Awikkigan."

† Penacook, from *Penagi*, crooked, and *auke*, earth, place.

the ignorant and, at first, confiding natives, who were friendly to the discoverers of their country, until they received injury and insult at their hands; and who, in the treatment of their prisoners of war, were as humane as their civilized conquerors.* The policy of the French was different. The first charter, granted to De Monts, provided for their instruction in the Christian religion. To conciliate their good will and interest them in the duties of a better life, their missionaries conformed in many things to their modes and habits, and sought to introduce among them the arts and comforts of civilization and domestic enjoyments. Thus they secured their friendship in peace, and made them allies to be dreaded in war. But the English pursued a course which produced alienation and hostility, to their own great detriment in life and property. Penhallow, who lived in the midst of the most troublous times, and knew the events as they occurred, which have now passed into history, gave a true account of the cause of these wars, when he wrote the following truth-telling sentences: "God has made them a terrible scourge for the punishment of our sins; and probably that very sin of ours is in neglecting the welfare of their souls, for we have not expressed the like laudable care for them as hath been done in the southern and western parts of the country. But indeed we have rather aimed to advance a private trade than to instruct them in the principles of true religion.† But while the labors of Eliot are ever to be gratefully remembered, and the generous and untiring efforts of Gookin for their civil welfare were earnest and useful, yet Eliot toiled almost alone, and Gookin received unmerited censure and threats that made him afraid to go along the streets.‡ A multitude of men, good in the current acceptation of their times, regarded the red man as beyond the reach of human sympathy and consideration, because he was a heathen, an idolater, and a savage, who could not be made industrious, peaceable or humane. The influence of a better feeling is seen in the power of the preaching of Eliot in the wigwam of Wonnelaset. He was ever after the friend of the English, though he endured vexations greater than those which

* Arnold's History R. I., I, p. 418.

† Hist. Wars, p. 19; Fox's Dunstable, 34, 75.

‡ Praying Indians. Transactions Am. Ant. Society, Vol. 2, p. 449.

roused the savage nature of Kancamagus. If the efforts of benevolence instead of cupidity had been put forth and continued, the sufferings of the war-whoop and the tomahawk would have been as unknown on the border towns of the English as they were in settlements of the French. The tribes that were marshaled for battle, by Madocawando and other chieftains, still have a being, a territory and a name. But the winds of the Atlantic breathe not on any region where the English came to their early rule, which the red man can call his own. The plow still turns over the fire-colored hearth stones, where the ashes of the cabin-fire are even to this day found damp and cold, with the unburnt coals and charred sticks, to show where the smoke of the wigwam rose for the comfort of the little family. All have passed away from the lovely valley; and a friend* to the memory of the tribes of New-Hampshire has already written the biographies of "The Last of the Penacooks."

* Hon. C. E. Potter, Feb. 23, 1860.

INDIAN MODE OF APPLYING NAMES.

BY REV. EDWARD BALLARD, A. M.,

Rector of St. Paul's Church, Brunswick, Maine.

In the application of names to natural objects, the Indians of our region appear to have confined their expression of thought to denote simple locality. The intention of giving a descriptive appellation to a district or country seems never to have formed any portion of their intellectual effort. Thus the territory embraced in the present State of New-Hampshire is not known to have ever received any special designation from the original occupants. The same remark will also be probably found true in respect to any district within these now well-ascertained limits.

An exception to this remark may be thought to exist in the action of the Six Nations, in a Congress held at Albany, on the fourth of July, 1754, when delegates from several Atlantic colonies met the Indians to negotiate terms of peace with them during an expected war with the French. A general present was made to them by the direction of the British crown, and a separate one was given by the delegates from New-Hampshire, in accordance with a resolution of the Assembly of that Province, that thus their favor might be the more propitiated for the security of the settlers exposed on its frontiers.

In commemoration of this benefaction, they are said to have given the compound word "So-saguax-owane," as a name to the Province. The interpretation of the word, however, does not warrant this opinion. The Rev. Mr. Kirkland, who was a missionary among the tribes, explains the separate portions of these words in the following manner: so, *again*; saguax, *a dish*; owane, *large*. From these definitions it would rather be evident that the receivers of these bounties designed to utter their emotions of gratitude for the double favor, and to commemorate the event, rather than designate the part of the

country from which the second donation proceeded. In this view of the occurrence, the expression of their thought is thus naturally explained. The *dish* represents their *reception* of the gift. The word *large* relates to their satisfaction with the magnitude and value of the donation. The word "so," translated *again*, means that the large dish was *twice* filled. This interpretation corresponds with the fact, and thus the word "So-saguax-owane" describes simply an event.*

This opinion that the aboriginal names were confined to localities, gains support from the fact that the Indians of this State never gave names to rivers. Their vocabulary possessed uncounted facilities for the formation of new words in the description of places. They had a word for "river," but they appear to have called it by the name of any one of the places *in* its current or *on* or near its bank. As soon as the place was named, the river that ran near it was immediately suggested; and to their quick perceptions, the traditional usage brought into view the particular stream in the mind of the speaker. Specific names were all that they needed. General names came not within their reach, except slowly and at wide intervals.

Heckewelder found this to be true in his attempts to learn the language of the Lenne Lenape, or Delaware Indians, and this peculiarity caused him a good deal of embarrassment. "I would point," he says, "to a tree, and ask the Indians how they called it; they would answer an *oak*, an *ash*, a *maple*, as the case might be; so that at last I found in my vocabulary more than a dozen words for the word *tree*. It was a good while before I found out that when you asked of an Indian the name of a thing he would always give you the specific and never the generic denomination.†

The same peculiarity is to be noticed in the use of the word "Canada." When the first voyagers ascended the St. Lawrence, and inquired of the natives, by such signs as were mutually understood, the name of their country, directing their attention to their village and the surrounding territory; the answer returned was "Kā-nā-tā;" which, in the language of the resident tribe, denoted a *village* or *town*. Thus the region has

* See Farmer's Belknap, 310.

† Hist. and Lit. Transactions, Philadelphia, Vol. 1, 437.

received its name from the innocent mistake of applying the name of a locality to indicate a region.*

It appears to have been so in regard to rivers. They gave no one name to the whole length of the stream, but only to places, important to them for hunting and fishing. As a fit illustration of this point, the "Merrimack" may be taken, with the tributary streams in its beautiful valley. Here we shall find many names of individual places, but no individual name of the stream. Thus ascending from the mouth we find the names occurring in this order:

Quascacanguen, in Newbury; Powow, in Amesbury; Penatucket, in Haverhill; Spicket, (?) in Lawrence; Cochichewauke, in Andover; Shawsheen, in Andover; Wamesit, the point at the junction of the Concord and Merrimack; Pawtucket, above Lowell; Naamkeag, the fishing place at the falls; Monamack, an island near the falls not known; Missitisset, river in Hollis; Wickasaukee, island in the upper part of Chelmsford; Cabbo, pond in ———; Gumpas, pond in ———; Wickassee, falls above the island; Owtanic, village above Salmon Brook, in Nashua; Nashuok, now Nashua, the name of a locality in Lancaster, Mass.; Pennichuck, (brook); Naticook, in Litchfield; Nesenkeag, falls; Souheganock, Souhegan; Paposuc, Babosuc; Cohass, or Cowass, brook, outlet of Masapesic; Cohasset, Goff's Falls; Merrimack, Malemake, below Amoskeag; Pascataquog; Amoskeag, falls; Onnahookset (rather Onnaockset), Chehockset, Hookset; Suncook, in Pembroke; Sowcook, between Pembroke and Concord; Penacook, in Concord; Contocook, in Boscawen; Pemshe-wasset, Pemisquawasset, Pemachewasset, near Plymouth; Asquamchumaue, on Baker's River; Winnepesaukee; Asquam, Squam Lake.

Other localities are: Massapaug, pond in Dunstable; Masapesic, pond in Chester; Muscatanapus, pond in Brookline; Pemmoquittaquomut, pond in Hudson; Quohquinnapassakeesanaquog, brook and meadows in Amherst and Mt. Vernon; Agiscocook, White Mountains; Keesaukee, Kearsarge; Unconoonocks, hills in Goffstown.

With these many names the Indian was able to designate

* Heckewelder.

the particular spot where their friends of the different fractions of their tribe resided, and where the game and fish abounded, as the words themselves sufficiently indicate. He could speak of the "river," though he gave it no name to mark its whole course. He could tell where the falls and the swift water impeded the passage of his bark canoe. He depended on particular points to declare his position, and was at no loss to make himself understood by his red brethren, who were accustomed to the same mode of communicating their geographical wishes.

We are not without evidence of their usages in this behalf. There are letters preserved, written by the Penacook sachem, Kancamagus, called "John Hawkins, sagamore;" or, probably, for him by Simeon Betogkom, the Indian teacher; but, as one of the letters states, "all Indian hand," and addressed to Governor Cranfield in 1685. In these communications he presents a petition for protection against the Mohawks, "because," he says, "I afraid always Mohogs he will kill me every day and night. If your worship when please pray help me you no let Mohogs kill me at my place at Malamake* river, called Panukkog and Natukkog." Again he speaks of "my grant-father leving at a place called Malamake rever, other name chief Nattukkog and Panukkog, that one rever great many names."†

From these communications of the sachem, we learn that Penacook river, and Naticook river, and Merrimack river, were equally names of the same stream, which was thus distinguished by its specific localities, but for itself alone had no other appellation than the "river." Merrimack was a single locality. It was the *swift place*, and probably denoted the rapid waters below Amoskeag.

Other streams followed the same law of designation. The Contoocook was the "Place of the Crow." The Piscataquog was the "Place for many Deer," and tradition confirms the truth of these descriptions. Papoosuck was the "Place of the Child," and here the tradition is, Cohasset was the "Place of the Pines." Higher up Pemigewasset, more truly Pemishqua-

* The letters *l* and *r* were commutable.

† Belknap, Appendix.

wasset, was the "Crooked Place of the Great Pines;" and so of others.

The same remarks will apply to the other rivers of New-England, and it is believed generally to the regions and rivers of our whole country. The exceptions, if any, are few.

It remains to answer the question why the name "Merrimack" should have been the fortunate one out of the many that might have had the honor with equal propriety. Kancamagus said the river had a "great many names," and it is not for us to say it had a special one. But we may say in this instance, as Heckewelder has taught us in regard to the naming of Canada. The first English voyagers may be supposed to have met the natives in their canoes at the mouth of this river, and by signs, pointing up the stream, to have intimated their wish to learn its name. The Indians, who may have lived at the place of the "swift water," called "Merrimack," thought the wish had reference to their woodland home. They answered in accordance with this impression, and the name "Merrimack" was thus indelibly fixed on the waters of this noble stream.

March 29, 1860.

INDIAN NAMES

Connected with the Valley of the Merrimack.

BY REV. EDWARD BALLARD.

Agiococok,	{ The place of the Great Spirit of the Forest.
Amoskeag,	The Fishing Place.
Asquamchumauke,	{ The Place of the Water from the Mountain.
Baboosuc, } Cabbo, }	The Place of the Child.
Cochichawauke,	The Place of the Great Cascade.
Cohass,	The Pines.
Cohasset,	The Place of the Pines.
Gumpas,	
Hookset, } Onnahookset, } Wonnehockset, }	The Place of the Beautiful Forest Hill; or, of the Beautiful Forest.
Kearsarge,	The High Place.
Massapaug,	Large Pond.
Massabesic,	The Place of much Water.
Merrimack,	The Place of swift Water.
Monamack,	Island Place.
Muscatauapus,	Water where are large Pickerel.
Naamkuk,	The Fishing Place.
Nashua, } Nashuok, }	Place where Water runs over Stones.
Naticook (na-attuck),	The Place of Good Deer (cleared).
Nessenkeag,	Point between two Streams.
Nissitisset,	
Outanci,	Village.
Pawtucket,	Place of many Deer.
Pemigewasset, } Pemshiwasset, } Pemachewasset, }	The Crooked Place of the Great Pines.
Pemmoquittaquomut, (between Pelham and Hudson),	The Place of two Ponds joined by a Strait.
Penacook,	The crooked Place.
Pennachuck,	The Place of great Crook.
Pentucket, } Pennatucket, }	The Crooked Place for the Deer.

Piscataquog,	The Place for many Deer.
Powow,	Indian Priest.
Quascacanaquen,	Entirely full of Water.
Quohquinnakeesapassananagnog,	{ The Place of the Long Falls in many Hills and Meadows.
Shawsheen,	Great Spring.
Souheganock,	
Sowcook,	The Place of the Wild-Cat.
Spicket, (?)	Probably English.
Squam,	The Water.
Suncook,	The Place of the Goose.
Unconoonocks,	The Paps.
Wamesit,	The Place for All.
Wickassee,	The House in the Pines.
Wickasaukee,	The Place of my House.
Winnepesaukee,	{ The beautiful Water in the High Place.

ANCIENT DEED.

KNOW all men by these Presents, that I, Nedacockett, an Indian, born within that tract of land now inhabited and known by the name of the Matachusetts, having by lawful Right a Tract of Land, which was given me by my father and Uncle at their Death, have, upon due Consideration, and for a Debt due to Jeremiah Belcher, of Ipswich, in New-England, which has been owing to him about seven or eight years, of about twenty-six Pound, Do Give and fully Grant, and make Over and Sell all my Right of that land of mine which lyeth on the other Side of Merrimack River, Butting against Pan-teukett, and so running along to Haverhill-ward as far as to old William's Wigwam, and so up the Country to a Hill, Called Jeremy's Hill, with all the meadow ; and this I make over to Jeremiah Belcher, of Ipswich, as above, really to enjoy with peace and Quietness and his Heirs for ever, as witness my hand and seal, dated the 28th of March, 1659.

NEDACOCKETT, and a mark and a seal.

JEREMY, and a mark.

Signed and delivered in the presence of us,

John Dennison,

Lidia Jordon.

Recorded Feb'y 27th, 1679.

This writing was Acknowledged by the Subscriber the Day and Year above written ; before me,

Daniel Dennison, Assis't.

Essex ss. A true Copy, as appears of Record, libro I. 4, Page 307.

Examined by John Higginson, Reg'r.

Copy Examined by Geo. Jaffreys, Cl.

Copy Examined by Geo. Jaffreys, Cl.

Petition of William Houchins, for aid to obtain a cure of the King's Evil.

[*Literatim*, as a curiosity.]

PORTSMOUTH, the 7th of Sept., 1687.

To the much honored cort, now sitting in the said Portsmouth, for the province of New-Hampshire:

The humbel petishon of William Houchins, on of his magesty's subjects, belonging to said province, humbly seweth for advic, ade and releff in his deplorable estat and condition.

That where as it has pleased God to lay his hand upon him, and that hee is in such a condition not being abell to help him self as to the giting a living, or proquering help or remedy for my distemper, being low in the world, and having useed all the menes and advic posabell for nere five years past, having bin informed by som that it is a distemper caled the *King's evell*,* so can not be cured but by his magesty. Having littell or nothing in this world, if my liff should go for it am not abell to transeptort my self for England to his magesty for releff; thareffor humbly and hartly beg the help, ade and asistanc of this honred cort, that they would so far commiserat my deplorabell condetion as order som way ether by breff, or any other way that your honors shall think most meet, to move the harts of all cristen people with compation to besto somthing upon mee, to transeptort mee for England, where, God willing, I intend forth with to goo iff posabell, but without help not posabell. This humbly leving my self in the sad condition I am in, trusting in God and your honors for help and advic, subscrib your por deplorabell servant,

WILLIAM HOUCHINS.

* It was a received opinion in that day that the distemper called the King's Evil could be cured only by the royal touch. The following advertisement, taken from an old London Gazette, indicates this.—*Farmer's Belknap*, pp. 511-12.

“These are to give notice, that, the weather growing warme, his Majesty will not touch any more for the evil till towards Michaelmas. And his Majesty's chirurgeons desire, to prevent his majesty being defrauded, that greater care be taken for the future in registering certificates given to such as come to be touched.”—*London Gazette*, May 29, 1682.

Provincial Government in New-Hampshire from 1680 to 1692.

A. D.	Kings of England.	Chief Magistrates of N. H.	Chief Magistrates of Mass.
1680,	Charles II.,	John Cutt,	Simon Bradstreet.
1681,	"	Richard Waldron,	"
1682,	"	Edward Cranfield,	"
1685,	James II.,	Walter Barefoote,	"
1686,	"	Joseph Dudley,	Joseph Dudley.
1687,	"	Edmund Andros,	Edmund Andros.
1689,	William III.,	Simon Bradstreet,	Simon Bradstreet.
1692,	"	John Usher,	William Phipps.

On the use of the word "Colony" and "Province," in the history of New-Hampshire.

In the examination of ancient manuscript and printed documents, relative to New-Hampshire, the editor found much confusion in the use of the words "Colony" and "Province," "Colonial" and "Provincial." The words, as defined by Webster in his dictionary, admit of being used interchangeably. Yet the term *Colony*, as applied to New-Hampshire, seemed less to accord with the facts of our history than the term *Province*. Hence, the editor addressed a note of inquiry to Hon. S. D. Bell, in answer to which the following was received :

MANCHESTER, April 23, 1866.

DEAR SIR :—

Your favor is received. Up to 1680 it has been usual to speak of New-Hampshire, its records and history, as Colonial. It was not regarded as a Province while held in subjection by Massachusetts, for they claimed it (wrongfully) as part of their colony under their charter. There was no government in New-Hampshire before Massachusetts established hers, except the associations at Dover, Exeter and Portsmouth. It would be not inconsistent with usage to speak colloquially of the colony or province of New-Hampshire before 1641, nor up to 1680, where there was occasion to speak of it in distinction from Massachusetts.

From 1680 to the Revolution, New-Hampshire was always styled "The Province of New-Hampshire." In the order for

establishing courts under Dudley and Andros, it was "The Province of New-Hampshire;" and under the supposed union with Massachusetts, after the Revolution in 1689, the Massachusetts General Court uniformly speak of "The Province of New-Hampshire."

When the Revolutionary War began, the word "Province" became unfashionable, as implying subjection to the royal authority; and for a while the people assumed the name of "Colony," and this continued till "State" was adopted. You will find the acts, by which these names were assumed, in the unique volume of the Laws, published in 1780 and afterward, in the Society's Library. In the first Constitution of New-Hampshire you will find it called "Colony of New-Hampshire." This was adopted January, 1776, and is published, I. Farmer & Moore's Collections, 269.

In the Declaration of Independence, "these United Colonies" are declared "free and independent States," though some of them had always been called Provinces.

Very respectfully yours, &c.,

SAMUEL D. BELL.

Rev. Dr. Bouton.

On the same subject, the Librarian of our Historical Society, Capt. WILLIAM F. GOODWIN, who has paid much attention to our Provincial history, says: "In looking over my 'Constitution Papers' I find that New-Hampshire never had a *Charter*. It was simply a *Province* till January 5, 1776, when the ever-memorable Congress at Exeter 'Resolved, that *this* Congress assume the *Name, Power* and *Authority* of a House of Representatives, or Assembly, for the *Colony* of New-Hampshire.'

This was the *first* written Constitution in the United States.

It remained a 'Colony' till September 11, 1776, when it was 'Enacted by the Council and Assembly that this *Colony* assume and take the name and style of *The State* of New-Hampshire.'

The fact of it is, that New-Hampshire was in slavery till January 5, 1776, when it threw off its Provincial (*pro* and *vinco*) yoke. John Wentworth has been time and again called the 'last of the Colonial Governors.' He never was the Governor of a colony.

It is curious that Belknap, and Farmer, and hosts of others,

never discovered the difference between the *Province* and *Colony* of New-Hampshire. The 'Colony Laws' of New-Hampshire were never published in a separate volume. It is lucky that *one* impression of the seal of the Colony of New-Hampshire is preserved."

NOTE. In Collections of New-Hampshire Historical Society, Vol. I, pp. 304, 310, 311, 313, 321, 322, may be found valuable Documents relative to the original grant of the territory now called New-Hampshire to John Mason; also, other papers of much value.—*Editor*.

NEWSPAPER EXTRAORDINARY—1689.

[If the following may be considered as a Newspaper Extra, it was probably one of the earliest printed in this country. It was published by Samuel Greene, of Boston, in 1689, at the time that Dr. Increase Mather was endeavoring to procure a new charter for the colony of Massachusetts. Vol. I, Coll. N. H. Hist. Soc.]

THE PRESENT STATE OF THE NEW-ENGLISH AFFAIRS. THIS IS
PUBLISHED TO PREVENT FALSE REPORTS.

*An extract of a letter from Mr. Mather to the Governour, Dated
Sept. 3, 1689, from Deal in Kent.*

The House of Commons ordered a bill to be drawn up for the restoration of charters to all corporations. Some enemies of *New-England* did bestir themselves on that occasion. But it has pleased God to succeed endeavors and solicitations here so far, as that *N.-E.* is particularly mentioned in the bill.

It has been read twice, and after that referred unto a committee for Emendations. What concerns *New-England* passed without any great opposition. The bill has been in part read the third time, and the charters of *New-England* then also passed without objection. Only some additional clauses respecting corporations here caused debates; so that the bill is not as yet enacted.

In the latter end of June, a vessel from *Mount Hope* arrived here, which brought your declaration of *April 18*, with an account of the revolution in *New-England*. The week after I went to *Hampton Court*, and had the favor to wait on His Majesty, who told me *that he did accept of, and was well pleased with, what was done in New-England, and that he would order the Secretary of State to signify so much, that his subjects there should have their ancient rights and privileges restored to them.*

The King has sent a gracious letter (which was delivered to me, and if I return not myself, I shall take care that it be sent to you) bearing date *August 12*. *Wherein he signifies his royal approbation of what has been done at Boston, and assures you*

that the government there shall be settled so as shall be for the security and satisfaction of his subjects in that colony, and in the mean time bids you go on to administer the laws, and manage the government according as in your address you have petitioned.

My Lord *Mordant* (now Earl of *Monmouth*) bade me assure you that he would be your friend, and he bade me tell you from him, *that your charters should be restored to you by Act of Parliament.*

I have been with most of the King's most honorable privy council, who have promised to befriend *New-England* as there shall be occasion for it. The like I may say of all the leading men in the Parliament.

I have been in the *Downs* a fortnight, and aboard Mr. *Clark* several nights, but the wind has been against us. And we now hear that the *New-found Land* Convoyes (on whose assistance we had a dependance) are gone.

Superscribed to the honorable Simon Bradstreet, Esq., Governor of the Massachusetts Colony in N.-England.

A Passage extracted from the publick News Letter, Dated July 6, 1689.

The people of *New-England* having made a thorow revolution, and secured the publick criminals. On *Thursday* last the Reverend and learned Mr. *Mather*, president of the colledge, and minister of Boston, waited on the King; and in a most excellent speech laid before his Majesty the state of that people, saying *that they were sober and industrious, and fit for martial service; and all, with their lives and interests, were at his Majesties command, to tender the same unto his Majesty; that they desired nothing but his Majesties acceptance of what they had done, and his protection; and that if his Majesty pleased to encourage and commission them, he might easily be Emperour of America.* His Majesty assured him that he was pleased with what was done for him, and for themselves in the revolution, and that their privileges and religion should be secured unto them.

Extracted from a Letter of Mr. Mather to his Son, Dated Sept. 2, 1689.

On *July 4*, the King said unto me *that he did kindly accept of what was done in Boston. And that his subjects in New-England*

should have their ancient rights and priviledges restored and confirmed unto them. Yea, he told me that if it were in his power to cause it to be done, it should be done, and bade me rest assured of it.

The *Charter bill* is not finished, because some additional clauses respecting corporations here in England, caused a debate; and the parliament is for some weeks adjourned.

Besides the letter from the King's Majesty, whereof we have notice as above, there is now arrived an order from his Majesty to the government, bearing date *July 30, 1689*, Requiring *that sir Edmund Andross, Edward Randolph, and others that have been seized by the people of Boston, and shall be at the receipt of these commands, detained there under confinement, be sent on board the first ship bound to England, to answer what may be objected against them.*

ERRATA AND CORRECTIONS.

On page 1, Note, for 1779, read 1679.

p. 8, 12th line after "ye," read *inhabitants of*.

p. 8, 32d line, for 12th, read 24th of June.

p. 8, fill ——— with *make out titles*.

p. 9, after "differences" ———, read *if they*.

p. 9, after "such" ——— read *rules*.*

pp. 45-49, for "Dutton," read *Dalton*.

p. 53, for 1860, read 1680.

p. 254, the second letter of John Hogkin's was signed the same as the first, but the names are omitted.

pp. 447-448, instead of "Character of Penacooks," read *Indians—mode of applying names*.

* See Farmer's Belknap, Appendix, pp. 452-3.

INDEX OF NAMES.

Abbott, Richard, 50,111,130,155,158	Barsham, John, 229,287
Abbott, Mr., 197	Bartlett, John, 61
Adams, Charles, 280,288,296	Beal, Sarah, 211
Adams, Samuel, 230	Bean, Samuel, 295
Addington, Isaiah, 300	Bean, Daniel, 294
Alexander, Joseph, 248,290,297	Bean, John, 59,295
Allen, Samuel, 303	Beard, William, 51
Allen, Charles, 155,296	Beard, Joseph, 60,116,168,290
Allen, Daniel, 284	Beck, Mr., 297
Allen, Gov., 396	Beckham, Wm., 118,119
Allin, Edward, 60,168,230,295	Bedford, Nathan, 207
Almonie, Robert, 61	Belknap, Dr., 396
Amaseen, John, 66,71,78,115,118	Bell, S. D., 296
	Bennett, Nicholas, 297
	Bentley, George, 143,144
Andrews, Richard, 100,101	Berry, John, 298
Andros, Edmund, 267,268,270,273	Bickford, John, Jr., 60,230,295
	Bickford, John, Sen., 60,141,143,248
	Bickford, Thomas, 101,141,230,248
Archer, Richard, 102	
Ard, William, 237,294	
Arnold, Benjamin, 153	Billings, James, 144
Arsh, Thomas, 296	Blagdon, Samuel, 297
Atkins, John, Capt., 132	Blake, Timothy, 49,228
Austin, Thomas, 295	Blake, John, 57,284
Avery, Jane, 100	Blathwayt, William, 230
Axwell, H., 234	Bolston, Capt., 215
Ayers, Nathaniel, 296	Bond, Isaac, 130
Ayers, Mr., 296	Bond, William, 297,303
Bachelor, Nathaniel, 53,57,168,195	Booth, Mr., 183
	Boulter, Nathaniel, Sen., 51,52,57,139
Bachiler, Stephen, Rev., 228	
Bachiler, Nathaniel, 298	Boulter, Nathaniel, Jr., 57
Badcock, Nicholas, 248	Bracket, Anthony, 229
Bailliet, John, 297	Bracket, John, 209,229
Baker, Christina, Mrs., 405-427	Bracket, Chellis, 297
Baker, John, 61,289,297	Bradford, Will, 212
Baker, Mark, 57,134	Bradstreet, S., 153
Baker, Nicholas, 205,206	Bradstreet, Simon, 277
Baker, Otis, Col., 405	Bramhall, Mr., 61
Baker, Thomas, 405	Brian, Dennis, 249
Ball, Edward, 229	Briney or Braine, Robert, 66,67
Ballard, Edward, Rev., 428	Bridgeman, William, 240,243
Ball, Peter, 61,229	Broadbent, Joshua, 247,249
Balt, Pettie, 296	Brooken, Harry, 287
Bandfield, John, 61	Brooken, Elend, 287
Barefoot, Walter, Capt., 62,69,70	Broughton, George, 127,128,129
	Brown, John, 61
	Brown, Jacob, 57,228,235
Barefoot, Gov., 201	Brown, Tho., 57,228
Barnes, John, 11	Brown, Ben., 57,228
Barney, Humphrey, 60	

Brown, Jon.,	57	Clanfield, Peter,	177
Brown, Michall,	60	Clark, Abraham,	60
Brown, George,	294	Clark, Elizabeth,	100
Bruster, John,	229,297	Clark, Jon.,	59,100,115,294
Buckley, Peter,	97	Clark, Major,	59
Buckley, Richard,	282	Clark, Richard,	288
Buff, Mr.,	46	Clark, Samuel,	61,100,115,139,167
Bunker, John,	296		208,250,259,297
Bunton, Jacob,	118	Clements, Daniel,	219
Burnett, William, Gov.,	405-416	Clements, Job, 39,60,80,154,168,176	
Burnham or Burnum, Robert,	230		198,206,230,346
	244-296	Clemins, Duel,	229
Burnham, Samuel,	230,248,297	Clifford, Israel,	57
Burnham, Jeremiah,	230,248,288	Clifford, John, sen.,	57,124,228
Buss, John,	296	Clifford, John, jr.,	57,228
		Cobbet, Mr.,	103
Calcot, Samuel,	219	Cobbet, Thomas,	104,295,299
Canaugh, Jeremy,	59		396,397
Canie, Joseph,	60	Cocks, Moses,	57
Cann, John,	294	Coffin, Joshua,	173
Cann, Joseph,	230,295	Coffin, Mr.,	183
Cartwright, Col.,	431	Coffin, Peter, 52,60,116,164,186,190	
Cate, Edward,	61,65,296		215,232,251,294,377
Cate, John,	296	Cogg, Samuel,	228
Cate, William,	61,65,66,287,297	Cogswell, Amos, Col.,	405
Carter, Edward,	208,263	Colcord, Ann,	40
Carter, Joan,	263,264	Colcord, Edw.,	40,49,57
Carter, Mary,	101	Colcord, Mrs.,	68
Cartey, Philip,	59	Colcord, Samuel,	57,298
Cass, Mr.,	43	Cole, Abraham,	40,57,399
Cass, Samuel,	399	Cole, Eunice,	47
Catton, Widd.,	60	Cole, Isaac,	57,294
Caverly, Philip,	288	Comin, Robert,	113
Chadborn, James,	127,128,129	Constable, Andrew,	59
Chamberlain, Richard,	62,64,69,99	Cooke, John,	60,295
	127,202,249,266,395	Cotter, Philip,	294
Champernoon, Capt.,	155,156	Cotton, Benjamin,	297
Champernoon, Francis,	364	Cotton, Jno.,	61,220,227,229
Chandler, Abigail,	104	Cotton, Mr.,	190,245
Charles I.,	89,109	Cotton, Thomas,	229
Charles II.,	1,86,62,79,126,133,152	Cotton, Wm.,	61,178,183,187,211
	164,174,178,260		229,234,250,297
Charte, Philip,	227	Coulter, Goodwife,	47
Chase, James,	57	Coulter, Prescott,	47
Chase, Rachel,	57	Cox, Jno.,	60
Chase, Thomas,	57	Cox, Moses,	124
Cheles, Philip,	296	Crafts, Wm.,	61
Chenolln, John,	296	Cram, Benj.,	57
Chesley, Philip,	51,52,53,60,230	Cram, John,	298
	244,296	Cram, Thomas,	57
Chesley, Joanna,	244	Cranfield, Edw.,	79,80,82,84,86,88
Chesley, Thomas,	60,230,296		94,105,114,117,124,365
Cheuse, James,	228	Cranfield, Governor,	169,201,214
Chevalier, John,	61,289		215,216,237,238,239,242,251
Child, Josiah,	190	Craven, Mr.,	230
Church, Jno.,	60,295	Critchett, Elias,	57
Church, Capt,	438	Crocket, Ephraim,	49

Cround or Croune, Henry,	50,66,77	Dow, Henry,	51,52,57,58,139,168
	114,115,131,144,168,290		202,209,245,399,400
Cutt, Elenor, Mrs.,	61,200	Dow, Joseph,	40,42,51,53,57,137,138
Cutt, Hannah,	64		148,149,177,178,228,235
Cutt, John,	23,39,52,61,62,154,176	Downs, Thomas, sen.,	60
	229,292,297,308	Downs, Thomas, jr.,	60,295
Cutt, Mary,	61	Drake, Abraham, sen.,	45,57,208
Cutt, Mr.,	183,185,213		209,298
Cutt, Mrs.,	191	Drake, Abraham, jr.,	57,139,140
Cutt, Ostella,	61		219,298
		Drake, Nathaniel,	209,229,298
Dalton, Mehitable,	176,206	Drisco, Tege,	59
Dalton, Samuel,	40,42,53,58,121,154	Drown, John,	124
	176,344; erroneously printed	Drown, Leo,	61
"Dutton,"	45,46,47,48,49,51	Duallons, Richard,	296
Dam, Jno., sen.,	60,230	Duday, Philip,	293
Dam, Jno., jr.,	60,230	Dudley, Billy,	59,227,295
Dam Widram,	60	Dudley, Gov.,	286
Daniel, Bridget,	176,206	Dudley, Joseph,	277
Daniel, Capt.,	146	Dudley, Samuel, jr.,	59
Daniel, Edward,	294	Dudley, Samuel, Rev.,	229
Daniel, Mr.,	183,185,235	Dudley, Stephen,	294
Daniel, Naomi,	245	Dudley, Theop.,	59,142,227,295
Daniel, Thomas,	2,3,61,80,154,172	Dudley, Thomas,	284,294
	176,196,326	Duggin, Daniel,	61,229
		Dungan, Col.,	194,251
Davell, William,	229	Dunn, Nicholas,	296
Davis, David,	248,288	Duren, John,	296
Davis, James,	299	Durgin, William,	245,296
Davis, John, sen.,	144,230,249	Dalton, Samuel,	45,46,47,48,49,51
	257,258	Dyar, Edward,	294
Davis, John, jr.,	230,288,295,296		
Davis, Joseph,	248,296	Earle, Mr.,	183
Davis, Moses,	296	Earle, Wm.,	61
Davis, Thomas,	297	Eastwick, Mr.,	187
Dearbont, Godfrey,	57,124	Eastwick, Phesant,	131,146,250,284
Dearbont, Henry,	45,57,228		288,289
Dearbont, John,	57	Eayres, Edward,	60
Dearbont, Thomas,	57,58,228,298	Ebony, Capt.,	146
Denbon, Salathiel,	296	Edgerly, Judge,	147,186
Denest, John,	298	Edgerly, Mr.,	143,183,184
Denham, Alexander,	57	Edgerly, Thomas,	230,296,397,398
Denham, Elizabeth,	46,48	Edments, Thomas,	297
Dennet, Alexander, jr.,	61	Edward VI.,	165
Dennet, Jno.,	61,229	Elkins, Ehazar,	295
Derry, James,	60,296	Elkins, Eleazer,	59,227
Derry, Jno.,	60,265	Elkins, Gershom,	45,57
Detogkom or Betogkom,	254,402	Elkins, Robert,	289
Deves, William,	297	Ell, Walter,	61
Dobe, James,	205,206	Elliot, Robert,	25,61,62,69,73,356
Dodevah, Christian,	293		396,397
Dolhoff, Christian,	59,227	Ellingham, Wm.,	121
Dongan, Thomas, Col.,	223,253	Ellis, Jno.,	60,295
Doolor, John,	294	Ellms, Antho.,	61
Door, Richard,	61	Ely, Will,	134
Douglas, John,	245	Emlen, John,	298
Doules, Philip,	296	Evans, Benj.,	47
Dow, Daniel,	57		

Evans, Robert,	295	Fuller, Rachel,	45,48,57,133
Evans, Thomas,	289	Fuller, William,	57,124,228
Evens, Robert,	60	Furber, Anthony,	61
Evens, John,	60	Furber, Jethro,	229
Every, Thomas, sen.,	65,66	Furber, William, sen.,	60,205,230
Every, Thomas, jr.,	65		295,299
Evy, Thomas,	296	Furber, William, jr.,	60,230
Fabes, John,	115,133	Gardner, Samuel,	284
Fabins, or Feabens, George	61,167	Garland, Jacob,	57
	290,297	Garland, John,	57
Fabins, Jno.,	61, 167,290	Gatch, Prudence,	264
Farmer, John,	173,227	Geare, John,	234
Feld, Zacherie,	60	Gent, Daniel,	237
Ffen, Samuel,	111	Gerrish, John, Capt.,	40,44,60,174,189
Ficket, Joan,	294		195,230,296,299,300,397,398
Fields, Joseph,	230	Gifford, Will,	60
Fields, William,	298	Gill, Thomas,	61
Fifield, Ben,	57,298	Gilman, Dan,	168
Fifield, Will, sen.,	57,124,201,229,234	Gilman, Edward,	59,168,217,218,219
Fiske, Rev. Mr.,	433		221,225,227,294
Fletcher, Henry,	102	Gilman, James,	294
Fletcher, John,	53,61,77,78,166,229	Gilman, Jeremiah,	295
	258,297	Gilman, John, jr.,	2,3,59,80,101,145
Fletcher, Mr.,	183		154,176,198,209,219,295
Fletcher, Thomas,	122	Gilman, John, sen.,	227,327
Floyd, John, Capt.,	301	Gilman, Moses,	59,168,217,218,219
Floyd, Sarah,	55		221,225,294
Foge, Samuel,	49,57	Gilman, Samuel,	295
Fogg, Samuel, Capt.,	55,298	Gledon, Charles,	59,294
Foill, Zecharias,	296	Godfrey, or Godfree, Goody,	46
Follet, Nicholas,	397,398	Godfrey, Isaac,	57,229,298
Follsham, Ephraim,	44,59,227,295	Godfrey, John,	45,46,47,48,57,298
Follsham, John, jr.,	59,189,211,212	Godfrey, Mary,	46,47,48
	219,227,228,294	Godfrey, Mehitable,	46,47
Follsham, Nathaniel,	44,59,228,234	Godfrey, Sarah,	46
Follsham, Peter,	59,160,209,227	Godso, Will,	246,247,248,258,260,267
Follsham, Samuel,	59,227	Goff, Anthony,	59,60
Foster, John,	295,397	Goodwin, Wm. F.,	456
Foss, John,	296,298	Gookin, Samuel,	284
Fost, John,	60	Gordon, Alexander,	59,294
Fouler, Lodwick,	61	Gordon, Nicholas,	294
Found, Phil,	61	Gorges, Ferdinando,	120
Fowler, Ludwick,	66	Goss, Richard,	296
Fox, Nathaniel,	194,205	Gove, Edw.,	25,57,116,134,135,136
Frenchman, Jno.,	61		145,167,171,172,173,298,300,400
Friad, Elisha,	297	Goyles, Mark,	60,295
Frior, Nathan,	156	Graffort, Thomas,	237,251
Frost, Capt.,	196	Grafton, Mary,	99
Frost, Charles,	232,292,301	Grafton, Thomas,	296
Fryer, Nathaniel,	41,42,49,50,115,117	Gray, William,	60
	132,133,138,144,164,300,353,396,397	Greek, John,	130,131,187
Fryer, Mr.,	183,184,186	Green, Abra,	57,399
Fryer, Joshua,	295	Green, Henry,	40,57,137,138,164,195
Fryer, Nathaniel, jr.,	295		200,202,257,374,400
Fuller, John,	45,48,57,133	Green, John,	284
Fuller, Moses,	49	Green, Justice,	136,190,108,401

Green, Mr.,	183,184	Hilane, William,	293
Griffith, David,	61	Hill, John,	230,297
Groth, John,	53	Hill, Joseph,	146,147,230
Gubbtail, Thomas,	61	Hill, Nathaniel,	230,295
Gunnison, Elihu,	62,69,70,119,120	Hill, Reuben,	166
yner, Gerard,	230	Hill, Samuel,	230
		Hill, Valentine,	155
Hale John,	296	Hilliard, Timothy,	228,234
Hall, John, jr.,	60,168,230	Hilton, Charles,	183
Hall, John, sen.,	60,267	Hilton, Edward,	59
Hall, Joseph,	60,250	Hilton, John,	294
Hall, Kinsley,	59,227,294	Hilton, Samuel,	59,294
Hall, Lieut.,	168,184	Hilton, William,	59,209,259,294
Hall, Mrs.,	264	Hilyard, Mr.,	57
Hall, Nathan,	60,294	Hinckley, Thomas,	212
Hall, Ralph,	25,59,227,295	Hinks, or Hineks, John,	50,114,115
Hall, Reuben,	64,250	154,156,165,168,175,176,213,231,252	253,360
Hall, Robert,	201,202	Hinks, Mr.,	196,204
Hall, Samuel,	59,144,145,160,161,227	Hobbs, Harvey,	60
Hall, Thomas,	72	Hobbs, John,	57
Ham, Jno.,	60,295	Hobbs, Mehitable,	53
Ham, Nath'l,	66	Hobbs, Morris, sen.,	57,124,168,228
Ham, Will,	51		298,400
Hamilton, Leonard,	295	Hobbs, Morris, jr.,	57,298
Hammond, Edmund,	160	Hobbs, Nehemiah,	49,57
Hammond, Mr.,	169	Hockeday, Samuel,	289
Hanson, Isaac,	60	Hoddy, Arthur,	289
Hanson, Philip,	294	Hoddy, John,	114
Hanson, Timothy,	60	Hodge, Robert,	178
Hanson, Thomas,	60	Hog, Seabank,	177
Hanson, Tobias,	60	Hogkins, John,	253,254,255,402
Hanson, Widow,	60	Hole, John,	160,161
Harris, Nicholas,	60	Holioak, John,	284
Hartford, William,	43,60	Holmes, John,	297
Harvey, Peter,	61	Holland, Edward,	61
Harvey, Thomas,	61	Holy, William,	136
Haskins, William,	62,144,168	Hook, Francis, Capt.,	167,193,255
Hatch, John,	295		256,257,258,395
Haulrig, George,	295	Hooper, Mr.,	208
Hawkins, James,	60	Hopkins, Batue,	118
Hawkins, John,	258	Horn, Elizabeth,	295
Hawley, Joseph,	284	Horn, John,	296
Hawthorne, John,	300	Horn, Will,	60,230
Hayes, John,	296	Hoskins, Nicholas,	50
Haynes, Mathias,	168,229	Hoskins, William,	53,69,70,71,73
Haynes, Samuel, jr.,	229		146,290
Haynes, Samuel,	168,229	Houghton, William,	97
Heard, Nathaniel,	295	Huckins, Francis,	61
Heard, Samuel,	295	Huckins, James,	230
Henderson, William,	39,60,101	Hudson, Jno.,	60
Henry VIII.,	170,274	Hull, Capt.,	171,172
Herbert, Mr.,	144	Hull, Reuben,	61,114,176,201,206
Herbert, Sylvester,	115,119,143,144		209,229,234,250,257
Herd, Benjamin,	60	Hunckin, Jno.,	61
Herdsden, Jeremiah,	50	Hunckins, Mark,	61
Hern, Anthony,	295	Hunking, Mr.,	183
Higgins, Beriah,	296		

Hunking, John,	229	Keerick, Edmund,	297
Hunkins, John,	250,251	Kelly, John,	289
Hunkins, Mrs.,	210	Kelly, Roger,	294
Hunt, George,	61,229	Kene or Kaine, Nath'l,	60,144,145
Hunt, Roland,	61		160,161
Hurdy, Jno.,	61	Kene, Samuel,	160
Hussey, Christopher,	2,3,40,49,74	Kenneston, John,	67,294
101,124,154,176,206,228,234,329		Kenneston, Xtopher,	65,67
Hussey, John,	57,400	Kenny, Jos.,	168,230
Hutton, Ant.,	250	Kent, Joseph,	296
		Kereh, Hen.,	61
Jackson, Jno., sen.,	61,208,289,296	Kettle, John,	66
Jackson, Jno., jr.,	61	Kid, James,	59
Jackson, Richard,	61,73,115,208	Kim, William,	60,295
Jackson, Thomas,	51,144,167,294,297	Kinckbon, Robert,	296
Jaffray, or Jeffrey, Geo.,	50,78,114	Knight, Jno.,	60
130,151,175,229,243		Knight, Nathan,	287
Jaffray, Mr.,	170,187,189,190,191	Knowles, John,	57
	192,193		
Jaffray, Wm.,	111	Lad, Nad,	59,289,294
James I.,	127	Ladbrooke, Deborah,	102,103
James II.,	242,246,259,260,266,268	Ladbrooke, Tho.,	61,102,103
	288,289	Lamper, Henry,	228
Jefford, William,	43	Lamprel, Henry, sen.,	209,217,218,221
Jenkins, Elizabeth,	288	Lamprey, Daniel,	57
Jenkins, L.,	98,230	Lamprey, David,	227
Jenkins, Leoline,	213,214	Lancaster, Henry,	205,294
Jenkins, Stephen,	142,288,296	Lane, Sam.,	177
Jennis, Francis,	57	Lane, William,	298
Jerld, Gatharias,	230	Lang, Robt.,	61
Jewell, Joseph,	61	Langdon, Tobias,	297,299
Jocelyn, Henry,	120	Langhan, Thomas,	152
Jonson, Benj.,	39	Langstaff, or Langstoff, Henry,	60
Johnson, Edmund,	298		205,294
Johnson, James,	57	Langstare, Henry,	101
Johnson, Jno., jr.,	65,229	Larcy, Cornelius,	59
Johnson, Ruth,	228	Lauers, Jacob,	297
Johnston, John,	296	Lavers, Benjamin,	228
Jones, Ben,	294	Lavers, George,	229
Jones, Francis,	61,229,296	Lavers, Jacob,	229,289
Jones, George,	59	Lawrence, David,	59,295
Jones, Goody,	100	Leach, James, sen.,	114,115,118,201
Jones, Grandma,	100	Leach, John,	66
Jones, Hannah,	99	Leathers, Edw.,	72,288,296
Jones, James,	61,225	Lee, Abraham,	152,153,246,247,249
Jones, Jinkin,	60,230,295	Leer, Hugh,	61
Jones, Jno.,	61	Levet, Aratus,	45
Jones, Stephen,	52,230,249,296,299	Levet, Hazen,	133
Jose, Jean,	61,229	Levet, Ja.,	61,229
Jose, Richard,	61,229,250,257	Levet, Tho.,	145
Judkins, Joell,	59,295	Levit, or Leavit, Heat,	49
		Levit, Hesron,	228
——kam, Thomas,	298	Levit, John,	228,298,399
Kaser, Ed.,	296	Levit, Moses,	59,145,228,294
Kayes, Sam.,	115	Levit, Nehemiah,	295
Kears, Samuel,	77,78	Levit, Samuel,	59,209,217,218,221
Keats, Samuel,	229,297		227,259,295,299,397,398

Lewis, Abraham,	297	Masson, Peter,	60,168,230
Lewis, John,	259,298	Masting, Thomas,	124
Lewis, Jonathan,	229,297	Mathews, Benjamin,	245,259
Lewis, Philip,	77,78,298	Mathews, Daniel,	160,161,175,209
Lewis, Tho.,	296	Mathews, Dorothy,	147
Light, Jno.,	61,229,297	Mathews, Francis,	120
Lines, Richard,	120	Matten, Hubertus,	61,68
Linn, Ephraim,	61	Matthews, Colomart,	229
Listen, Iric,	59	Matthews, Long,	184
Little, John Andrew,	70	Matthews, Mr.,	183,187,191,193
Lloyd, Philip,	182		194,195
Lock, John,	209,259	Matthus Benjamin,	296
Lomax, Nathaniel,	230	Maverick, Samuel,	121
Lombus, Nathaniel,	288	Meader, John, sen.,	288
Lomuck, Nathan,	249	Meader, John, jr.,	60,230,296
Loot, Ben,	295	Meed, Joseph,	49,57
Loveis, George,	61	Meder, Joseph,	296
Lovell, Lylan,	296	Mekins, Tho.,	59
Lovell, Splan,	224	Melcher, Edward,	61,229,289
Lovit, Aratus,	57,228	Mercer, Francis,	61,160,161,191,248
Lovit, Hizrom,	57	Messer, Edw.,	294
Lovit, Tho.,	57,124,228	Michill, Jno.,	60
Lon, Jeremiah,	227	Misvoy, Issem,	298
Lucey, Tho.,	297	Molton, John,	300
Lux, Christopher,	45,50	Monson, Rich.,	61,296
Lux, Will,	119	Moody, Joshua,	163,164,165,166,201
Lyford, Francis,	294		204,237,245
		Moody, Mr.,	61,116,136,169,183,184
Magoon, Henry,	59		185,186,190,194,195,202
Magsigpen,	440	Moore, William,	57,295,299,397
Mallune, Luke,	60	More, or Moore, Ensign, William,	168,398
Marion, John,	57,124		59,227,294
Martin, or Martyn, Mr.,	42,170,171	Morgan, Richard,	59,227,294
	185,193	Morgan, Wid,	294
Martin, Mrs.,	186	Morrill, Nicholas,	229
Martin, Richard,	2,41,51,52,57	Moses, Aaron,	297
	311, &c.	Moseley, Cart.,	482
Martin, John,	263	Moss, or Morse, Obad,	61,115,167
Martin, Wilmot,	263		191,229,289,297
Marshfield, Samuel,	284	Moulton, Benj.,	57,228,234,298,399
Marston, Ephraim,	57,59,203,400	Moulton, Hen.,	57,58,121,168
Marston, Isaac,	57,298		228,400
Marston, James,	49,57,400	Moulton, John,	49,57,168,228,298
Marston, John,	57,228	Moulton, Joseph,	57,228,298
Marston, Mr.,	68	Moulton, Theo.,	121
Marston, Samuel,	137	Muchmore, Jno.,	61
Marston, Thomas,	40,45,53,57,168	Munden, Deborah,	207
	208,209,259	Munden, Mrs.,	207
Marston, William,	45,57,399	Musgrave, Phil.,	240
Mason, John, Capt.,	107,108,109		
	197,219	Nares, Nicholas,	295
Mason, Mr.,	102,103,105,106,107	Nasson, Rich.,	60
	108,109,110,111,&c.,&c.	Neal, Samuel,	297
Mason, Robert,	8,9,51,56,62,80,87,88	Neale, Jeremiah,	284
	97,98,106,108,118,486,&c.,&c.	Neale, Lieut.,	67
Mason, Wm.,	61	Neale, Walter,	155,156,229,297,299
Masson, John,	57	Nelson, Mat.,	61,290,297

Nichols, Eli,	166	Perkins, Ebenezer,	219,228,399
Nichols, M.,	121	Perkins, Jacob,	57,219,228,234,399
Nichols, Richard,	234	Perkins, James,	59,228
Nicholson, Capt. Francis,	440	Perkins, Jonathan,	208
Nile, Walter,	77,78	Perkins, Joseph,	221,222,228
Noble, Christopher,	234	Perkins, Humphrey,	229,298
Norris, Nic,	59	Perkins, Mr.,	195
North, Tho.,	60	Perkins, Isaac,	57,124,228
Nudd, Thomas,	57,399	Perkins, Tho.,	60
Nutter, Anthony,	25,60,161,189,195	Perkins, William,	289,294
202,230,233,246,264,265,266,352		Peterson, Andrew,	114,117,119,120
Nutter, John,	230,294	Peterson, Tom,	114
Nutt, Abraham,	60	Philbrick, James,	57,228
Nutt, James, sen.,	60	Philbrick, Jonathan,	298
Nutt, James, jr.,	60	Philbrick, Samuel,	57,187,188,228
Oates, Richard,	43	Philbrooke, Jonathan,	57,228,296
Odaborn, John,	209	Philbrooke, Tho.,	57,202,228,246,298
Odihorn, Esa,	66	Phillips, Samuel, Rev.,	195
Odihorn, Isaiah,	66	Pickerin, Jno.,	61,77,78,160,161,179
Oliver, Constance,	41	229,234,237,297,299,300,401	
Oliver, John,	297	Pickerin, Jno., jr.,	297
Oliver, Wilmot,	41	Pickerin, Mr.,	183
Ottis, Richard, sen.,	60,62,129,251,405	Pickerin, Tho.,	61,229,234
Ottis, Richard, jr.,	60,127,128	Pickering, John, Capt.,	191,192
Ottis, Stephen,	60,245	Pierce, Charles,	396,397,400
Packer, Thomas,	296	146	
Page, Christopher,	298	Pike, Major,	44,400
Page, Francis,	57,168,209,228	Pike, Mr.,	140,166,205
Page, Nathaniel,	284	Pinkham, John,	60
Page, Tho.,	57,168,228	Pinkham, Nathaniel,	294
Paine, Tho.,	60	Pindar, John,	245
Palmer, Christopher,	57,208,225	Pitman, Francis,	296
259,399		Pittman, Ezekiel,	51
Palmer, Joseph,	57	Pittman, John,	295
Palmer, John,	44	Pittman, Wm.,	61,229,296
Parker, Thomas,	66,114,115,208,248	Plaiisted, Elisha,	297
Parrot, John,	49,50	Plaiisted, Jno.,	297
Partridge, Jno.,	61,76,183,185,187	Pomfret, William,	39
193,195,201,202,234,238,297,298		Pots, Thomas,	146
Partridge, Mary,	76	Potter, Chandler E.,	402,403
Partridge, Neh.,	61,67,179,229,238	Powel, Robert,	294
Partridge, Richard,	243	Powell, Samuel,	294
Partridge, Will.,	60,64,184,246,297	Presson, Jno.,	61
Passaconaway,	429	Price, John,	143,144,150
Patrick, Samuel,	284	Pront, Ebenezer,	300
Pattie, John,	248	Pudington, Robert,	61,297
Pearce, Mattoon,	117	Pudington, Thomas,	297
Pearce, Sarah,	68,117,118	Purber, Thomas,	259
Pearsons, George,	290,294	Purmart, mött, or mort, Joseph,	50
Pendleton, Bryan, Capt.,	121,122	66,132,144,146,208,259	
Pendleton, James,	122	Rand, Francis,	297
Penhallow, Samuel,	297,300	Rand, Jno.,	296
Penny, Henry,	166,250	Rand, Samuel,	66,297
Perkins, Abraham,	45,57,124	Randolph, Edw.,	36,62,70,112,113
Perkins, Caleb,	57,228	118,159,168,177	
		Randolph, Mr.,	53,160,212,233

Rann, Mary,	177	Roe, Richard,	60
Rawlens, Benjamin,	60	Rogers, Ichabod,	100,118
Rawlens, Ichabod,	60,294	Rogers, Thomas,	234
Rawlens, James,	60	Roscar, Roger,	295
Rawlens, Samuel,	60	Rose, Roger,	99
Rawlens, Tho.,	184,228,295	Rousley, Robt,	61
Rawson, Edward,	292	Row, Edward,	230
Rayn, Joseph,	157,164,165,166,202	Row, Tho.,	57,230
	247,251,258,266,277,395	Rowe, Ed.,	294
Raynes, or Raines, Joseph,	102,103	Rowe, Richard,	294
	104,115	Rowes, Richard,	230
Raynes, Mr.,	119,183,186,187,189	Rowleness, Samuel,	294
	190,191,193	Ruicard, Daniel,	298
Read, Ed.,	294	Russell, Henry,	50,138,144,208
Read, Richard,	294	Sanborn, Mephibosheth,	399
Redman, John, sen.,	53;57,124,139	Sanborn, John, Lieut.,	42,45,57,140
	155,158,159,168,209		219
Redman, Jon., jr.,	57,399	Sanborn, Jon., jr.,	57,58,139
Reed, Dr.,	48	Sanborn, Richard,	57,201,229,298
Reed, Sarah,	209,210	Sanborn, Will,	57,168,195,235,246,399
Rice, Thomas,	146	Sanborn, William, jr.,	57
Richards, William,	61,208,297	Sanborn, Nathaniel,	201,298
Richards, Jestenyman,	298	Sanbourne, or born, John,	228,229
Richards, Mary,	41	Sanbourne, Joseph,	228
Rich, Rich'd,	60,204	Sanbourne, Josiah,	228
Rich, James,	225	Sanbourne, William, sen.,	228,400
Ricker, George,	60,295	Sanbun, Joseph,	298
Ricker, Maturin,	60,295	Sanders, Joseph,	60
Rider, Phineas,	50	Savage, Hen,	61
Robards, Tho.,	44	Savage, John,	296
Robay, Samuel,	298	Sawyer, Robert,	126
Roberts, George,	294	Scamon, Rich'd,	59,60,142
Roberts, Hatevil,	295	Scamon, Will,	294
Roberts, Joseph,	295	Scribner, John,	295
Roberts, Jno., sen.,	60,168,230,295	Seavy, Henry,	117,118
	397,398	Seavy, John,	61,120
Roberts, Jno., jr.,	60,230	Seavy, Thomas,	117,118
Roberts, Samuel,	66	Seavy, Wm.,	297
Roberts, Tho., sen.,	60,166,203,230	Seely, John,	121
	290	Senter, Henry,	230
Roberts, Tho., jun.,	60,295	Sequenot, or Seguenot,	405,416
Roberts, William, Capt.,	50,61	Sevay, John,	297
Robertson, James,	139,144	Sevay, Nathaniel,	297
Robeson, Steven,	294	Severet, Phil,	61
Robinson, David,	59,227,295	Sewal, Stephen,	284
Robinson, James,	115,191,208	Seward, Jno.,	61,168,208
Robinson, Jon.,	59,228	Sewell, Widow,	220
Roby, Goodman,	48	Sewer, John,	114,289
Roby, Henry,	42,45,51,53,57,124,164	Shackford, William,	60
	168,202,208,217,219,221,245,246	Shadrac,	211
	259,395	Shannon, Rich,	294
Roby, Ichabod,	218	Sharpleigh, Nick, Maj.,	52,59,205
Roby, Justice,	208,225	Shaw, Ben,	57,228
Roby, Samuel,	100	Shaw, John,	100
Roby, Thomas,	118	Shaw, Jos.,	57,228
Roby, Walton,	100	Shaw, Joshua,	400
Rocklief, Wm.,	61		

Shaw, Samuel,	298	Stileman, Mrs.,	194,195
Sheller, Wm.,	61	Stockes, Isaac,	60
Sherborn, or burn, Capt.,	195,208	Stoddard, Rev. Solomon,	405
Sherborn, Henry,	68,297	Stokes, Isaac,	295
Sherborn, John, sen.,	69,115,168,229	Stoughton, William,	277
	250,296,298	Stower, Joseph,	294
Sherborn, John, jr.,	229,298	Suret, Ph.,	229
Sherborn, Love,	112	Swaine, Will,	57
Sherborn, Rebecca,	69	Swett, Benj.,	57,400
Sherborn, Samuel,	57,68,112,218,220	Swett, George,	57
	221,222,228,298,300,399,400	Swett, Joseph,	57,139,140,219,228
Sherborn, Sarah,	54	Swett, Moses,	228
Sherlock, James,	127,144,150,151,155	Symons, John,	294
	158,164,166,173,186,395		
Shipway, Jno.,	61,114,229	Tabor, Anthony,	124
Shortridge, Rich,	61	Tasket, Will,	60
Sinckler,	59,207,294	Taylor, Anthony,	44,45,49,57
Sinkler, James,	227,294	Taylor, Edward,	128
Skees, Thomas,	295	Taylor, John,	49,57,298,400
Skipway, John,	296	Taylor, Joseph,	59
Sleeper, Aaron,	219,298,399	Taylor, William,	295
Sleeper, John,	134,136,139	Tebbets, Thomas,	295
Sleeper, Jon.,	57	Tebly, George,	297
Sleeper, Tho.,	57,124	Thing, Jonathan,	59,220,228,295,299
Sloper, John,	66	Thing, Samuel	295
Sloper, Richard,	168	Thomas, James,	294
Small, Edward,	230	Thomas, John,	59
Smart, Robert, sen.,	59,227,294	Thompson, Cornelius,	39
Smart, Robert, jr.,	59,294	Thurston, Thomas,	69
Smith, Edward,	59,134,145,227	Thurttten, John,	57
Smith, James,	288,295,284,399	Thurton, Tho.,	52,69,70,71,73,74,75
Smith, John,	45,51,53,57,58,189,228		76,77,139,&c.,&c.
Smith, Jonathan,	59	Tibbets, Elizabeth,	211
Smith, Joseph,	57,168,228,399,400	Tibbets, Samuel,	39
Smith, Nathaniel,	47,48,49	Tibets, Jeremy,	60
Smith, Theo.,	295	Tibets, Widow,	60
Smith, Robert,	57,124,203	Tidman, Tho.,	59
Snell, George,	61,113,114,178,289	Tilton, Daniel,	57,73,298
	296	Tilton, Samuel,	57
Sonter, John,	215	Tippens, Capt.,	201
Sowel, Edw.,	59	Tipping, Bartholw.,	59
Sowter, Mr.,	298	Tipping, Mr.,	233
Spencer, Humphray,	290	Tomson, Will,	60
Spencer, Thomas,	248	Tooke, John,	229
Squire, Barned,	296	Towle, Goodwife,	47
Stacy, Mark,	288,294	Towle, Philips,	57,228,399
Stagpoll, James,	60	Traske, Joseph,	258
Stanyan, Anthony,	57,124,228	Trenick, John,	297
Stanyan, Jon.,	57,228	Trenorthy, Elizabeth,	100
Starboard, Thomas,	87	Trickie, Efram,	60,101
Stevens, Nathaniel,	60	Trickie, Isaac,	60
Stevens, Tho.,	61	Trickie, Joseph,	60
Stevenson, Joseph,	230	Trickie, Widd,	60
Stevenson, Bartholomew,	288	Treworgie, Ja.,	61
Stileman, Elias, Capt.,	25,43,44,46,48	Tuck, John,	40,57,168,228,298
	49,50,53,61,65,66,341,397,&c.,&c.	Tucker, Francis,	50,144
Stileman, Mary,	265	Tucker, James,	297

Tucker, John,	61,296,297	Weare, Nathaniel,	44,57,137,138,179
Tucker, Lewis,	119		181,182,196,200,215,216,&c.,&c.,
Tucker, Margaret,	121		380,399,400
Tucker, Phil.,	61	Weare, Peter,	228
Tucker, Rich.,	61,120,121,122	Webber, Jaffer,	210
Tuften, John,	177,290	Webber, Rich.,	61,138,168,208,209
Tuttle, John,	60,168,299,397,398		210,229,297
Tyng, Jonathan,	434	Webster, Thomas,	49,57,298
Usher, John,	237,303	Wedgewood, David,	57,228,399
Vaughan, William, Maj.,	2,61,80,	Wedgewood, Jonathan,	49,57,59,222
104,130,154,158,159,160,163,&c.,			228,400
&c.,	299,318,396,397,400,401	Weeks, Leonard,	155,168,229,298
Vaughan, Mr.,	42,74,76,105,185,285	Welch, Ralph,	57
	236,237,238	Wells, Peter,	296
Veasie, George,	294	Wentworth, Daniel,	296
Veasie, Thomas,	294	Wentworth, Elder,	60
Wadlee, or Wadleigh, Jo.,	184	Wentworth, Ezekiel,	230,295
Wadlee, John,	134,136,227,294	Wentworth, Gershem,	60,295
Wadlee, Mr.,	202	Wentworth, John,	405
Wadlee, Robt.,	59,127,134,212,289	Wentworth, Paul,	230,405
	294,300,368,397,398	Wentworth, Samuel,	60,114,133,144
Wadleigh, Poor,	184		146,168,229,251,296,297
Waistcoat, Daniel,	49	Wentworth, Silvanus,	294
Wakan, Jno.,	61	Wentworth, William,	230,294
Wakan, Tho.,	61	Wesbruck, John,	297
Wakcom, John,	297	West, Edward,	64,121
Walcombe, Thomas,	229	West, Jno.,	64
Walden, Nieho.,	61,297	West, Martha,	64
Waldron, Ann,	43	Westall, Daniel,	297
Waldron, George,	43,151	Westbrook, Job,	297
Waldron, John,	42,43,115	Westbrook, John,	297
Waldron, Nicholas,	290	Westcot, Daniel,	61
Waldron, Mr.,	196,233	Westcot, Sarah,	209,210
Waldron, Richard, Maj.,	2,3,25,32	Westcot, Walter,	139
60,61,64,80,103,105,116,332,&c.,		Wheeler, John,	294
&c.,	348,396,397	Wheelright, John,	121
Waldron, William,	116,140	Whidden, Jno.,	61
Walford, Jeremiah,	118	Whidden, Samuel,	61,287
Walker, Wm.,	61	White, Mrs.,	166
Wallace, George,	209	White, Nat.,	61
Wallis, William,	298	Whitehouse, Tho.,	60,295
Walton, George,	99,100,118,120,121	Wiggin, Andrew,	57,201,227,293
Walton, Samuel,	100	Wiggin, Simon,	294
Walton, Shadrach,	202,208,295,299	Wiggin, Tho., sen.,	57,184,201,227
Walton, Sidrick,	259		264,265,266,267,293,294
Warde, Tho.,	57	Wiggin, Thomas, jr.,	227,237
Warden, John,	297	Willy, John,	141,142,147,295
Warnerton, Thomas,	120	Willy, Will,	60
Waterhouse, Rich.,	61,208,229,297	Willy, Stephen,	141,142,143,147,296
Wattanummon,	439	Willy, Abigail,	147,148
Watts, Rich.,	61	Williams, Henry,	294
Watson, Jonathan,	60	Williams, Lewis,	61,296
Watson, Robert,	296	Williams, Rich.,	66,144
Waymouth, William,	295	Williams, Robt.,	61
		Williams, William,	61,288
		Wills, William,	295
		Wilson, Humphrey,	59,168,228,294

INDEX OF NAMES.

473

Wittens, William,	296	Woodman, John, jr.,	280,299
Winchcombe, John,	284	Woodman, Jonathan,	280
Windeat, John,	203	Woolton, or Wootton, Ebel,	121
Windicot, Jno.,	60	Woolton, John,	120,121
Windsor, Walter,	234	Wormley, Ralph,	230
Winford, Ezekiel,	60	Wright, Nath'l,	57,293
Winget, John,	230,234		
Winkley,	157	Yerington, Wm.,	60
Winslow, John,	66,295	Young, John,	59,184,227
Winslow, Sarah,	207	Young, Robert,	143
Wonnelsanet,	431	Young, Tho.,	60,296
Woodman, John, sen.,	189,195,230		
	233,296,397,398		

MEMBERS OF THE N. H. HISTORICAL SOCIETY.

ORIGINAL MEMBERS.

NEW-HAMPSHIRE, June 13, 1823.

The undersigned, having associated together in forming the New-Hampshire Historical Society, and having obtained an act of incorporation, entitled "An act to incorporate certain persons by the name of the New-Hampshire Historical Society," which has this day passed; and, having read and considered the same, do accept of said act, in all its provisions, and adopt the same as our Charter.

CONCORD, N. H., June 13th.

[The names are here printed in the order of signature — the titles affixed by the editor.]

Plumer, William, sen., Ex-Gov.,*	Epping.
Woodbury, Levi, His Excellency,*	Portsmouth.
Haven, Nath'l A., jr., Esq.,*	Portsmouth.
Bartlett, Ichabod, Hon.,*	Portsmouth.
Peirce, Andrew, Hon.,*	Dover.
Plumer, William, jun., Hon.,*	Epping.
Smith, William, Esq.,*	Exeter.
Chadwick, Peter, Esq.,*	Exeter.
Noyes, Parker, Esq.,*	Salisbury.
Bartlett, Richard, Hon.,*	Concord.
Kent, George, Esq.,	Concord.
Cutter, Charles W., Esq.,*	Dover.
Moore, Jacob B., Esq.,*	Concord.
Kelly, John, Esq.,*	Northwood.
Adams, Nathaniel, Esq.,*	Portsmouth.
Parker, Nathan, D. D., Rev.,*	Portsmouth.
Hildreth, Hosea, Esq.,*	Exeter.
Putnam, Israel W., Rev.,	Portsmouth.
Farmer, John, Esq.,*	Concord.
Peabody, O. W. B., Esq.,*	Exeter.
Mason, Jeremiah, Hon.,*	Portsmouth.
Freeman, Asa, Esq.,	Dover.
Mitchell, Stephen, Esq.,*	Durham.

Besides the foregoing who signed the charter, the following were considered original members :

Abbot, Benjamin, LL. D.,*	Exeter.
Adams, Ebenezer, M. A., Prof.,*	Hanover.
Tyler, Bennet, D. D., Rev.,*	Hanover.
Bartlett, James, Hon.,*	Dover.
Barker, David, Hon.,*	Rochester.
Ladd, Alexander, Esq.,*	Portsmouth.
Upham, Timothy, Hon.,*	Portsmouth.
Smith, Jeremiah, Ex-Gov.,*	Exeter.

RESIDENT MEMBERS,* IN THE ORDER OF ELECTION.

NAMES.	RESIDENCE.	TIME.
Atherton, Charles H., Hon.,*	Amherst,	June, 1824.
Chase, Henry B., Hon.,*	Warner,	do.
Dana, James F., M. D., Prof.,*	Hanover,	do.
Hale, Salma, Hon.,	Keene,	do.
Sparhawk, Samuel, Hon.,*	Concord,	do.
Richardson, William M., Hon.,*	Chester,	do.
Waldron, Richard R., Maj.,*	Portsmouth,	do.
Harvey, Matthew, His Exc.,*	Hopkinton,	June, 1825.
Burt, Federal, Rev.,*	Durham,	do.
Bell, Samuel D., Esq.,	Chester,	June, 1826.
Lyford, Stephen C., Esq.,	Meredith,	do.
Weeks, John W., Hon.,*	Lancaster,	do.
Abbot, Samuel, Esq.,*	Wilton,	June, 1827.
Hubbard, Henry, His Exc.,*	Charlestown,	do.
Oliver, Daniel, M. D., Prof.,*	Hanover,	do.
Prescott, William, M. D.,	Gilmanton,	do.
Chamberlain, Levi, Hon.,	Fitzwilliam,	June, 1828.
Coues, Samuel E., Esq.,	Portsmouth,	June, 1829.
Crosby, Jaazaniah, Rev.,*	Charlestown,	do.
Eastman, Moses, Esq.,*	Concord,	do.
Webster, Stephen P., Hon.,*	Haverhill,	do.
Adams, Daniel, M. D., Hon.,*	Mont-Vernon,	June, 1831.
Bouton, Nathaniel, Rev.,	Concord,	do.
Long, Moses, M. D.,*	Warner,	do.
Parker, Joel, LL. D.,	Keene,	do.
Thomas, Moses G., Rev.,	Concord,	do.
Bingham, James H., Hon.,*	Claremont,	Dec., 1832.

* Those only are resident members, who, living at the time in New-Hampshire, were duly elected and paid their initiation fee.

Dinsmoor, Samuel, His Exc.,*	Keene,	Dec., 1832.
Fletcher, Samuel, Esq.,*	Concord,	do.
Gale, Charles C. P., M. A.,*	Derry,	do.
Handerson, Phineas, Hon.,*	Keene,	do.
Hill, Isaac, His Exc.,*	Concord,	do.
Mussey, Reuben D., M. D., Prof.,	Hanover,	do.
Punchard, George, Rev.,	Plymouth,	do.
Twitchell, Amos, M. D.,*	Keene,	do.
Tufts, Asa Alford, Esq.,*	Dover,	June, 1833.
Upham, Nathaniel G., Hon.,	Concord,	do.
Kelly, Abner B., Esq.,	Concord,	June, 1834.
Whiton, John M., Rev., D. D.,*	Antrim,	do.
Carrigain, Philip, Hon.,*	Concord,	June, 1835.
Chadbourne, Thomas, M. D.,*	Concord,	do.
Hackett, Wm. W. Y., Esq.,	Portsmouth,	do.
Brown, John N., Rev.,*	Exeter,	June, 1837.
Cummings, Ebenezer E., Rev.,	Concord,	do.
Kent, Wm. A., Hon.,*	Concord,	do.
Lord, Nathan, Rev., D. D., Pres. Coll.,	Hanover,	do.
Lyon, Gardiner P., Mr.,*	Concord,	do.
McFarland, Asa,	Concord,	do.
Bradley, Richard, Esq.,	Concord,	June, 1838.
Leonard, Levi W., Rev.,*	Dublin,	do.
Whitman, Zachariah G., Esq.,*	Boscawen,	do.
Cogswell, Francis, Esq.,	Dover,	do.
Spalding, Isaac, Hon.,	Nashua,	June, 1839.
Ten Broeck, Petrus Stuyvesant, Rev.,*	Concord,	do.
Fox, Charles J., Esq.,*	Nashua,	do.
Dow, Joseph, Esq., M. A.,	Hampton,	June, 1840.
Smith, Eli B., Rev., D. D.,	New-Hampton,	do.
Burroughs, Charles, Rev., D. D.,	Portsmouth,	do.
Cogswell, William, Rev., D. D.,*	Gilmanton,	June, 1841.
Sanborn, Edwin D., Prof.,	Hanover,	do.
Livermore, Abiel A., Rev.,	Keene,	do.
Pierce, Franklin, Hon.,	Concord,	June, 1842.
Goodwin, Ichabod, Esq.,	Portsmouth,	June, 1843.
Brewster, Charles W., Esq.,	Portsmouth,	do.
Haddock, Charles B., Esq., Prof.,*	Hanover,	June, 1844.
Worth, Edmund, Rev.,	Concord,	do.
Foster, John W., Esq.,*	Portsmouth,	do.
Prentiss, John, Esq.,	Keene,	do.
Walker, Lyman B., Hon.,*	Meredith Bridge,	do.

Potter, Chandler E., Esq.,	Manchester,	June, 1845.
Atherton, Charles G., Hon.,*	Nashua,	do.
Barstow, Zedekiah S., Rev., D. D.,	Keene,	do.
Steele, John H., His Exc.,*	Peterborough,	do.
Towle, Ebenezer S., Esq.,	Concord,	do.
Walker, Joseph B., Esq.,	Concord,	do.
Woods, Andrew S., Hon.,*	Bath,	do.
Peaslee, Edmund R., M. D., Prof.,	Hanover,	do.
Hoit, Enos, M. D.,	Northfield,	do.
Peaslee, Charles H., Hon.,	Concord,	do.
Williams, Jared W., His Exc.,*	Lancaster,	do.
Walker, Abiel, Esq.,*	Concord,	June, 1846.
Lancaster, Daniel, Rev.,	Gilmanton,	do.
Fisk, Francis N., Hon.,	Concord,	June, 1847.
Pierce, Joshua W., Esq.,	Greenland,	June, 1848.
Haven, Alfred W., Esq.,	Portsmouth,	do.
Baker Nathaniel B., Esq., His Exc.,	Concord,	June, 1849.
Rix, James M., Esq.,*	Lancaster,	do.
Hatch, Albert R., Esq.,	Portsmouth,	do.
Upham, James, Prof.,	New-Hampton,	do.
Young, John K., Rev.,	Meredith Bridge,	do.
Rust, Richard S., Prof.,	Northfield,	do.
Coffin, Samuel, Esq.,*	Concord,	do.
Edwards, Thomas M., Hon.,	Keene,	June, 1850.
Peabody, Andrew P., Rev., D. D.,	Portsmouth,	do.
Webster, Gideon, Esq.,	Kingston,	do.
Dodge, Perley, Esq.,	Amherst,	do.
Sawyer, Joseph, Esq.,*	Piermont,	do.
Burleigh, John A., Esq.,*	Somersworth,	do.
Wadleigh, George, Esq.,	Dover,	do.
Whittemore, Bernard B., Esq.,	Nashua,	do.
Weeks, Wm. P., Hon.,	Canaan,	do.
Savage, Thomas, Rev.,*	Bedford,	do.
Woodbury, Peter P., M. D.,*	Bedford,	do.
Wells, John S., Hon.,*	Exeter,	June, 1851.
Hadley, Amos, Esq.,	Concord,	do.
Chase, Francis R., Esq.,*	Conway,	do.
Parker, Edward H., M. D.,	Concord,	June, 1852.
Kidder, Joseph, Mr.,	Manchester,	do.
Jaffrey, George, Esq.,	Portsmouth,	do.
McFarland, Andrew, M. D.,	Concord,	do.
Boylston, Richard, Esq.,*	Amherst,	do.
Sanborn, Dyer H., Esq.,	Hopkinton,	do.
Savage, Wm. T., Rev.,	Franklin,	do.

Bartlett, Wm. H., Hon.,	Concord,	June, 1852.
Sargent, Jonathan E., Hon.,	Wentworth,	do.
Bell, Samuel N., Esq.,	Manchester,	June, 1853.
Gove, Jesse A., Capt., Esq.,*	Concord,	do.
Tyler, John E., M. D.,	Concord,	do.
Martin, Noah, M. D., His Exc.,*	Dover,	June, 1854.
Bailey, Wm. H. H., Hon.,	Concord,	June, 1858.
Eames, John H., D. D., Rev.,	Concord,	June, 1859.
Bell, Charles H., Hon.,	Somersworth,	do.
Merriam, J. W., Mr.,	East Concord,	do.
Abbot, Joseph C., Esq., Brig.-Gen.,	Manchester,	do.
Stone, Benjamin P., D. D., Rev.,	Concord,	do.
Goodwin, William F., Esq., Capt.		do.
U. S. A.,	Concord,	do.
Smith, George W., M. D.,*	Concord,	do.
Marston, Gilman, Hon., Brig.-Gen.,	Exeter,	do.
Bancroft, J. P., M. D.,	Concord,	do.
Stearns, Onslow, Hon.,	Concord,	June, 1860.
Tenney, Richard P. J., M. D., Hon.,	Pittsfield,	do.
Wingate, Joseph C. A., Esq.,	Concord,	do.
Bell, Louis, Esq., Col.,*	Farmington,	do.
Harris, John A., Mr.,	Concord,	do.
Hackett, Wm. H., Esq.,	Portsmouth,	do.
Eastman, Jonathan, Esq.,	East Concord,	do.
Smith, Jeremiah, Esq.,	Lee,	do.
Alden, Lucius, Rev.,	New-Castle,	do.
Shurtleff, Roswell, D. D., Prof.,*	Hanover,	do.
Foster, William L., Esq.,	Concord,	do.
Stark, William, Esq.,	Manchester,	do.
Shirley, John M., Esq.,	Andover,	do.
Nesmith, George W., Hon.,	Franklin,	do.
Proctor, John, Esq.,	Andover,	do.
Jewett, William R., Rev.,	Plymouth,	June, 1861.
Mason, John E., Esq.,	Manchester,	June, 1862.
Fowler, Asa, Hon.,	Concord,	do.
Sawyer, Edward, Mr.,	Concord,	do.
Prescott, Benj. F., Esq.,	Concord,	do.
White, Nathaniel, Esq.,	Concord,	do.
Eastman, Samuel C., Esq.,	Concord,	June, 1863.
Sawyer, Henry E., Teacher,	Concord,	do.
Tenney, Jonathan, Esq.,	Boscawen,	do.
Bradley, Moses H., Esq.,	Concord,	do.
Bartlett, Charles R., Esq.,	Wentworth,	do.
Pike, Austin F., Hon.,	Franklin,	do.

HONORARY MEMBERS.

479

Gilmore, Joseph A., His Exc.,	Concord,	June, 1863.
Elliott, John H., Hon.,	Keene,	do.
McDuffie, Franklin, Esq.,	Rochester,	do.
Hill, Joseph C. A., Mr.,	Concord,	do.
Hatch, Thomas E., Esq.,	Keene,	do.
Drew, George W., Mr.,	Concord,	do.
Brown, Samuel G., D. D., Prof.,	Hanover,	do.
Chandler, William E., Hon.,	Concord,	do.
Barnard, Daniel, Hon.,	Franklin,	do.
Blaisdell, Daniel, Hon.,	Hanover,	do.
Marcy, Daniel, Hon.,	Portsmouth,	do.
Smith, Isaac W., Esq.,	Manchester,	do.
Abbot, William P., Esq.,	Keene,	June, 1864.
Renouf, Edward, Rev.,	Keene,	do.
Smith, Asa D., D. D., Pres. Coll.,	Hanover,	do.
Pecker, Robert E., Esq.,	Concord,	do.
Pecker, Jonathan E., Esq.,	Concord,	June, 1865.
Aiken, Charles A., Rev., Prof.,	Hanover,	do.
Cogswell, P. Brainard, Esq.,	Concord,	do.
Chandler, George H., Maj.,	Concord,	do.
Sargeant, Charles W., Esq.,	Concord,	do.
Eastman, Edson C., Esq.,	Concord,	do.
Twitchell, Geo. B., M. D.,	Keene,	do.
White, Wm. O., Rev.,	Keene,	do.
Walker, Wm. R., Esq.,	Concord,	do.
Davis, Thomas F., Rev.,	Portsmouth,	do.
Mugridge, John Y., Esq.,	Concord,	do.

HONORARY MEMBERS,

Elected by ballot, resident out of the State.

NAMES.	RESIDENCE.	DATE.
Holmes, Abiel, D. D., LL. D., Rev.,*	Cambridge, Ms.,	June, 1825.
Allen, William, D. D., Rev.,*	Brunswick, Me.,	do.
Webster, Daniel, LL. D., Hon.*	Boston, Ms.,	do.
Savage, James, LL. D., Hon.,	Boston, Ms.,	do.
Carter, Nath'l H., M. A.,*	New-York,	do.
Harris, Thaddeus M., D. D., Rev.,*	Dorchester, Ms.,	June, 1826.
Alden, Timothy, Rev., Pres. Alleg'y Coll.,*	Meadville, Pa.,	do.
Jackson, Francis, Esq.,*	Boston, Ms.,	do.
Everett, Edward, LL. D., His Exc.,*	Charlestown, Ms.,	June, 1827.
Lincoln, Enoch, His Exc.,*	Portland, Me.,	do.
Tucker, Ichabod, Esq.,*	Salem, Ms.,	do.

Rafn, C. C., P. D., Prof.,*	Copenhagen, Den.,	Dec., 1828.
Worcester, Joseph E., LL. D.,*	Cambridge, Ms.,	do.
Baylies, Francis, Hon.,*	Taunton, Ms.,	June, 1831.
Cass, Lewis, Hon.,	Washington, D. C.,	do.
Davies, John, LL. D., Hon.,	Boston, Ms.,	do.
Bowdoin, James, M. A.,*	Boston, Ms.,	do.
Shattuck, Lemuel, Esq.,*	Boston, Ms.,	do.
Waterman, Thomas, Mr.,	Boston, Ms.,	do.
Upham, Thomas C., D. D., Prof.,	Brunswick, Me.,	do.
Waters, Joseph G., Esq.,	Salem, Ms.,	do.
Staples, William R., Hon.,	Providence, R. I.,	do.
Thatcher, James, M. D.,	Plymouth, Ms.,	Dec., 1832.
Wisner, Benjamin B., D. D., Rev.,*	Boston, Ms.,	do.
Baldwin, Christopher C., Esq.,	Worcester, Ms.,	do.
Chase, Carlton, D. D., Rev.,	Bellows Falls, Vt.,	do.
Coffin, Joshua, M. A.,*	Boston, Ms.,	June, 1833.
Drake, Samuel G., Mr.,	Boston, Ms.,	do.
Pickering, John, LL. D., Hon.,	Boston, Ms.,	June, 1835.
Upham, Charles W., Rev.,	Salem, Ms.,	do.
Cogswell, William, D. D., Rev.,*	Boston, Ms.,	June, 1837.
Kingsley, James L., LL. D.,*	New-Haven, Conn.,	do.
Mellen, Prentiss, LL. D., Hon.,*	Portland, Me.,	June, 1838.
Emerson, Ralph, D. D., Prof.,*	Andover, Ms.,	do.
Bradley, Samuel A., Esq.,*	Portland, Me.,	do.
Prescott, William H., LL. D., Hon.,*	Boston, Ms.,	June, 1839.
Bancroft, George, LL. D., Hon.,	Boston, Ms.,	do.
Edwards, Bela B., D. D., Prof.,*	Andover, Ms.,	do.
Fletcher, Richard, LL. D., Hon.,	Boston, Ms.,	June, 1840.
Day, Thomas, LL. D., Hon.,*	Hartford, Conn.,	do.
Hemso, Count Jacob Graberg,	Tirense,	do.
Folsom, George, Esq.,	New-York,	do.
Felt, Joseph B., Rev.,	Boston, Ms.,	June, 1841.
Thornton, John Wingate, Esq.,	Boston, Ms.,	June, 1843.
French, Benjamin B., Esq.,	Washington, D. C.,	do.
Bell, Luther V., M. D.,*	Somerville, Ms.,	June, 1844.
Ledwig, Herman L., Esq.,	New-York,	June, 1846.
Silliman, Benj., jr., M. D., Prof.,	New-Haven, Conn.,	do.
Elton, Romeo, D. D., Prof.,	Providence, R. I.,	do.
Burke, Edmund, Hon.,	Washington, D. C.,	do.
Benton, Thomas H., Hon.,*	Missouri,	June, 1849.
Dix, John A., Hon.,	New-York,	do.
Hawthorne, Nathaniel, Esq.,*	Massachusetts,	do.

Gookin, John W., Esq.,	Maine,	June, 1850.
Emery, Nicholas, Esq.,	Maine,	do.
Davies, Charles S., Hon.	Portland, Me.,	do.
Nichols, Ichabod, D. D., Rev.,*	Portland, Me.,	do.
Sparks, Jared, LL. D., Hon.,*	Massachusetts,	do.
Bowen, Francis, Esq.,	Massachusetts,	do.
Sleeper, John, S., Esq.,	Massachusetts,	do.
Hall, Edwin, D. D., Rev.,	Norwalk, Conn.,	June, 1851.
Moore, F. B., Prof.,	Poughkeepsie, N. Y.,	do.
Sawyer, Nathaniel, Esq.,	Cincinnati, O.,	do.
Bradley, J. B., M. D.,	Fryeburg, Me.,	do.
Fessenden, William Pitt, Hon.,	Portland, Me.,	do.
Libley, John L., M. A., Coll. Lit.,	Cambridge, Ms.,	June, 1852.
Ela, Richard, Esq.,*	Washington, D. C.,	do.
Washburne, William B., Hon.,	Orange, Ms.,	do.
Parker, Henry M., Esq.,*	Boston, Ms.,	June, 1853.
Kent, Edward, Hon.,	Bangor, Me.,	June, 1854.
Baldwin, James F., Esq.,*	Boston, Ms.,	June, 1855.
Fisk, Robert F., Esq.,	Boston, Ms.,	do.
Spence, Carroll, Esq., Hon.,	Baltimore, Md.,	do.
Hopkins, Prof.,	Williamstown, Ms.,	do.
Plumer, William, Esq.,	Boston, Ms.,	do.
Willis, William, Hon.,	Portland, Me.,	June, 1856.
Haynes, William P., Hon.,	Biddeford, Me.,	do.
Quint, Alonzo H., Rev.,	Jamaica Plains, Ms.	do.
Ballard, Edward, Rev.,	Brunswick, Me.,	June, 1858.
Boltwood, Lucius M., Lib.,	Amherst Coll., Ms.,	June, 1859.
Fitz, Daniel, D. D., Rev.,	Ipswich, Ms.,	June, 1860.
Butler, Franklin, Rev.,	Windsor, Vt.,	June, 1861.
Eastman, Philip, Esq.,	Saco, Me.,	do.
Eastman, Seth, Maj., U. S. A.,	Washington, D. C.,	do.
Upham, Francis W., Esq.,	New-York,	June, 1862.
Greene, Albert G., Esq.,	Providence, R. I.,	June, 1863.
Lockwood, LeGrand, Esq.,	New-York,	do.
Angier, Marshall B., Rev.,	Sturbridge, Ms.,	June, 1864.
Adams, Ezra E., Rev., D.D.,	Philadelphia, Pa.,	do.
Angell, Henry C., M. D.,	Boston, Ms.,	June, 1865.
Bouton, John Bell, Esq.,	New-York,	do.
Walker, Charles J., Hon.,	Detroit, Mich.,	do.
Waterman, Joshua, Esq.,	Detroit, Mich.,	do.
Bissell, Edward, Esq.,	Toledo, O.,	do.

OFFICERS

OF THE SOCIETY FROM ITS ORGANIZATION.

Presidents.

William Plumer, sen.,	1823-1825	Samuel D. Bell,	1847-1849
Levi Woodbury,	1825-1826	Charles Burroughs,	1849-1852
Iehabod Bartlett,	1826-1830	Levi Chamberlain,	1852-1854
Salma Hale,	1830-1832	William Plumer,	1854-1855
Matthew Harvey,	1832-1834	Chandler E. Potter,	1855-1857
Charles H. Atherton,	1834-1838	Edwin D. Sanborn,	1857-1860
Joel Parker,	1838-1842	Joseph Dow,	1860-1861
Nathaniel Bouton,	1842-1844	Wm. H. Y. Hackett,	1861-
Nath'l G. Upham,	1844-1847		

First Vice-Presidents.

Levi Woodbury,	1823-1825	Henry Hubbard,	1845-1846
William Plumer, jr.,	1825-1829	Levi Chamberlain,	1847-1848
Salma Hale,	1829-1830	Charles H. Peaslee,	1849-1852
Matthew Harvey,	1830-1832	Chandler E. Potter,	1852-1855
Charles H. Atherton,	1832-1834	Edwin D. Sanborn,	1855-1857
Joel Parker,	1834-1838	Joseph Dow,	1857-1860
Nathaniel Bouton,	1838-1842	Wm. H. Y. Hackett,	1860-1861
N. G. Upham,	1842-1844	Joseph B. Walker,	1861-
Samuel D. Bell,	1844-1845		

Second Vice-Presidents.

Bennet Tyler,	1823-1826	Jared W. Williams,	1846-1848
Salma Hale,	1826-1829	Edwin D. Sanborn,	1849-1852
Matthew Harvey,	1829-1830	Asa McFarland,	1852-1855
Charles H. Atherton,	1830-1832	Nathaniel B. Baker,	1855-1856
Parker Noyes,	1832-1834	Joseph Dow,	1856-1857
Nathaniel Bouton,	1834-1838	Levi Chamberlain,	1858-1860
N. G. Upham,	1838-1842	Joseph B. Walker,	1860-1861
Samuel D. Bell,	1842-1844	Asa McFarland,	1861-
Levi Chamberlain,	1844-1846		

Recording Secretaries.

John Kelly,	1823-1831	Joseph B. Walker,	1849-1853
Moses Eastman,	1831-1834	Amos Hadley,	1853-1857
Moses G. Thomas,	1834-1841	Asa McFarland,	1857-1858
Asa McFarland,	1841-1842	Dyer H. Sanborn,	1858-1859
Franklin Pierce,	1842-1845	William F. Goodwin,	1859-1862
Edmund Worth,	1845-1849	Wm. L. Foster,	1862-

Corresponding Secretaries.

Nath'l A. Haven, jr.,	1823-1825	Moses G. Thomas,	1841-1844
John Farmer,	1825-1840	Nathaniel Bouton,	1844-
Ira Perley,	1840-1841		

Treasurers.

George Kent.	1823-1825	E. E. Cummings,	1844-1845
Samuel Sparhawk,	1825-1830	E. S. Towle,	1845-1860
George Kent,	1830-1837	J. C. A. Wingate,	1860-1863
Samuel Fletcher,	1837-1839	Edward Sawyer,	1863-1865
Asa McFarland,	1839-1844	William R. Walker,	1865

Librarians.

Jacob B. Moore,	1823-1830	N. Bouton,	1841-1845
Moses Eastman,	1830-1834	Joseph B. Walker,	1845-1850
Abner B. Kelly,	1834-1837	William Prescott,	1850-1860
Jacob B. Moore,	1837-1839	William F. Goodwin,	1860-
Albe Cady,	1839-1841		

Committees of Publication

VOLUME I.
William Plumer, jr.,
Parker Noyes,
John Farmer.

VOLUME II.
William Plumer, jr.,
Richard Bartlett,
Jacob B. Moore,
James F. Dana.

VOLUME III.
Richard Bartlett,
John Farmer,
Jacob B. Moore.

VOLUME IV.
John Farmer,
Nath'l Bouton,
Isaac Hill.

VOLUME V.
John Farmer,
Nath'l Bouton,
Isaac Hill.

VOLUME VI.
William Cogswell,
Nath'l Bouton,
Alexander Ladd.

VOLUME VII.
Samuel D. Bell,
Nath'l Bouton,
Ebenezer E. Cummings.

VOLUME VIII.
Samuel D. Bell,
Nath'l Bouton,
Ebenezer E. Cummings.

Standing Committees.

Nathaniel Adams,	1823-1826	Richard Bartlett,	1830-1831
Nathan Parker,	1823-1826	Alexander Ladd,	1830-1831
Hosea Hildreth,	1823-1825	Andrew Peirce,	1831-1831
O. W. B. Peabody,	1825-1829	H. B. Chase,	1831-1832
Matthew Harvey,	1826-1829	Jacob B. Moore,	1832-1837
Henry B. Chase,	1826-1829	Moses G. Thomas,	1832-1834
William Prescott,	1829-1832	Moses Long,	1832-1834
Parker Noyes,	1829-1830	N. G. Upham,	1834-1838

OFFICERS.

Samuel Fletcher,	1834-1837	E. S. Towle,	1848-1849
Samuel D. Bell,	1837-1838	Asa McFarland,	1849-1852
William A. Kent,	1838-1840	Salma Hale,	1849-1851
Philip Carrigain,	1839-1840	J. W. Pierce,	1850-1853
Thomas Chadbourne,	1840-1841	Chandler E. Potter,	1851-1852
Petrus S. TenBroeck,	1840-1844	Daniel Lancaster,	1852-1856
E. E. Cummings,	1840-1844	Richard Bradley,	1852-1853
Richard Bradley,	1841-1842	Joseph B. Walker,	1853-
Franklin Pierce,	1842-1844	Wm. H. Bartlett,	1853-1854
Asa McFarland,	1844-1848	E. E. Cummings,	1854-1860
Salma Hale,	1844-1848	Asa McFarland,	1856-1860
Edmund Worth,	1845-1846	Benj. P. Stone,	1860-
William Prescott,	1846-1850	Geo. W. Smith,	1860-1861
E. E. Cummings,	1848-1849	William Prescott,	1861-
