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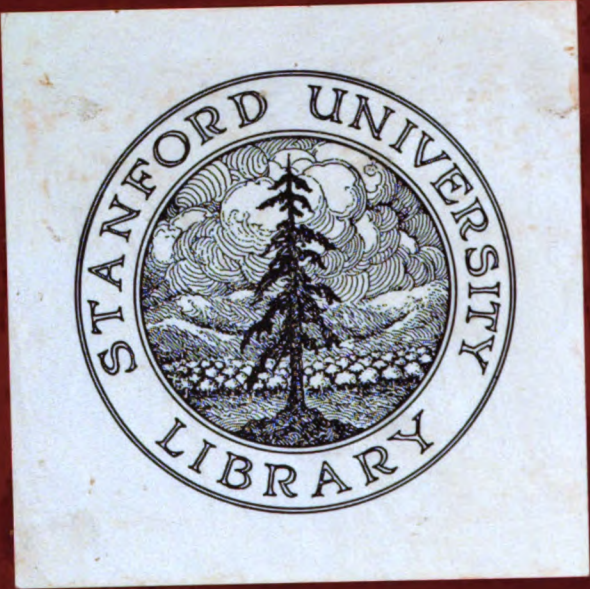
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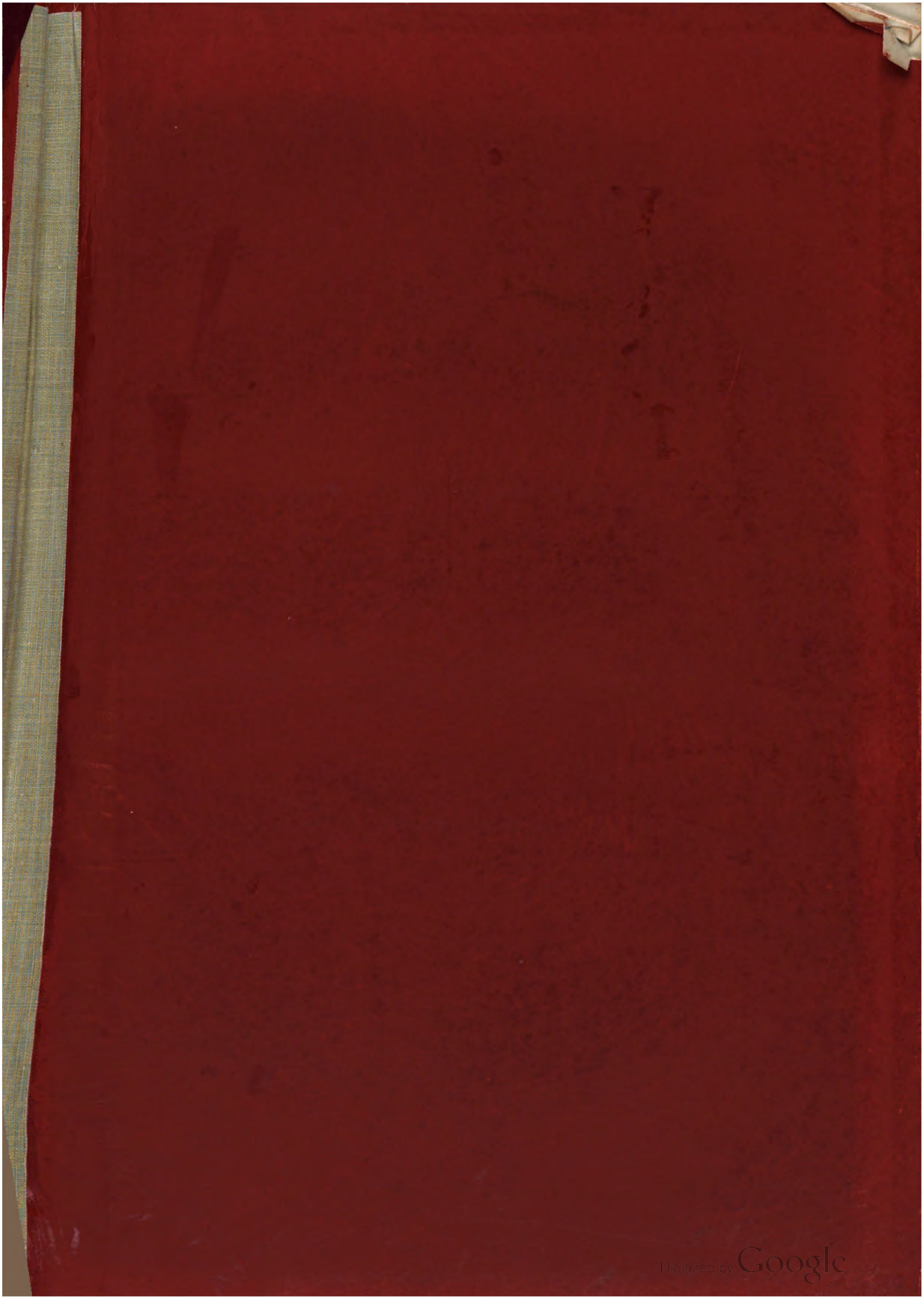
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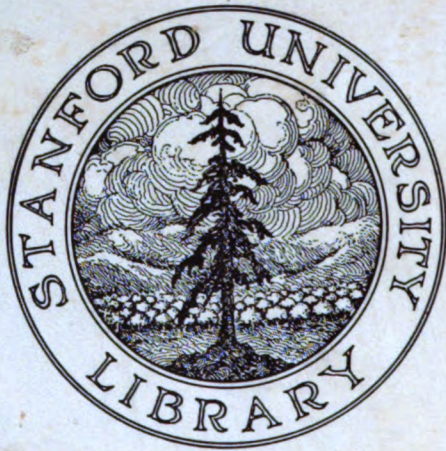
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RECORDS
OF
PLYMOUTH COLONY.

COURT ORDERS.

VOL. VI.

1678—1691.

RECORDS
OF THE
COLONY
OF
NEW PLYMOUTH
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE OF THE
COMMONWEALTH OF MASSACHUSETTS.

EDITED BY
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AND SCIENCES, MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, FELLOW
OF THE SOCIETY OF ANTIQUARIES OF LONDON, ETC.

COURT ORDERS:
VOL. VI.
1678—1691.



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REMARKS.

THE sixth and last manuscript volume of Court Orders of the Plymouth Colony comprises the records of the General Court and the Court of Assistants from the commencement of the session held in March, 1678-9. The pages of manuscript which are now contained in it were formerly distributed among other volumes of records. The original volume, as it now appears, is divided by the paging into two parts, which are distinguished in the printed copy by marginal entries.

The First Part is in the handwriting of Secretary Morton, and commences with the proceedings of the Court beginning on the eighth day of March, 1678-9, and ends with that of June, 1682. In this Part, several pages are recorded out of place in an unknown hand.

The Second Part commences in the handwriting of Secretary Morton, with a few entries made preceding the records of the Court held on the fifth day of March, 1683-4. The Part ends with the records of the colony, the last entry being dated the seventh of July, 1691.

During the periods above mentioned, the Governors of the colony were Mr. Josiah Winslow, who died in office on the eighteenth of December, 1680, and Mr. Thomas Hinckley, who served in that capacity until the union of the colony with that of the Massachusetts Bay in the year 1692, under the provincial charter of October, 1691, with the exception of the short period of time of the Andros usurpation. Several persons acted at times as secretary of the colony, namely, Messrs. Nathaniel Morton, Nathaniel Clarke, and Samuel Sprague; and in their handwriting this volume of records was kept, as will be found indicated in the proper places in the printed pages.

N. B. S.

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

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

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

A Caret ^ indicates an omission in the original record.

A Cross x indicates a lost or unintelligible word.

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

Some redundancies in the original record are printed in Italics.

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

Some words and paragraphs, which have been cancelled in the original record, are put between ‡ ‡.

Several characters have special significations, namely:—

<p>@, — annum, anno. ā, — an, am, — curiā, curiam. ā, — mātrate, magistrate. b, — ber, — num^b, number; <i>Rob^t</i>, Robert. c̄, — ci, ti, — ac̄on, action. cō, — tio, — jurisdicōn, jurisdiction. c̄, — cre, cer, — ac̄s, acres. d̄, — d̄d̄, delivered. ē, — Trēr, Treasurer. ē, — committē, committee. ḡ, — ḡn̄al, general; Geor̄ḡ, George. h, — chr, charter. ī, — begīg, beginīg, beginning. ł, — łre, letter. n̄, — mm, mn, — com̄ittee, committee. n̄, — recof̄idacōn, recommendation. n̄, — mer, — forⁿly, formerly. n̄, — month. n̄, — nn, — Peⁿ, Penn; aⁿo, anno. n̄, — Dⁿi, Domini. n̄, — ner, — manⁿ, manner. ō, — on, — mēntiō, mention.</p>	<p>ō, — mō, month. p̄, — par, por, — p̄t, part; p̄tion, portion. p, — per, — p̄son, person. p̄, — pro, — p̄porcōn, proportion. p̄, — pre, — p̄sent, present. q, — q̄stion, question. q̄, — esq̄, esquire. r̄, — Ap̄r, April. s̄, — s̄, session; s̄d, said. s̄, — ser, — s̄vants, servants. t̄, — ter, — neu^t, neuter. t̄, — cap^t, captain. ū, — uer, — se^ual, seueral. ū, — aboū, aboue, above. v̄, — ver, — se^val, several. w̄, — w̄n, when. y^e, the; y^m, them; yⁿ, then; y^r, their; y^s, this; y^t, that. z, — us, — vilib^z, vilibus. ℄, — es, et, — statut℄, statutes. ℄, &c̄, &c^a, — ct cætera. viz[℄], — videlicet, namely. / — full point.</p>
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PLYMOUTH COURT ORDERS.

1678—1691.

VOL. VI.

1

(1)

PLYMOUTH RECORDS.

THE RECORDS OF THE COLONY OF NEW PLYMOUTH IN NEW ENGLAND.

[The sixth volume of the Court Orders of the Colony of New Plymouth, as it now appears, was formerly comprised in several of the original volumes, which also contained parts of the volumes of deeds, wills, &c., as now arranged and bound. The First Part of the volume, distinguished by the paging in the margin, is chiefly in the handwriting of Secretary Morton. A portion of the Second Part is in the chirography of Mr. Morton, and the remainder in that of his successors in office, Mr. Nathaniel Clarke and Mr. Samuel Sprague. This last named gentleman continued in office until the union of the Plymouth and Massachusetts Colonies, and his last official record was dated on the seventh of July, 1691.]

ACTS AND PASSAGES OF COURT AND GRANTS OF LAND FROM THE YEAR 1678 UNTIL THE YEAR 1691.

WINSLOW, GOU^r.

**Att the Court of his Ma^{ty} holden att Plymouth, for the Jurisdiction
of New Plymouth, the 8th of March, 1678.*

1678-9.

8 March.

PART I.

[*1.]

BEFORE Josia Winslow, Esq^r, Gou^r,

John Alden,

Thomas Hinckley,

Assistants, &c.

William Bradford,

John Freeman, and

James Browne,

IN reference vnto the settlement of the estate of Ensigne Henery Smith, of Rehoboth, deceased: forasmuch as the psonall estate is but smale, and the rest of the estate consisteth in land, the Court haue ordered, and doe heerby settle all and singulare the psonall estate vnto the widdow, to be att her dispose, and the hoffsteed and the house theron, and the thirds of the proffitts of the meddow, during her naturall life, instead of the thirds of the proffettts of the other lands; and for the lands, that the eldest son, when hee comes of age, to haue a double portion therof; and for the remainder therof, that it be desposed to the other children as they come of age, att the descretion

(3)

1678-9. of M^r Thomas Cooper, gaurdian to the eldest son, being assisted therein by the advice and assistance of M^r Daniell Smith and M^r Nickolas Pecke, and notwithstanding, that the widdow shall haue libertie, in case of vrgent nessesitie for the payment of a debt, to make sale of a psell of land belonging to the said estate, lying on the north syde of the towne of Rehoboth.

8 March.
WINSLOW,
GOU^r.
PART I.

Es of adminnestration is graunted by the Court vnto Mistris Elizabeth Smith, to adminnester on the aforesaid estate, and M^r Daniell Smith and M^r Nicholas Pecke to be supervisors therof.

In reference vnto seuerall yeers service pformed by John French vnto John Kingsley, his grand father, in his life time, it was mutually agreed by and between Elded Kiñsley, executor vnto the estate of the said John Kingsley, and the said John French, before the Court, that the said John French shall have and enjoy as his owne proper right fifty acres of vpland, layed out in the north purchase att Rehoboth, which sofitimes was the land of the said John Kingsley, and the meddow belonging to the said fifty acres of land, and the one halfe of the coñon belonging to the said vpland, as in full satisfacõn for his said service, to belong and appertaine to him, the said John French, to him and his heires and assignes for euer.

In answare vnto the petition of the inhabitants of Mannamoiett, wherin they applye themselues to this Court, that they may be a townshipp of themselues, by reason of their remotenes from the towne of Eastham, that they can not comfortably attend the worship of God there, they manifesting that they are desirous to build a meetinghouse, and to procure M^r Crosbey, or some other orthadox minnester, to despence the word of God amongst them, this Court doth determine, that if they soe doe, and applye themselues to the next June Court, and then giue the Court a good assurance therof, as alsoe to pforme all other dutyes which concern a well ordered townshipp, they shalbe a township of themselues.

In reference vnto the settlement of the estate of Richard Willis, deceased, the Court haue ordered, that the widdow shall haue the garden place, and house standing thereon, and all the psonall estate, and that Ruhamah, the daughter of the said Richard Willis, shall haue his psell of land att Middlebery, and a psell of meddow, which his father in ^ George Bonum, gaue him, being six acres, be it more or les.

The Court being satisfied that a certaine boate, wherof one Moses Bartlett, deceased, was m^r, was left by him att Mannamoite, that the said boate belongeth to Joseph Peirse, of Boston, the Court haue ordered Captaine

Freem x to appoint her to be deliuered to him or his order, vpon his or their demaund. 1678-9.

*Wheras, by order of Court bearing date the 2^{cond} of Nouember, 1676, the estate of M^r Henery Andrewes, of Taunton, was settled to the heire a double portion of the said estate, and all the five daughters to haue a single p^{te}, this Court doth appoint and impower M^r Browne, Willam Harvey, senior, and Deacon Dean, to mak a deuision of those lands and houses that were not settled vpon the widdow, into seauen p^{tes}, the son and heire to haue a double p^{te}, and the first choise, and the eldest daughter to haue the second choise, next vnto the heire, and the remainder to be deuided by lott to the rest of the sisters, and that the house now standing on the land shall likewise be appraised and vallued, and the eldest son and heire to haue a double interest therein, and the daughters alsoe shall haue an equall interest in the said house vntill they come to age, or come to other composition and agreement about the said p^{mises}.

8 March.
WINSLOW,
Gov^r.
PART I.
[*2.]

In reference vnto the psonall estate of John Smith, late of Eastham, deceased, the estate being smale, and diuers children to be brought vp, this Court haue settled the estate wholly vpon the widdow, for the bringing vp of the children, onely that the widdow haue the house and land during her naturall life, and not to be estranged from the children, vnles extream nessesitie put her on the sale of it, for the bringing vp of the said children.

In reference vnto the settlement of the estate of Thomas Lucas, deceased, the Court haue ordered that the widdow shall haue the free vse of the housing and lands vntill her soñes come of age, and then shall haue her thirds of the benefitts of the said housing and lands, during her naturall life, and the sume of thirty eight pounds out of the moueables, in such p^{ticulars} as shalbe most suitable, and the vse of the whole vntill the children come to their respectiue ages, or the day of marriage.

And that Benonie, the eldest son, is to haue the house, and halfe the garden plott, and halfe the barne, and three acrees of meddow, and the graunt of four acrees of land, excepting his mothers thirds in the p^{mises}, during her naturall life, and the fifty acrees of land graunted by the towne to his brother, John Lucas, deceased, and the sume of fve pounds and six shillings out of the psonall estate.

And that Samuell Lucas shall haue the shopp, and the halfe of the barne, and the halfe of the garden it stands on, and one acree of meddow, excepting his mothers thirds in the land and barne, and the sume of eleuen pound and six shillings in the psonall estate.

1678-9.

8 March.
WINSLOW,
Gov^r.
PART I.

And that Mary Lucas shall haue 12^{li} as her filliall portion, and Bethya to haue 12^{li} as her portion, and Mehittable shall haue ten pounds.

Seauen shillings is allowed by the Court vnto Seth Pope, to be demaunded of some Indians for expence of time in their behalfe, in returning guns.

Memorand : that Robert Gibbs be warned to the Court to answare for his winowing of barley on the Lords day, and for feching of plow irons from Rhode Iland on the Lords day.

Thomas Burman, for being marryed in a clandestine way, contrary to the law of this gou^rment, is fined five pounds to the vse of the collonie, and the said Thomas Burman ingaged before the Court that when any officer cometh to demaund his fine, hee will shew him soe much of his estate in stable comoditie as will answare the said fine.

[*3.]

*Samuell Hall, of Taunton, stands bound heerby vnto the Court for the jurisdiction of New Plymouth in the penall sume of thirty pounds sterling, for the payment wherof, well and truly to be made, hee heerby binds himselfe, his heires, executors, and adminnestrators.

The condition of the aboue written obligation is such, that wheras the aboue bounden Samuell Hall hath obtained letters of adminnestration from the Court to adminnester on the estate of Henery Green, deceased, if, therefore, the said Samuell Hall hath, shall, and doe pay or cause to be ^ , all such debts and legacyes as are due and owing to any pson or psons from the said estate, soe farr and by equall proportion as the estate will amount vnto, and keep a faire account of his said adminnestration, and p^rsent the same before this Court in due and convenient time, and saue harmles and vndamnified the Gou^r and Court of this jurisdiction from any damage that may acrew vnto them by his said adminnestration, that then this obligation to be void and of none effect, or otherwise to remaine in full force, strength, and vertue.

Robert Standford, of Scittuate, acknowledgeth himselfe	} 00 : 20 : 00
heerby to stand bound vnto our sov ^r lord the Kinge	
in the penall sume of	

The condition of the aboue written obligation is such, that wheras Lydia, the wife of Isacke Hanmore, hath accused Robert Stanford, aboue bounden, to be the father of the child lately borne of her body, wherof hee hath not yett cleared himselfe to the satisfaction of the Court, if, therefore, the said Robert Stanford doe pay or cause to be payed, eighteen pence p week for the tearme of two yeers from the date heerof, and longer time if the Court shall

see reason, to be deliuered to the said Lydia or her order, towards the bringing vp of the said child, if it liue soe long, to be payed in good Indian corne, att prise curreant, or in other good and marchantable pay, vnlesse hee cleare himselfe of the said fact in the interem, or come to other composition with the said Lydia and her husband; that then the said obligation to be void and of non effect, or otherwise to remaine in full force, strength, and vertue.

Cap^t Benjamine Church is appointed by the Court for the p^sencts of Saconett and Pocassett, to issue out warrants against any p^son or p^sons for the prophanation of the Lords day, or other vicious practices, contrary to the lawes of this gou^rment, to answare the same att the next Court of his ma^{ty} to be holden att Plymouth next after the transgression is com^mitted; likewise hee is heerby impowered to admⁿinester an oath to any witnesses for the tryall of a case, as occation may require; and incase any p^son or p^sons residing in this gou^rment shall haue occation to com^mence a suite against any stranger or foraignor, it shalbe lawfull for the said Cap^t Benjamine Church to issue out warrants in his ma^{ty}s name, to bind ouer by a^rrest or attachment any p^son or p^sons to answare the said suite, att the Court of his ma^{ty} holden att Plymouth next after the complaint is made; and likewise to graunt subpenaies as occation may require, to giue euidence in a case either in matter of fact or for the tryall of an action, as there may be occation, within the p^sincts of Saconett, &c.

Sa^m Shiffericke, of Taunton, for prophane swearing, fined ten shilling, and for breaking the Kinkes peace, fined three shillings and f x pence.

*Wheras Daniell Turner, Joseph Studley, and Peter Worthylake, are complained of for their abusive frequenting the ordinaryes in Scittuate, spending their time there, and expending their estates, soe as they are become very poor, these are therefore to require all such ordinary keepers as are in Scittuate to take effectuall course that the said p^sons be not entertained soe frequently and vnnessesarily, contrary to the lawes of this gou^rment, in their houses, nor any other like them, as such ordinary keepers will answare it att their p^rill.

The sixt day of January, 1678, being warned vpon a jury to view the body of Thomas Lucase, of Plymouth, deceased, and to make inquiry how hee came by his end, wee, whose names are vnder written, find it as followeth: hee being very ancient & decriped in his limbes, and it being very cold, and haueing drunk some drinke, gott a violent fall into a ditch, in a very dangerous

1678-9.

8 March.
[WINSLOW,
GOVERNOR.]
PART I.

[*4.]

1678-9. place, could not recouer himselfe, but bruised his body, and lying all night in the cold, soe hee came by his end.

8 March.
WINSLOW,
Gov^r.
PART I.

sworn.	{	GEORGE WATSON,
		JOHN DUNHAM,
		SAMUELL JENEY,
sworn.	{	JOHN DOTEN,
		ANDREW CLARKE,
		ABRAHAM JACKSON,
sworn.	{	JOHN RICKARD, Seni ^r ,
		ROBERT BARROW,
		SAMUELL DUNHAM,
sworn.	{	of Middlburow,
		JAMES COLE,
		JOSEPH DUNHAM,
sworn.	{	JONATHAN BARNES.

1679.

26 May.

May the 26th, 1679. James Colbey, being found afloat, and brought to shore, and there being hast to enterr his body, the constables of Rehoboth p^rsently called a jury together, the corpes not admitting of delay to send to Swansey to the worpp^l M^r James Browne.

The jury are as followeth :—

sworn.
Leiff Peter Hunt,
Ensigne Nicholas Pecke,
Wiltam Carpenter,

sworn.
Thō Cooper, Juni^r,
John Wilmoth,
Moses Read,

sworn.
John Perrum,
Noah Mason,
Jerrett Ingarum,

sworn.
George Kenricke,
Nicholas Iyde,
John Johnson.

Wee, whose names are aboue written, being called together by the constables of Rehoboth, to make inquisition and serch how the said James Colbey came by his death, wee haue accordingly to the best of our vnderstanding that God hath giuen vs, made serious inquisition and serch into it, and wee doe judge and conclude, that the said James Colbey was drowned att the saw mills, vpon Patucket River, by sliping or falling accedentially into the water, viz^s, the said riuer, and that neither himselfe nor noe other pson or psons were accessary to his death, but hee went thither to catch fish, being the 20th day of May, 1679.

The psons whose names are aboue written made oath to the truth of the pmisses before mee.

1679.

DANIELL SMITH, Authorised, &c.

26 May.
WINSLOW,
Gov^r.
PART I.

The day and yeer aboue written.

Letters of adminnestration are graunted vnto Lydia James, widdow, and the relict of John James, of Scittuate, and vnto John Turner, her father, to adminnester on the estate of the said John James, deceased.

**At the Generall Court of Election holden att the Towne of Plymouth, for the Jurisdiction of New Plymouth.*

3 June.
[*5.]

BEFORE Josiah Winslow, Esq ^r , Gouvernor,	John Freeman,
John Alden,	James Cudworth, &
Thomas Hinkley,	James Browne,
William Bradford,	
Assistants, &c.	

On the third of June, 1679,

JOSIAH WINSLOW, ESQ^r, was chosen Gov^r, and sworne.

John Alden,	} were chosen Assistants, and sworne.
Thomas Hinckley,	
Wiltam Bradford,	
John Freeman,	
James Cudworth,	
James Browne, and Daniell Smith,	

Josiah Winslow, Esq^r, Gov^r, and M^r Thomas Hinckley, were chosen comissioners for the following yeer, and Major James Cudworth the next in nomination.

And Major Wiltam Bradford was chosen Treasurer, and sworne.

The Celect Courts in each Towne of this Jurisdiction.

Plymouth :	Scittuate :
Leiff Morton,	M ^r John Cushen,
Leiff Howland,	Jeremiah Hatch,
Wiltam Crow.	Leiff Bucke.

1679.

3 June.
WINSLOW,
Gov^r.
PART I.

Sandwich :

M^r Edmond Freeman,
John Blackwell,
Thō Tupper.

Taunton :

Leiff Macye,
Wiltam Harvey,
Walter Deane,
James Walker,
Samuell Smith.

Yarmouth :

Edmond Hawes,
Ensigne Thacher,
Edward Sturgis,
John Miller,
Jeremyah Howes.

Barnstā :

Leiff Laythorpe,
Leiff James Lewis,
M^r Barnabas Laythorp.

Marshfeild :

Anthony Snow,

Ensigne Marke Eames,
John Bourne.

Rehoboth :

M^r Daniell Smith,
Leiff Peter Hunt,
Ensigne Nicholas Pecke.

Eastham :

Cap^t Jonathan Sparrow,
Marke Snow,
John Done.

Bridgewater :

Samuell Edson, Seni^r,
John Willis, Seni^r,
John Carey, Seni^r.

Swansey :

M^r John Allin,
Cap^t John Browne,
Samuell Luther.

Dartmouth :

John Cooke,
John Russell,
Arther Hathewey.

[*6.]

*Plymouth. The Deputies of the seuerall Townes.

Leiff Ephraim Morton,
M^r Edward Gray,
M^r Josiah Standish,
M^r Wiltam Paybody,
M^r John Cushen,
Jeremiah Hatch,
Thomas Tupper,
M^r James Walker,
M^r Samuell Smith,
M^r John Thacher,
M^r John Miller,

Leifteñ Joseph Laythorp,
M^r Barnabas Laythorp,
M^r Nicholas Pecke,
Serjē Gilbert Brookes,
Cap^t Jonathn Sparrow,
Jonathan Banges,
Ensigne Marke Eames,
Anthony Snow,
John Willis, Seni^r,
Samuell Luther,
John Cooke.

The Constables of the seuerall Townes in this Jurisdiction.

Plymouth, Joseph Bartlett,
Duxburrow, Joseph Chanderler.

Sittuate,	{ John Ottis, Seni ^r , Thomas Studson, Seni ^r .
Sand,	Ezra Perrey.
Taunton,	{ Joseph Willis, Isacke Dean.
Yarmouth,	Andrew Hallott.
Barnstable,	Thomas Huckens.
Marshfeild,	{ Ephraim Little, John Thomas, Juni ^r .
Rehoboth,	{ Samuell Pecke, John Titus, Juni ^r .
Eastham,	Wiltam Browne.
Bridgwater,	Marke Laythorpe.
Dartmouth,	{ Joseph Kent, John Hathwey.
Middleberrey,	Ebenezer Tinkham.
Dartmouth,	Thomas Tabor.

1679.
3 June.
WINSLOW,
Gov^r.
PART I.

The Grand Enquest.

sworne.	{	Wiltam Sabin,	{	Benjamine Nye,
		Andrew Ringe,		Zaheriah Ryder,
		Benajah Pratt,		John Gorum,
		Phillip Dellano, Seni ^r ,		Josiah Crocker,
		John Rogers, Seni ^r ,		Josiah Snow,
		Thomas Eastabrooke,		Isacke Little,
		M ^r Samuell Newman,		John Done, Juni ^r ,
		Wiltam Witherell,		Samuell Allen,
		John Richmond,		John Haward, Juni ^r ,
		Anthony Collymore,		Joseph Church,
		Steuen Vinall,		Moses Rowley,
Nehemiah Bessey,	Robert Nicarson,			
Samuell Hall,	Obadiah Eedey.			

Surveors of the Highwaies.

Plymouth,	{
Duxbuř,	{ Robert Barker, Seni ^r , John Tracye, Wrastleing Brierwster.

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Scittuate,	{	Cornett Studson, Edward Jenkins, William Hatch.
Swansey,	{	Israele Pecke, William Haward, Nath Lewis.
Sandwich,	{	William Swift, Seni ^r , Steuens Skiffe.
Taunton,	{	Robert Crosman, Thomas Gilbert.
Barns,	{	Ensigne Howland, James Lewis.
Yarmou,	{	Nathaniell Bassett, John Burge.
Marshfeild,	{	William Foard, John Thomas, Seni ^r .
Rehō,	{	Anthony Perrey, John Wilmott.
Eastham,	{	Wilt Walker, William Merrick.
Bridgō,	{	Joseph Aldin, Joseph Bassett.
Dart ^h ,	{	Thomas Pope, Nicholas Sison, Henery Tucker.

[*7.] *An Agreement appointed by the Court to be recorded, as followeth.

These may certify all whome these p^sents may concerne, that wheras Arther Harris, now deceased, hath by a deed of gift giuen vnto his son, Isacke Harris, now of Bridgewater, some lands, &c, within the townshipp of Bridgewater, as alsoe by vertue of his will, and an agreement made by the said Isacke, and Martha Harris, now widdow to the said Arther Harris, doe acknowledg before this honored Court, that the lands heerafter expressed by vertue aboue mensioned, viz^s, 75 acres of vpland, lying neare Satucket Riuer, in Bridgewater, and ten acres of land of vpland, att the head of the house lott, att the towne, and a lott of meddow att a meddow comonly called by the name of the Poor Meddow, and half the right of the purchase belonging to the

said Arthur ; all the rest of the lands, meddows, and other priuileges and estate whatsoever, to belonge of right, and to be att the dispose of the aboue said Martha Harris, widdow, those lands aboue expressed belonging to the said Isacke Harris and to his heires for euer. Further, these p̄sents may certify that the aboue said Martha Harris, as executrix vnto the aboue said Arther Harris, doth by these p̄sents acquitt and discharge the aboue said Isacke Harris from the payment of all debts, dues, and demaunds to any in respect of the estate of the aboue said Arther Harris.

In reference vnto the estate of Wiltam Palmer, deceased, the Court haue ordered, that the widdow shall haue the improuement of the whole estate, both reall and psonall, vntill the children come of age, and one third of the psonall estate for euer, and the thirds of the proffitts of the lands vntill her decease, and the eldest son to haue a double portion, and the other of the children to haue equall and alike proportions of the remainder, *of the remainder* ; and the Court appoint and approue of John Russell and Wiltam Briggs to be ouerseer and healpfull to the widdow, for the disposall of the said estate.

Wee, Susanna Palmer, widdow, of the towne of Dartmouth, in the jurisdiction of New Plymouth, in New England, and Arther Hathewey, of the same place, planter, doe heerby acknowledge our selues to stand bound vnto the Goff and Court of Plymouth aforsaid in the penall sume of two hundred pound sterling ; for the payment wherof well and truely to be made, wee bind ourselues, our heires, executors, and adminnestrators, joyntly and seuerally, feirmly by these p̄sents.

The condition of the aboue written obligation is such, that wheras the aboue bounden Susanna Palmer hath obtained of this Court letters of administration to adminnester on the estate of Wiltam Palmer, late deceased, if, therefore, shee, the said Susanna Palmer, shall and doe pay all debts and dues from the said estate, soe farr and by equall proportions as the estate will amount vnto, and keep a faire accoumpt of her said adminnestration, and be redde & giue in an accoumpt of her said adminnestration vnto the said Court when by them required, and keep and saue harmles the said Goff and Court from all such damage as may acrew vnto them therby, that then the aboue written obligation to be void and of none effect, or otherwise to remaine in full force, strength, and vertue.

M^r Nicholas Pecke, of Rehoboth, is appointed by the Court to be adminnestrator on the estate of James Colbey, deceased, and to be gaurdian vnto Elizabeth Colbey, daughter of John Colbey ; and the Court haue alsoe ordered, that what estate is or shalbe found of the estate of the said James Colbey

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shalbe employed for the bringing vp of the said Elizabeth Colbey when his debts are payed.

In answare vnto the proposition of seuerall that would purchase lands att Sepecan and places adjacent, the Court are glad to take notice of what they propound, and offer themselues to oblige in order to a comfortable settlement of a plantation there, and shalbe redy to accomodate them as farr as they can on reasonable and easy tearmes, and giue them all due incouragement, if they can procure some more substanciall men that are prudent psons and of considerable estates that will make a speedy settlement of themselues and families with them; and wee desire and expect to heare further from them att the next meeting of this Court by adjournment in July next, att which time wee may, if satisfied in the pmisses, bargaine with them for the lands they desire, or put it in a way to be don.

In answare to Wilham Nicarsons petition, the Court haue ordered, that Mannamoiett shalbe a constablericke of it selfe, and to choose and send a fitt pson for constable and another for grand juryman, and p̄sent them vnto the next Court to take oath; and that all the inhabitañs of Mannamoyett are heerby injoynd by the Court, joyntly and vnanimously, to raise amongst themselues five pounds p yeer, in mony if it may, if not, in other substanciall goods, or pay and deposett in the hands of some faithfull pson, to be kept in stocke towards the inabling of them to build a meeting house or a house for a minnester.

The Court haue sett and to farm lett their herbage and vse of their land att Pocassett, and the vse of their meddow att Pocassett and places adjacent, vnto Cap^t Church, for this p̄sent yeer, for and in consideration of the sume of fifty shillings, currant siluer mony of New England; and that hee hath power to forbid all others to make vse of the same for the said tearme, according to former order.

[*8.]

*The Court haue agreed with Mistris Elizabeth Southworth to make pro- uision for the majestates table in all respects as formerly, and for the vse of beding and household stuffe improued therabouts, for the full yeer folowing, viz^s, for four Courts, for and in consideration of 42 pounds currant siluer mony of New England; and att the expiration of the yeer, att the makeing vp of her accoumpts in this behalf, if shee doth not find herselfe a sufficient gainer, that then the Court will consider therof with some additionall satisfac- tion according to equitie and righteousnes.

In reference vnto seuerall Indians bought by Jonathan Hatch of Cap^t Church, the brothers of the woman, desireing shee might be released, appeared in Court with the said Jonathan Hatch, and came to composition with her for

the freedom of both her and her husband, which are two of the three Indians aboue named; and her brothers payed on that accoumpt the sume of three pounds siluer mony of New England, and haue engaged to pay three pounds more in the same specue, and then the said man and woman are to be released; and for the third of the said Indians, it being younge, the Court haue ordered, that it shall abide with the said Jonathan Hatch vntill it attaines the age of 24 yeers, and then to be released for euer.

Libertie is graunted by the Court vnto James Walker, of Taunton, to keep an ordinary att Taunton, and for that end that hee be will provided of all nessesaries for that purpose, and that hee keep good order in his house in that behalf, that soe noe damage may acrew vnto any respecting the premises.

Wheras wee, Phillip Delano, Seni^r, Francis West, Wiltam Clarke, Edmond Weston, Phillip Delano, Juni^r, Joseph Chandeler, Samuell Chandeler, Edward Southworth, Samuell Hunt, Thomas Delano, Samuell West, and David Alden, by authoritie, we^r impanelled as a jury to lay out a high way for George Soule, where it might be convenient for him, the said George Soule, and lest prejudiciall for the owner of the land, which is Joseph Howland; wee, the aboue said jury, haue accordingly done it, and haue layed it out on the south end of Joseph Howlands land, according to our best vnderstanding that is giuen vs; the breadth of the way is twenty foot att the narrowest place on the greensword, bounded with diuers great stones sett in the ground. This 19 of the first month, 1678, 79.

PHILLIP DELANO, Seni^r, Forman.

With the consent and concurrence of the abouenamed eleuen of the jury.

Att this Courte, Henery Cobb, the son of M^r Henery Cobb, of Barnstable, deceased, made choise of M^r Thomas Hinckley to be his gaurdian.

And Jonathan Cobb, son of the said M^r Cobb, made choise of M^r Thomas Huckens; and there choise were both approved by the Court.

Att this Court, Joseph Thorne, of Scittuate, for play-	} ^u ^s ^d	01 : 00 : 00
ing att cards twise, fined		
Joseph Peirse, for playing att cards once, fined		00 : 10 : 00
James Benitt, for playing att cards seuerall times, fined		01 : 00 : 00
John Holbrooke, for playing att cards once in the	} 01 : 00 : 00	
woods, himselfe haueing comānd there,		
His man, Patricke, att the same time,		00 : 10 : 00
Himselfe, once in Gannetts chamber,		00 : 10 : 00

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Himselſe, once in the barne,	00 : 10 : 00
His man, in the barne,	00 : 10 : 00
Ten ſhillings was abated of John Holbrookes fines, .	03 : 00 : 00
Robert Lathum, for being twice drunke, fined . . .	00 : 10 : 00
Thomas Jenkens, for breaking the Sabbath, is fined .	00 : 10 : 00

[*9.]

*In anſware to the petition of Robert Lawrance, of Sandwich, requeſting libertie to purchase a certaine tract of land of an Indian called Simon Wickett, which ſaid land lyeth att a place called Pocassett, within the bounds of Sandwich, to the quantytie of ſixscore acrees, fourſcore wherof adjoining to forty acrees of land lying in the ſame place, which was made ouer to M^r Richard Bourne in leiw of a debt of nine pounds due to the ſaid M^r Bourne from three other Indians deceased.

The Court haue graunted libertie vnto the ſaid Robert Lawrance to make purchase of the ſaid ſixscore acrees of land ; and hee alſoe is heerby ingaged to make payment of the abouesaid debt of nine pounds to M^r Richard Bourne afoſſaid or his order, according to the conditions the Indians made with him about the ſaid debt.


A Writing appointed to be recorded.

There haueing bine ſom controversy between this collonie and the towne of Swanſey reſpecting a ſale of lands made by M^r Conſtant Southworth, Treasurer, to Joſiah Winſlow, Eſq^r, Walter Briggs, John Williams, Cap^t Fuller, and others, called the Showamett Purchase, the towne of Swanſey afoſſaid claiming a conſiderable p^{te} of thoſe lands ſoe ſold by vertue of a deed obtained of Totomommucke and others, bearing date the eight of May, 1673, it is agreed between the Generall Court, held by adjournment July the firſt, 1679, in behalfe of the collonie of New Plymouth, on the one p^{te}, and M^r Samuell Luther, agent for the towne of Swanſey and on their behalfe, on the other p^{te}, as a full and finall iſſue of the aboue mentioned difference, that the collonie of New Plymouth afoſſaid ſhall and heerby doe agree and graunt to and with the towne of Swanſey, that they ſhall haue and for euer enjoy thoſe lands that lye to the ſouthward of their old line vntill it comes within twenty rodds of Kekamuett Springe, which is in the enterance of Mount Hope Necke ; and what diſtance it is by meſure from that ſtation, to direct a line quite ouer or croſſe the necke, or takeing twenty rodds northerly from the mouth of Kekamuett Spring, and twenty rodds att the head of the ſaid ſpring northerly, and thoſe two ſtations to make or direct the line croſſe the necke, the collonie makeing their choiſe which of thoſe lines ſhall ſtand, all the

lands lying on the northerly syde of the line, and soe home to Swanseys former bounds, to be and for euer belonge vnto the towne of Swansey ; and in consideration therof, the said towne of Swansey shall and heerby doe quitt claime to the rest of the lands of Mount Hope on the southerly syde of the aboue mensioned line, and doe resigne vp vnto the collonie or purchassers of Showamett lands the deeds aboue mensioned obtained of Totomamucke, &c, and quitt claime vnto all the lands therin contained or mensioned. In witnesse wherof, the Secretary, in the behalfe of the collonie, and Samuell Luther, agent for the towne of Swansey, in their behalfe, haue heervnto subscribed.

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The marke of  NATHANIELL MORTON, Secretary.
SAMUELL LUTHER,
Agent for the towne of Swansey.

Plymouth, the fift of July, 1679.

Of the ruining of the line and settlement of these aboue said bounds and preciñts, see 10 pages forward in this booke.

**Att the Court of his Ma^{tie} held att the Towne of Plymouth, for the Jurisdiction of New Plymouth, the third Day of July, Ann^o Doñi 1679.*

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[*10.]

BEFORE Josia Winslow, Esquire, Goñ,	John Freeman,
John Alden,	James Cudworth,
Thomas Hinckley,	James Browne, and
Wiltam Bradford,	Daniell Smith,
Assistants, &c.	

WILLEM PAYBODY, of Duxberry, informing this Court that there was sum difference betwixt Mistris Sarah Parkes and her son, Wiltam Brewster, and himselfe, concerning bounds of their lands att Duxberry aforesaid, wheron they liue, Mistris Parkes alsoe petitioning the Court that what settlement therof should be made might be done according to the settlement longe since made betwixt Jonathan and Loue Brewster by Goñ Bradford, M^r Edward Winslow, M^r Thomas Prence, and Cap^t Miles Standish, haueing viewed the said record, wee find that it was clearly devided by the aforesaid gentlemen, and surveyed and layed out by M^r Wiltam Varsell, and bounded

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on his plott ; but the said plott not to be found, nor ranges certainly knowne, the Court doth therefore order, that vnlesse the p̄ties concerned doe agree to settle a range betwixt themselues to mutuall satisfaction, they shall, att their mutuall charge, cause the land to be surveyed anew, and deuided according to the ancient record aboue mensioned ; and if, vpon a new survey, the land should proue more or lesse then by former measure, the gaine or losse should be deuided betwixt them according to proportion ; and for as much as it may be very detrementall to either of the p̄ties concerned that it should be longe vnsettled, this Court doth alsoe order it to be don betwixt this and October Court, and report to be made therof to the said Court ; and if either p̄ty concerned doe neglect, the other may procure it to be don att their mutuall and equall charge, and it shalbe binding to both.

Att this Court, John Leanard appeered to request a competency of land for the supply of himselfe and his bretheren, in the right of his father, being one of the old servants ; in answare therof, the Court haue giuen libertie to him, in the behalfe of himselfe and bretheren, to look out for accomodation in any land that is free, being not conquest land nor otherwas ingaged ; and in case they shall not be supplied, that they apply themselues to the Saconett companie att their next meeting, that they may be supplied out of that graunt, if the companie shall see reason, or in that which did belonge to Totamumucke.

Att this Court, Leiftenant Joseph Howland appeered to request a competency of land for the supply of the children of Wiltam Reinolds, an old servant, to whom land is due ; and in answare therof the Court haue graunted, that hee shalbe accomodated out of those lands that did belong to Totamumucke att Saconett vpon reasonable tearmes.

The Court haue voated, that the rents for the proffitts of the Cape fishing last yeer, vnpayed, be demaunded of Cornett Studson and M^r Nathaniel Thomas, whoe we^r appointed by the Court to demaund it in the countryes behalfe for the vse of the collonie.

The sume of ten pounds is allowed by the Court vnto a poor mamed souldier named Wiltam Perrey for his releiffe, whoe receiued great wounds in the late wars with the Indians.

4 July.
[*11.]

*Att the Generall Court held att Plymouth by adjournment, the 4th of July, 1679, —

This Court, haueing duely considered the petition of Elizabeth Williams, the wife of Capt John Williams, of Scittuate, in reference to her future maintenance, shee being now stricken in yeers, and finding that shee hath bin soe

often baffled about what was ordered by the Court for her certaine yeerly maintainance, that it hath proued short of a comfortable support and stay of liuelihood for her, and farr lesse then is proportionable to his estate wherin shee hath a right, doe therefore order, that the said John Williams shall pay or cause to be payed vnto his said wife, Elizabeth Williams, or to her assignes, yeerly and euery yeer dūing her naturall life, or vntill the Court shall see cause otherwise to order, the full sūme of ten pounds in currant New England mony, att or vpon the first Tusday in March yeerly, att the now dwelling house of James Cole, in Plymouth; the first payment as aforsaid to be made the first Tusday in March next after the date heerof, and incase of default shalbe made in whole or in pte of any said yeerly payments on the day and place wheratt the same ought to be payed, that then and from thence forth a warrant be directed to the marshall or constable to leuy by execution the full sūme of fifteen pounds on the said John Williams his estate, to be prised as mony, and for want therof on his pson; and it is alsoe ordered, y^t if hee forthwith pay not the sūme of ten pounds in good currant pay to the said Elizabeth, his wife, which is alreddy due vnto her for the yeer past, according to the former order of Court in that case prouided, that then an execution be graunted for the leuying the said ten pound on his estate according to law, and to be deliuered to her or her order.

Wheras Wiltam Numacke hath informed this Court, that Pompaquine, allies Jacob, of Pokeesett, deceased sūme time since, left the disposing of his lands with him, the said Wiltam Numacke, for the payment of his debts, this Court doth further giue libertie to sell those lands to any for the best advantage, for the payment of the said debts, prouided that wheras Robert Lawrance, of Sandwich, hath obtained a graunt of this Court of lands therabouts, if it should fall within his said graunt, this Court doth order, that hee should haue, the first refusall of the said lands, giueing as much for it as another will.

Wheras it doth appeer to the Court, that the rents of the Cape fishing for the two yeers last past improued for the ends for which it was appointed by the Court; yett it haueing bin payed and improued to the collonies vse, the said leassers are discharged for the said two yeers.

This Court haue voated, that all such lands as are belonging to the country, or conquest lands, except Mount Hope, be put to sale; and that the Gou^r, M^r Hinckley, Major Cudworth, and the Treasurer be and heerby are impowered to make sale therof in the behalfe of the country.

Wheras Ensigne Higgens, with the leaue of the Court, hath layed downe his place and office of being ensigne bearer of the milletary com-

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panie of Eastham, these are to signify to the said company, that they are heerby required to choose another souldier out of their companie to serue in that place, and to p̄sent his name to the Court for their approbation of their choise.

Jonathan Higgens, for com̄itting fornication with his wifes sister after his wifes death, was fined the sume of } ^u ^a ^d 20 : 00 : 00

Att the earnest petition of some of his frinds, the Court remitted } 10 : 00 : 00

Ten pounds of this fine was remitted by the Generall Court.

Isacke Woodworth, for playing att cards 2 seuerall times, fined } ^u ^a ^d 01 : 00 : 00

Mathew Gannet, for playing att cards seuerall times, and suffering others to play att cards in his house, fined } 02 : 00 : 00

Robert Godfrey, for stealing a barr of iron, and ruining away from his master, and for other misdemenors, sentanced to be whipt att the post, which accordingly was p̄formed.

Edward Bumpas, for stricking and abusing his parents, was whipt att the post ; his punishment was alleviated in regard hee was crasey braned, otherwise hee had bine put to death or otherwise sharply punished.

[*13.]

*Att the Court of his ma^{ty} holden att the towne of Plymouth, for the jurisdiction of New Plymouth, in New England, in America, the third day of July, anno Doñi 1679.

Letters were receiued from his ma^{ty}, our dread so^v, which were publickly read, wherby it appeered that the collonie suffered blame for that his ma^{ty} had not receiued a p̄ticular accountp of the transacting of matters relateing to our late warr with the Indians, which befell our collonie by reason of the miscarriage of our letters directed to his ma^{ty} in ann^o 1677. The p̄mises considered, with other p̄ticulars inscribed and inserted in the said his ma^{ty}s letters of momentus consideration, our said collonie, by their representatiues then p̄sent, saw cause to speed away another addresse to his ma^{ty}, therin to p̄sent him with a true intelligence of matters, and to remoue the misinterpretation of our intensions and proceedings respecting the p̄mises ; and for that end requested, impowered, and betruusted our much honored Godd with that matter, whoe att the same time p̄sented them with a writing which himselfe, in faithfulness to the collonies interest, had prepared in order to further proceeding, which, being publickly read, was vnanimously approued, and ajudged fitt to be p̄sented

to his ma^{tie}, and hopefull, through the blessing of God, to procure a renewed continuance of his fauor towards vs; and alsoe our honored Court renewed their sollisitation of his honor to prosecute the said waighty designe in their behalfe with all posible expedition, whoe loueingly vnderooke the same, of whose faithfulness in like and other cases wee haue had large experience.

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New Plymouth. To the honored Generall Court, assembled the fourth of July, 1679.

Wheras the propriators of the land att Puncateest and lands adjacent, by their agents, Edward Gray and Nathaniell Thomas, about two yeer agoe did shew to the Generall Court then siting, that the lands adjacent to the said Puncateesett Necke was longe since purchased from the natiues, and doth belonge and appertaine to the said propriators; and as the said agents then did, now alsoe do humbly request this honored Court to appoint and impower soñ meet psons to joyne with the said agents to settle the bounds between the said propriators lands & the collonies lands, that soo the said propriators may quietly settle inhabitants on the said lands, and peace and unitie continued amongst vs, and the said propriators incurraged in their respectiue capasseties to indeauor the good and welfare of this comonwealth, which is humbly prayed by your humble servants,

NATHANIEL THOMAS,
EDWARD GRAY.

Att this Court, the account between the collonie and our late Treasurer, M^r Constant Southworth, deceased, was fully taken and finished; in the close wherof it appeered that there remained seauen pounds eight shillings and a peny due to the country, wanting for the ballencing of the said account; the which sum, by the motion of our honored Gov^r and the loueing condesendy of the Court, was remitted to the said Treasurers successors; and soe all accounts are cleared between the collonie and our late Treasurer and his successors respecting his office as Treasurer from the begiining of the world to this day, being the fift day of July, anno Dominie one thousand six hundred seauenty and nine, and in the behalfe of the collonie subscribed vnto

¶ NATHANIEL MORTON, Secretary.

*Seuerall Indian Testimonyes appointed to be recorded.

[*14.]

The testimony of Old Hope, the Indian of Mannomett, as followeth: —
Saith, that hee knew the little island, lying next Saconeesett, called Nashanow Islands.
Nashanow Islands.
Nanomeesett, and a necke of land or little island called Vckatimest, belonging to

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the great iland called Katomucke, and another litle iland lying between the said great iland and Nanomesett belonged to Job Antiko, his grand father Comucke, and soe to Jobs father, Thomas Antiko; and the said Hope further saith, that the said great iland, called Katomucke, and another litle iland, called Peshchameesett, to belonge to Webacowett.

Washamwatt, Indian, of Nanomesett, witnesseth alsoe to the truth of what the abouesd Hope hath affirmed as abouesaid.

And Wiltam Numacke testifyeth, that hee hath heard his father, Nanquatnumacke, oftens say the same thinge as is aboue testified by Hope and Washawatt concerning the said ilands, comonly called Nashanow ilands.

And Washamwatt further testifyeth, that hee hath heard the aboue said Thomas Antiko to giue the said iland, Nanomesett, and the said necke and litle iland, vnto his two sons, James and the abouesaid Job Antiko, for many yeer agon, being neare about the time that Napoiatan, sachem of Barnstable, died of the smale pox.

1 November. *Att the Court of his Ma^{ty} holden att Plymouth, for the Jurisdiction of New Plymouth, the first of Nouember, 1679.
[*15.]

BEFORE Josiah Winslow, Esq ^r , Gov ^r ,	John Freeman,
John Alden,	James Cudworth,
Thomas Hinckley,	James Browne, and
Wiltam Bradford,	Daniell Smith,
	Assistā ^t , &c.

IN obedience vnto his ma^{ty}s comāund, M^r Randall Holden and Cap^t John Green, of Rhodjland, were summoned to appeer att this Court; and the said Cap^t Green appeered to answare the pretensions of Wiltam Harris concerning the 2^{cond} verdict of the jury brought into the speciall Court called by his ma^{ty}s appointment, and kept att Patuckesett, in the jurisdiction of Prouidence Plantations, in New England. The said Harris att this p^sent Court declared, that hee appeered before them plea against the said Captaine Green and Holden, in behalfe of himselfe for three, one of the three being for Ezeiell Holliman, Stukley Westcott, and in the right of Thofⁱ Feild, and the said Feild in the right of Francis Weston, deceased; and the said Harris

signified that hee stood in the right alsoe of Wiltam Carpenter, and the said Wiltam Carpenter in the right of John Green.

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Know all men by these p^sents, that I, Wiltam Hatch, Seni^r, of Scittuate, doe stand bound and am heerby feirly obliged by this obligation vnto the Godd and Court of New Plymouth in the sume of sixty pounds of currant siluer mony of New England, to be payed vnto the said Godd and Court of New Plymouth, their successors or assignes; and to the which payment, well and truly to be made and payed, I bind myselve, my heires, executors, and adminestrators feirly by these p^sents, sealed with my seale, dated the 13th of Sept^r, 1677.

Wheras Lydia Standlake is allowed by the Court of New Plymouth to be gaurdian vnto her two soⁿes, John Barstow and Jeremiah Barstow, to demand, recouer, and receiue a legacy giuen vnto each of them, the said John and Jeremiah, by their great vnkell, Micaell Barstow, late of Watertowne, deceased, as appeers by his last will and testament; wherfore the condition of this obligation is such, that if the said Lydia Standlake doe receiue the said legacye, and shee or the within bounden Wiltam Hatch, their executors, or adminestrators, or either of them, shall pay the legacye soe receiued vnto the said John Barstow and Jeremiah Barstow, when legally demaunded, or the executors or adminestrators of them, or either of them, that shall appeer legally to be such, and shall make legall demaund therof, and pay the same within two monthes after legall demaund made, without any fraude or further delay, that then this obligation to be void and of non effect, or else to stand, abide, and remaine in full power, force, strength, and vertue.

Signed, sealed, and deliuered in the p^sence of vs,

WILTAM PEAKES,
ELIEZAR PEAKES.

Letters of adminestration is graunted by the Court vnto John Barstow, of Scittuate, to adminester on the estate of Jeremiah Barstow, his brother, deceased, soe hee keep a faire accoumpt therof, and be redy to shew it to the aboue said Court when by them required.

Att this Court, Nathaniell Rowllins made choise of Joseph Siluester to be his gaurdian, and the Court approued therof.

Att this Court, the sume of forty five shilliges and six pence allowed by the Court to Cap^t Williams, for lose of the suite that should haue bin prosecuted against him att this Court by Edward Jenkins.

1679.
 1 November.
 [WINSLOW,
 GOVERNOR.]
 PART I.

This Court doth order and appoint John Richmond, Nicholas Pecke, and Wilham Carpenter to run the line between the countryes land att Mount Hope and the towne of Swansey, and in caſ of falier of any of the three, that then Encrease Robinson be improved in his steed, and that the record of Court heerwith sent respecting that matter be the rule by which to proceed therein.

Fiue shillings was allowed by the Court vnto Steuen Vinall, subpoenaed by Cap^t John Williams, as a witnes.

October.
 [*16.]

*October, 1679. In reference to the complaint made by Wilham Nicarson, Seni^r, against Pamacowett, an Indian, about a horse, the said Nicarson charging him that hee had taken away a horse from him feloniously, the said Nicarson and the Indian refering the case to the determination of the Court, this Court sees cause to cleare the said Indian of the charge, and giues libertie to him, the said Indian, to take vp his horse where hee finds him, soe hee be out of the said Indians possession; if hee be in the said Indians possession, and be soe found, then the constable of Mannamoit is heerby ordered to deliuer him to the said Indian, his owner, and likewise to require the said Nicarson to pay vnto the said Indian, Pamacoiett, the sume of fifteen shillings, in siluer mony, and in defect of payment, the said constable is ordered to make distraint on the goods of the said Nicarson, to make payment therof.

This Court haue ordered M^r Browne and M^r Smith to prouc the last will and testament of M^r Francis Smith, vpon there returne home.

The complaint of Cap^t John Williams against Thomas Jenkens, as followeth: —

To the Constables of Scittuate, or either of them, greet, &c.

Wheras John Williams complaineth that hee hath, since the begiⁿing of May last, lost seuerall beasts of horse kind, which are destroyed, and hath good ground to suspect that they are feloniously destroyed by Thomas Jenkens, of Scittuate, Samuell Curtice, and Samuell Browne, being the reputed servants of the aboue said Thomas Jenkens, vpon which said grounds the said Williams doth desire that the said Jenkens, Curtice, and Browne may be strictly examined vpon suspision of feloniously destroying and disposing of the said horse kind, which the said Williams is owner of, without the said Williams his knowledge, leaue, or order, and according to the p^ticulars mentioned or found, soe to be proceeded with according to law and justice.

These are therefore in his ma^{tes} name to require you, on sight heerof, to cause the said p^ties aboue mensioned, Jenkens, Curtice, and Browne, to make

theire psonall appeerance att the next Court of his ma^{tie} to be holden att New Plymouth the last Tusday in this instant October, and there remaine and abide the determination of the Court concerning the complaint abouesaid; wherof fayle not att your pill, and make returne of your warrant and doeings therin according to law. Dated the 24th of October, 1679.

1679.

1 November.
WINSLOW,
Gov^r.
PART I.

I. A., Assistant.

This complaint or sumons was served by mee.

THOMAS STUDSON, Constable.

22^{cond} of October, 1679.

And the said Thomas Jenkins appeered att this Court, and the Court did put the said Williams vpon it, that if hee saw cause to draw vp a bill against the said Jenkins, hee might, but the said Williams did not draw vp any bill against, nor offer any prooffe to make out the said charge; and soe the said Thomas Jenkins was dismissed, with libertie to take his course against the said Williams by due course of law.

Att this Court, John Dingley, and Arther Loe, his servant, appeered before the Court, and hee, the said Arther, did engage and couenant to continew and liue with and abide with his said master and dame, as theire couenant servant and apprentice, vntill hee attaines the age of twenty one yeers, hee being att the writing heerof of the age of fourteen yeers, during which time hee shall faithfully serve his said master and dame, and not absent himselfe from their service by night or day, without theire consent; and the said John Dingley and his wife couenanteth to prouide for theire said servant sufficient and convenient meat, drink, apparrell, washing and lodging, fitt for one in his degree and calling, all the tearme aforsaid, and in the expiration therof, the said John Dingley or his wife doe heerby couenant to pay, or cause to be payed, vnto him, theire said servant, the sume of three pounds, and incase hee carry well, the sume of four pounds.

Wheras M^r Wiltam Crow exhibited a complaint against the towne of Plymouth for refusing to pay for the killing of woulues according to Court order, this Court doth heerby require the said towne to pay, or cause to be payed, to him or his order such seuerall sumes as are due and owing to him for such woulues as hee hath killed, proportionable and equiulent to order of Court in that behalfe, in regard that hee did desent from the towne order, which made abatement for each woulfe killed by any in the said townshipp.

Seuerall Indian Testimonyes appointed to be recorded.

The testimony of Old Hope, the Indian, of Mannomett, saith that hee knew the little iland lying next Saconeesett, called Nanomeesett, and a necke

1679. of land or little iland, called Vkatimest, belonging to the great iland called Kattamucke, and another little iland lying between the said great iland and Nanomeesett, belonged to Job Antiko, his grand father, Komucke, and soe to Jobs father, Thomas Antico; and the said Hope further saith, that the said great iland called Kautomucke, and another little iland called Peshchaneesett, to belong to Webacowitt.

1 November.
WINSLOW,
GOU^r.
PART I.

See more of these testimonies two pages backward in this book.

[*17.] *The Courts answare to a petition prefered thervnto by the church of Bridgwater, as followeth:—

Much honored in the Lord: Haueing receiued your petition, the purpott of which is to signify that you haue mett with some interuption and disturbance in the publicke administration of the ordinances of the Lord Jesus Christ, which ended is noe smale of speritt vnto vs, that any should presume to take liberty for soe euill a practice, which wee doe heerby declare to be intollerable, and that wee are called of God to beare seuerer testimony against that soe the churches of the Lord Jesus Christ may be sheltered and defended in the peacable and quiett enjoying of those rich and choise fauors the Lord is pleased to vouchsafe vnto vs, and heerin you and all others that shall meet with any such affronts may assuredly expect our reddines to put forth our power to the vtmost for the suppressing therof, it coming in an orderly way before vs; alsoe wee doe expect from you that matters vpon these accoumpts may be mannged by you with moderation, and, as much as may be, in the demonstration of loue and meeknes.

In answare vnto the petition of seuerall of our brethern and naighbours residing att the North Riuer, in Scittuate, bearing date October, 1679, as followeth:—

Beloued Bretheren and Naighbours: Wee, haueing seriously, as our oportunitie would pmitt, anides our many and pressing occations, considered of the declaration of your minds, and reasons anexed in your said petition, desire to be sensible of your p̄sent state, which is, as you say, sadly desolate, as concerning the vniteing of the two societies together: wee looke att it (in it-selfe considered) to be the best expedient for the obtaining of mutuall strength in the wayes of God, in com̄unication of the gifts and graces of his Holy Sperit for generall and speciall welfare of all, and for the support of minnesteriall administrations. Notwithstanding, wee conceiue, by reason of remote distance of place and other considerations, that if it were effected, it would not haue a tendencye to the effecting of the ends proposed to induce vnto the same, but

rather the contrary ; and therefore our advice is to a continuance in two distinct bodyes, retaining a brotherly affection each to other, and indeauoring to promote the good of each other what you can, as many yeers you haue don ; and as for and in reference vnto such of the society of your end of the towne whoe haue lately repaired to the other congregation, to heare the word of God, wee see noe reason to blame them for soe doeing, considering the defisiensye of you r reuerend pastour, by reason of age, and other infeirmities therof, as you say, and the able dispensation of the worde ^ the other, yett, notwithstanding, wee advise and desire that such would looke backe with a single eye to the societie of which p̄ticularly they are, soe as to put forth their best and strenuouse indeauors for the promoting of their spirituall good and edification, both in seeking vnto God for healp in the minnistry of his word, and otherwise for the obtaining of soe great a fauor ; and wheras wee are informed that your meeting house is fallen much to decay, wee require you, (according to order of Court,) that you all, both those aboue last mentioned, with their bretheren and naighbours, doe mutually joyne together in the erecting of another, such an one as may be a fitt and meet place for you to meet in together to worship ; and for as much as wee vnderstand that there are different apprehensions amongst you in reference vnto contributing or collecting the charge therof, and the place wheron to erect it, wee haue appointed a cōmittee, viz̄, Elder Kinge, Cornett Robert Studson, John Bryant, Seni^r, and John Turner, Seni^r, these four, or any three of them, to acte in those affaires, whoe wee hope will determine therein soe as tend to your mutuall good. Thuse hartily desiring your p̄sent and future happines, wee cōmend you and all your piouse concernes to the wise guidance and direction of our good God. Resting, &c.

1679.

1 November.
WINSLOW,
GOU^r.
PART I.

Wee haue appointed and impowered another cōmittee, viz̄, our honored Gou^r, M^r Hinckley, Major Bradford, M^r Arnold, M^r Cotton, and M^r Wiswell, to acte and determine in reference to the p̄mises as they shall see reason, vpon hearing of the case or cases respecting the same.

*In reference vnto the disposall of the estate of Phillip Walker, late of Rehoboth, deceased, the Court haue ordered, that the now house in building shall be finished out of the whole intire estate, and that those that shall injoy it shall make some proportionable abatement of what shalbe their p̄ticular interest in the said estate, and that the widdow shall haue a comfortable and convenient being therein during her widdowhood, and that the said widdow shall haue her third of the said estate, and the sume of twenty pound, for and towards the bringing vp of the youngest child, and that the remainder of the said estate be deuided into seauen equall p̄tes, wherof the eldest to haue a

[*18.]

1679.

1 November.
WINSLOW,
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double pte, and the rest to be deuided vnto the other children in equall and alike proportions.

Know all men by these p^sents, that I, Jane Walker, widdow, of the towne of Rehoboth, in the jurisdiction of New Plymouth, doe acknowledge my selfe heerby to stand bound and feirly oblidge vnto the Gou^r and Court of Plymouth aforsaid, in the penall sume of one hundred pound sterling, for the payment wherof, well and truely to be made, I bind my selfe, my heires, executors, and adminnestrators, feirly by these p^sents, sealed and giuen this 29th of October, 1679.

The condition of the aboue written obligation is such, that wheras the aboue bounden Jane Walker hath obtained letters of adminnestration to adminnester on the estate of Deacon Phillip Walker, late of Rehoboth, in the jurisdiction aforsaid, deceased, if, therefore, the said Jane Walker doe pay, or cause to be payed, all such debts as are due and owing to any from the same, soe far and by equall proportions as the estate will amount vnto, and keep a due account of her adminnestration, and be redy to giue in the said account when thervnto required, and saue and keep harmles and vndamnified the Gou^r and Court aforsaid from any damage that may acrew vnto them, or any of them, by her said adminnestration, that then the aboue written obligation to be void and of none effect, or otherwise to remaine in full force, strength, and vertue.

M^r Daniell Smith, Leiftenant Hunt, and Ensigne Nicholas Pecke, and Abraham Perram, & Th^o Read, and Samuell Walker, are appointed by the Court to be ouerscers [^] adminnestration of the estate of Deacon Phillip Walker, deceased, and to make deuision of the estate, according to order of Court.

Phillip Walker, Juni^r, hath chosen M^r Daniell Smith to be his guardian, and the Court approues therof.

[*19.]

*Nouember the first, 1679.

This Court doth order and appoint John Richmond, M^r Nicolas Pecke, and Wilham Carpenter, to run the line between the cuntryes land att Mount Hope and the towne of Swansey, and incase of falier of any of the three, that then Encrease Robenson be improued in his stead, and that the record of Court heerwith sent, respecting that matter aboue said, to be the rule by which they are to proceed therin; the p^sons aboue appointed are to meet about the expedition on Wedensday, the 25th of this instant Nouember.

The proceedings and actinges of this comⁱtee, in ruⁱng of the said line, is as followeth:—

The line by the old fence two degrees and an halfe, to the north of the west; then wee measured from the mouth of Keekamuett Springe twenty rodds three degrees to the eastward of the north, and the fence att the head of the said springe, and sett vpp a white oake stake standing, att the extent of each 20 rodds, and raised vpp a heap of stones about each stake.

Then wee found the range a crosse the necke to be a point and a halfe to the northward of the west, and the line run by bound trees, vntill it comes to the west syde of the said necke, to a smale red oake bowe, where wee raised an heape of stones, and marked both the aboue said stakes and the bowe with S on the north syde, and C on the south syde.

This was pformed on the day prefixed by the Court, as was by them ordered, by vs, which was appointed therin.

These may signify that wee, Nathaniel Pecke, John Richmond, and Encrease Robinson, did run the line aboue mensioned according to Court order, and M^r Wilłam Ingram, M^r Hugh Cole, and Obadiah Bowin, appointed by the towne of Swansey, did joyne with vs in ruñing the said line.

The bill of charges of the comitte first aboue mensioned. Wee were out three dayes, and our expences was in all fifteen shillinges in mony.

See 10 pages backward in this book for the Court order relateing to the ruñing of the line aboue specified.

1679.

1 November.
WINSLOW,
Gou^r.
PART I.

**Att a Court held att Plymouth, for the Jurisdiction of New Plymouth, the 2nd Day of March, Ann^o Domⁱ 1679, 80.*

1679-80.

2 March.
[*21.]

BEFORE Josiah Winslow, Esq ^r , Gou ^r ,	John Freeman,
John Alden,	James Cudworth,
Thomas Hinckley,	James Browne, and
Wilłam Bradford,	Daniell Smith,




Assistants, &c.

WEE, whose names are vnder written, the purchasers of the lands att Pocassett and places adjacent, doe engage ourselues to the honored Court of New Plymouth, that wee will from time to time vse our vtmost in-deauer for the well settleing of the said plantation, and in order thervnto, wilbe carefull to settle such psones as shalbe to the acceptance of this Gou^rment, and that shall promote the worshipp of God, and will joyne with Saconett propriators in the calling of a gospell minnester, and for his incurrag-

1679-80.

2 March.
WINSLOW,
Gov^r.
PART I.

ment, as to his outward subsistence, will settle him on the most convenient place wee can, to accomodate both plantations, and giue to the first minnester that shall settle amongst vs soe much of our land as Saconett shall alsoe give. Besides a proportioned pte of our land, wee will lay out for the minnistry in sucksession, and alsoe giue such due incurragement to his maintenance as our abilletie and his nessesitie may call for, desireing of this Court to giue such due incurragment to the said new plantation, as may be for the welsettlement of the said place.

EDWARD GRAYES,  marke,
NATHANIEL THOMAS,
CHRISTOPHER ALMEY,
THOMAS WAITE,
JOB ALMEY,
DANIELL WILCOCKES, his marke 
WILLAM MANCHESTER,  his marke.

Testis, John Freeman,
Daniell Smith.

These psents witnesseth, that wheras my grand father, M^r Thomas Howes, deceased, did oblidge my vnkle, Thomas Howes, deceased, to learne mee, Samuell Howes, the trade of a cooper, in his last will and testament, as doth appeer vnder his hand bearing date the twenty sixt day of Septeffi, ann^o 1665, and I, the said Samuell Howes, being well assured of my said vnkles care to pforme the said ingagement from time to time, and that it hath bine onely by my neglect the aboue said ingagement hath not yett bine pformed, therefore I, the said Samuell Howes, with the consent of my father, Joseph Howes, doe fully acquitt and discharge my said vnkell, Thomas Howes, his heirs, executors, and adminnistrators for euer of the aboue said ingagement, vpon my grand fathers will. Signed with my hand this 26th day of February, 1679.

SAMUELL HOWES.

In the psence of vs,
Marke Snow,
Jonathan Sparrow.

The 26th of February, 1679, the aboue named Samuell Howes, and Joseph Howes, his father, made their appeerance, and acknowledged this aboue written to be their acte and deed. Before mee,

JOHN FREEMAN, Assistant.

Likewise this expresent witnesseth, that I, the aboue said Samuell Howes, haue recciued a mare, according as is specifyed in my grand fathers will, out of the estate of my vnkle, Thomas Howes. I say receiued.

By mee, SAMUELL HOWES.

Witnessed by,
Marke Snow,
Jonathan Sparrow.

1679-80.

2 March.
WINSLOW,
GOU^r.
PART I.

*Whereas the Gou^r and Counsell, in attendance to an order of the Generall Court, June, 1678, haue required the building of a new meeting house towards the vpper end of the towne of Scittuate, for the worshipp of God, and ordered a comittee for the carrying on the said worke to effect, you, Jeremiah Hatch, Joseph Silvester, Samuell Studson, are heerby in his ma^{ties} name required to make a rate vpon all the inhabitants, and propriators of your towne, from the Mill Brooke vpward on both sydes of the riuer, to defray the charge of the said worke, according to order of Court in such case provided; the sume of the rate you are to leuy is one hundred pounds, to be payed, the one half of it by the first of June next, the other halfe of it by the last of October next, to them whoe carry on the worke, the pay to be in such spesue and att such prises as the country rate is payed. In case any one of you mentioned refuse or neglect to make the said rate, then John Bryant, Juni^r, is appointed and impowered to joyne with the other two therin.

[*22.]

These may certify that the honored Gou^r and M^r Hinckley haue receiued, for and in the behalfe of the country, the sume of ten pounds, siluer mony of New England, of Cornett Robert Studson and M^r Nathaniel Thomas, for the rend of the Cape fishing for this yeer, which said sume is disposed by the Gou^r, a part of it for the purchase of a peece of land att or about the Cape, for and in the behalfe of the country, and the remainder to the scoole, according to the order of Court.

In reference vnto the will of Mistris Joyce, of Yarmouth, deceased, the Court haueing viewed it, and taken notice of the disposall of the estate, doe approue therof, and haue ordered that the said will shalbe recorded.

The Court haue ordered and impowered Leift Gorge Mace and Ensigne Thomas Leonard, and Wilfam Witherell, of Taunton, to bound the meddowes on Assonett Necke, soe as not to damnify any p^ticular interest of meddowes of meddowes of longe time injoyed, nor to damnify the proprietors of the said necke sold by the country, but according to deed confeirme it by bounding the said necke from the said meddowes.

1679-80.

2 March.
WINSLOW,
Gov^r.
PART I.

The Court haue ordered four pound vnto Wiltam Hoskins, to be payed to him by the Treasurer, in regard of his low condition, haueing lost all hee had in the late warr, and being growne old and vnable to labour.

The Treasurer is ordered by the Court to expend 20^s for books for the supply of the Secretary, for writing of records.

March the 2nd,
1679, 80.

In reference vnto an Indian called Joseph Peter, whoe was comitted to prison att Plymouth for stealing a hyde from John Gorum, hee expressing himselfe pensive for his said fact, and promiseing reformation, was released from bodily punishment; but for satisfaction for two debts, the one which hee oweth to M^r Barnabas Laythorpe, which is 5^{li} 13^s 2^d, and for the answering of the other debt, which is 03 16 06, hee is ordered by the Court to be and abide with the said Barnabas Laythorp and John Gorum, or such as they shall order him to be with, as their servant, for the full terme of two yeers from the date heerof, and not to absent himselfe at any time from their said service, by night or by day, without a tikett from one of them; and incase hee shall absent himselfe, hee shall pay four dayes worke for one.

This Court haue ordered and desired M^r Thomas Hinckley, Assistant, and Samuell Cobb, to adminnester on the estate of Sarah Cobb, deceased, and with the advice and healp of their frinds and relations, to make a distribution of the estate amongst the children, still haueing a speciaall respect therin to the youngest children, for their best good, and to make report therof to the next June Court; letters of adminnistration was graunted by the Court to M^r Hinckley and Samuell Cobb to adminnester on the estate of Sarah Cobb, deceased.

[*23.]

*The estate of Samuell Smith, of Taunton, debts payed,	233 : 00 : 00
Ten pounds deducted and allowed from bringing vp	} 000 : 00 : 00
the younger children, rests	
To the widdow and five children, of which the wid-	} 060 : 13 : 08
dowes thirds is	
To the eldest son, forty pounds, and to the rest of	} 20 : 00 : 00
the children, each	

The Court desire M^r Browne and M^r Smith to giue their healp in the deuiding and settlement of the estate, as may best suite the condition of the family.

Libertie of adminnistration is graunted vnto John Sutton, to adminnester on the estate of John Bucke, of Scittuate, deceased.

In reference vnto the dispose of the estate of Edward Sturgis, Juni^r,

deceased, this Court doth order, that Temperance Baxter, the relict of Edward Sturgis, shall haue the third pte of the said estate, and the other two ptes therof to be deuided amongst the children, in equall and alike proportions, onely the eldest son to haue twenty pounds, to be aded to his pte, and the negroe to be aded to the woman's pte, towards the bringing vp of the children, and incase that Thomas Baxter and his wife will give securitie to the Court for the childrens estate, they shall haue the improuement therof vnto the children come of age.

And the Court haue appointed M^r Hinckley, M^r Barnabas Laythorp, and M^r Miller, to make devisiion of the said estate, and to make report of their actings therin vnto the Court, that soe the said estate may be settled.

Wheras the Court, in the former settlement of John Damans estate amongst his children, there fell to the children to each twenty pound to ten of them, and forty pounds to the eldest of them, and therefore that Martha, late wife of the said John Daman, deceased, hath satisfied to the eldest son his portion, and to Goodman Damans three other children, which hee had by his other wife, their portions according to the Courts order.

This Court, haueing had diuers agitations with the said Martha, and Peter Bacon, her now husband, concerning the p^mises, came to this following conclusion, viz^t: that in reference vnto Experience and Ichabod, that they shall haue the halfe share of the freemens land att Taunton Riuer, to be deuided betwixt them in equall and alike proportions, with all and singulare the profits and priuiledges appertaining therunto or ariseing therfrom, to them and their heires and assignes for euer; and in reference vnto Ebenezer, the weak child, that the said Peter Bacon, and Martha, his wife, shall haue and enjoy as their owne proper right, all the right that the said Daman had or hath in the lands att Conihassett, both marsh and vpland, with all and singulare the appurtenances belonging therunto, and three pounds and ten shillings out of John Damans lands on the Cliff, att Scittuate, on condition that they carefully bringe vp the said Ebenezer vntill hee comes of the age of twenty and one yeers; the said lands att Conihassett and att the said Clift, with all and singulare the appurtenances belonging therunto, or to any pte or p^sell therof, on the conditions aboue expressed, to belonge vnto the said Peter Bacon, and Martha, his wife, to them and their heires for euer. Moreouer, the Court hath ordered, that the foure daughters, Silence, Margaret, Hannah, and Martha, the daughters of the said John Daman, shall haue, each of them, ten pounds, in current country pay, payed to them and euery each of them when they come of age or be married; for the p^formance wherof the said Peter Bacon stands heerby bound vnto the Court to make payement therof as aboue

1679-80.

2 March.
WINSLOW,
GOU^r.
PART I.

1679-80. expressed. There is also a bond vnder the said Peter Bacons his hand and seale, for the pformance therof. See bonds and obligations in the Secretaries custody

2 March.
WINSLOW,
Gou^r.
PART I.

1680. *Att the Court of Election holden for this Gou^r att Plymouth, the first Day of June, 1680.

1 June.
[*25.]

BEFORE Josiah Winslow, Esq^r, Gou^r, John Freeman,
John Aldin, James Browne,
Thomas Hinckley, James Cudworth, and
Wiltam Bradford, Daniell Smith,
Assistants, &c.

JOSIAH WINSLOW, ESQ^r, was chosen Gou^r, and sworn.

Thomas Hinckly, Esq^r, was chosen Deputie Gou^r, and sworn.

John Alden,

Wiltam Bradford,

John Freeman,

James Browne,

James Cudworth, and

Daniell Smith,

} were chosen Assistants, and sworne.

Gou^r Winslow and M^r Hinckley were chosen Co^mmissioners, and Major Bradford the next in nomination.

Major Wiltam Bradford was chosen Treasurer, and sworn.

Nathaniell Morton was sworne to the office of Secretary.

The Names of such as were chosen to be the Celect Men in each Towne of this Jurisdiction are as followeth.

Plymouth :

Leiff Morton,

Wiltam Crow,

Edward Gray.

Dux^b :

Samuell Saberry,

John Tracye,

Wiltam Paybody.

Scitt :

John Cushen,

Jeremiah Hatch,

Isacke Bucke.

Sand^w :

M^r Edmond Freeman,

Wiltam Swift,

Thomas Tupper,

James Walker.

<p>Taunton :</p> <p> Wilkam Harvey, Walter Dean, Gorge Macye, Thomas Leanard.</p> <p>Yarmouth :</p> <p> M^r Edmond Hawes, M^r Edward Sturgis, M^r John Thacher, John Miller, Jeremiah Howes.</p> <p>Barnstā :</p> <p> Leiff Laythorp, M^r Barnstable Laythorpe, Leiftenant Allin.</p> <p>Marshfeild :</p> <p> Anthony Snow, Ensigne Marke Eames, John Bourne.</p>	<p>Rehoboth :</p> <p> Leiff Peter Hunt, Ensigne Nicholas Pecke, Gilbert Brookes.</p> <p>Eastham :</p> <p> Marke Snow, Capt Sparrow, John Done.</p> <p>Bridgwater :</p> <p> ^ ^</p> <p>Dartmouth :</p> <p> John Cooke, John Russell, Arther Hathewey.</p> <p>Swansey :</p> <p> ^ ^</p> <p>Middleberry :</p> <p> - M^r Samuell Fuller, M^r John Thompson, M^r Francis Combe.</p>
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*The Constables.

[*26.]

Plymouth,	John Doten.
Duxburrow,	Wrestleing Brewster.
Scittū,	{ Thomas Nicols, Thomas Perrey.
Sandwich,	Wilkam Bassett.
Taunton,	{ Gyles Gilbert, Thomas Williams.
Yarmouth,	Jabez Gorum.
Marshfeild,	{ Joseph Waterman, Joseph Bumpas.
Rehoboth,	{ Jonas Palmer, Moses Read.
Bridgwater,	Thomas Snell.
Eastham,	^ ^
Dartmouth,	Jonathan Delano.
Swansey,	^ ^
Middleberry,	Daniell Thomas, Juni ^r .

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The Grand Inquest.

Serjeant Harlow,	Enoch Hunt,
John Rogers,	Nathaniel Tilden,
Nathaniel Hall,	Thomas Kinge, Juni ^r ,
M ^r Wiltam Thomas,	Micaell Blackwell,
M ^r Joseph Pecke,	James Tisdall,
Wiltam Bartrum,	James Leanard, Juni ^r ,
Wiltam Foard,	Thomas Faunce,
Wiltam Swift,	John Burge,
Joseph Aldin,	John Nelson,
Joseph Church,	Jabez Snow,
Wiltam Thrope,	Seth Pope,
Mellatiah Laythorp,	Joseph Nicarson.
Francis West,	

The Deputies of the seuerall Townes chosen to serue att this Court, and the
seuerall Adjournments therof.

Leift Ephraim Morton,	M ^r Barnabas Laythorp,
Wiltam Clarke,	Ensigne Marke Eames,
M ^r Josiah Standish,	Anthony Snow,
Wiltam Paybody,	Leift Peter Hunt,
Jeremiah Hatch,	Ensigne Nicholas Pecke,
Samuell Clapp,	John Willis, Seni ^r ,
Thomas Tupper,	Jonathan Burges,
John Hathwey,	Thomas Paine,
Ensigne Thomas Leanard,	John Cooke,
M ^r John Thacher,	Hugh Cole,
John Miller,	John Thompson.
Leift Laythorp,	

[*27.] *Att this Court, a letter directed from his ma^{tie}, our so^v lord the Kinge, vnto our honored Gou^r, to be comūicated to our collonie, was publickly red in the audience of the Generall Court of this jurisdiction, wherein was expressed his ma^{ties} fauorable aspect on this collonie, with his settlement of Mount Hope theron, with a further amplyfication of his graciouse cander in ading promises of further grace, in a loueing tender to enlarge our pattent liberties and priuiledges; and in thankefull acknowledgiment heerof, it was vnanimously concluded by our said Court a messenger or two shalbe sent ouer as agents in the collonies behalfe, as a testimoniall of our reall thankfulnes vnto his majesty, and

to waite his pleasure for the compleating of his said gracious tenders to vs, for which, as primarily and mostly wee stand engaged vnto our good God, soe nextly wee lye vnder many obligations of thankfulness vnto his ma^{ty}, our dread sou^r, and such others as haue bin instruments for our good respecting the p^rmisses.

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Att this Court, the towne of Scittuate, by their agents, proposed their case to the Court respecting their p^rsent sad, vnsettled condition, relateing to their longe and great contest concerning their vniting or not vniteing in one body, and settleing their meeting house or meeting houses accommodate ther-vnto; after diuers considerations and agitations about the same, it was concluded by the Court as followeth:—

Concerning Scittuate vper meeting house, wee judge what the Court or com^mittee did in reference to the building of a meeting house for the church or society there, and the ordering the defraying of the charge therof by a rate vpon that societie, or those that were of the first societie there, and doe yett soe continew their habitations there, to be just and grounded on the law; but wee allow not that those that were neuer of that societie should be forsed to beare charge about that, but if any of that church and societie be liueing below the Mill Brooke, they shall neuertheles doe their duty to the vper church, and this shalbe their rule in raiseing maintenance for support of the minnistry there for future, vnlesse they shall agree to some other way.

An Order directed to Leiff Macye and Wiltam Harvey, of Taunton, to be com^municated to the Propriators of the North Purchase, soe called, being in the Liberties of Taunton aforesaid.

Loueing Frinds: Haueing receiued some information from the Reuerent Mr Shoue and your deputies of some greiuaunce and injury which Mr Shoue hath received from some of the propriators of your towne in the North Purchase, wherin himselfe and most of said purchasers conceiue hee had a just right, though his name, through ouersight, was left out of the deed; and if because through his being informed that the Company would pay his p^rte of the purchase, the which hee thankfully accepted, he did omitt the laying downe of the purchase mony, and therby be depriued of his right, it willbe a considerable reflection on the opposites ther-vnto, which wee desire and hope you will timely prevent, and not occasion an other course to be taken, which will not tend to your honor or comfort, but in hope by your due considerations and actings in the p^rmisses, you will prevent further trouble to yourselues, vs, or any others concluded. Therin wee rest your loueing frinds, &c.

See an explanation of this order six pages forward in this booke.

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Wheras complaint is made by the select men of Barnstable, that one Ephraim Phillipps, an idle, extravagant man, and Marcy, his pretended wife, are lately come into Barnstable without their consent, from Taunton, where they lately for some yeer or yeers haue had their residence, and notwithstanding the select mens warning them not there to abide, but to depart out of the said towne, they haue refused, or quickly returned againe after their departure out of the said towne, intending there to resyde, wherby they are like to be charged, and otherwise anyoed and damnified, and wheras the celect men haue, according to order of Court in that case provided, made their application to this Court for redresse, these are therefore in his ma^{ty} name to will and require you presently on receipt heerof, to attach the said Ephraim Phillips, and Marcy, his wife, and them to carry or convey to the constable or celect men of the towne of Taunton, whoe are heerby in his said ma^{ty} name required to receiue them, and there suffer them to abide vntill the Court shall otherwise order.

[*28.]

*Wheras, in the settlement of John Damans estate, the Court settled vpon his widdow the thirds of the land, and one end of the dwelling house, one third of the seller, and one third of the barne, to be possessed, improued, and enjoyed by her during her widdowhood, and when shee changed her condition, then shee was to leaue the house and land, and to haue the thirds of the profits therof, and thence forward the possession and improuement therof to be in the eldest sonnes hand. Now, that hee may enjoy the benefitt of the Courts determination, and Peter Bacon, whoe married the widdow, be not deprived of the full benefitt of the thirds, it is ordered by the Court, that John Cushen, Nathaniell Tilden, & Steuen Vinall, shall impartially and judiciously vallue and prise, according to their best discretions, the yeerly vallation and due worth of the aforesaid thirds, and that Daniell Daman shall giue in sufficient securitie to Peter Bacon, during the life of Martha, the wife of the said Bacon, her life for the payment therof, and that Peter Bacon doe with all convenient speed depart out of the house and of from the land, and leaue it vnto Daniell Daman in full and quiett possession therof.

Forasmuch as wee are informed and haue cause to feare, that for want of right information the Court was misled, and that not soe just and righteous a determination and conclusion as otherwise might or should haue bin in order vnto the settlement of the estate of Sergeant John Daman, now, to the end that mistakes may be rectified and apparent wrong and injury remoued, it is ordered by the Court, that a warrant be sent to Peter Bacon to require his appeerance att the Court of his ma^{ty} to be holden att Plymouth the first Tuesday in July next, then and there to answere such complaints respecting the

¶mises as are or may be made against the order that the said Peter received from the Court in March last ; and the Court haue further ordered, that the said Peter Bacon be heerby prohibited for further acting vpon or improueing of the estate of lands of Serjeant John Daman by the said order.

John Sutton, of Scittuate, came before the Court and declared, that hee, haueing bought of John Daman, of Scittuate, the moyety or halfe in deale of one whole share of Conahassett land, except twenty five acres of the first deuision and a smale p̄sell of marsh or meddow land, and alsoe all the interest belonging to John Daman in the three mile square by Accord Pond, these being excepted, hee haueing sold the halfe in deale of all the rest of our whole share of Conahassett land vnto the said John Sutton, and reseiued of the said John Sutton full satisfaction for the same, as doth appeer by a deed written by the order and direction of the said John Daman, and by him owned, vpon the reading therof, to be the bargaine betwixt them ; which deed is attested to by Major Cudworth, and likewise it is acknowledged, owned, and confessed vnto by Thomas Hiland, Seni^r, and John Booth, and Joseph House, that hee had sold John Sutton the before mensioned p̄mises, and received satisfaction for the same, and yett the said John Sutton hath noe legall deed for the same ; and the Court takeing notice in the law book, chap^t first, concerning Courts of Assistants and Majestrates, section the 5, that the Bench shall haue power to determine all such matters of equitie as can not be releiued by the co^mon law, wherfore, that the said John Sutton may quietly injoy what hee hath honestly bought and payed for, this Court doth order, that John Sutton shall apply himselfe to Peter Bacon for a deuision of the twenty acres of vpland and the meddowes, and the halfe share of the undeuided land of Conihassett ; and incase they agree not, then Marshall Nash is heerby ordered and required to goe to Scittuate, and make deuision of the said land, and possesse John Sutton of what is his p̄te, and the charge of the marshall to be satisfied.

¶I, being ordered by the Court, sometime in June in the yeer 1681, to make a deuision of land betwixt Peter Bacon and John Sutton, and accordingly I did it, both of vpland and meddow, and deliuered to the said Sutton his p̄te to him, by turffe and twigg, in his ma^{tes} name. Wittnes my hand.

SAMUELL NASH.¶

In reference vnto the dispose of the estate of John Curtice, of Scittuate, late deceased, the Court haue ordered, that it shalbe deuided into five p̄tes, wherof two p̄tes therof is disposed vnto his eldest brother, Thomas Curtice, liueing att Yorke, in the Province of Maine, and the other three p̄tes vnto

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Richard Curtice, and William Curtice, and Elizabeth the wife of Jacob Bumpas, onely the said woman is to haue her p̄te out of the mouables of the said estate, and not to haue any p̄te of the lands.

*In answare vnto the petition of William Tubbs for a peece of land lying on the backsyde of Indian Head Riuer Pond, the Court haue graunted vnto him and Abraham Peirse, to each of them, an hundred acres therof, if there be soe much good land there; if not, that then that which is good be equally deuided betwixt them, the said Wilſam Tubbs and Abraham Peirse, in equall and alike proportions both for quantyty and qualitie.

Libertie is graunted by the Court to Jonathan Morey to draw and sell wine, liquor, beer, and cyder, and to prouide lodging for the refreshing of traouellers as there may be occation, and that hee be prouided with nessesaries for that end and purpose; and hee is to keep such good order in his house, as that hee incurr not just blame in that behalfe.

In answare vnto the petition of Serjeant John Barker, that hee might be freed from bearing armes on training dayes, the councell of warr, haueing considered his pleas, — first, that hee not onely serued as a serjeant against the late rebellious enimie, but that hee had alsoe a comiſsion from the generall of the army to officiate in a hier office; alsoe, for that hee was sore wounded by ingagement with the enimie, to his great detrament, — doe therefore graunt his said petition.

Wheras the Court are informed concerning one Isacke, an Indian, liueing att Saconett, that although formerly hee was out in rebellion against vs in our late warr, yett notwithstanding that hee did returne to the English againe, and hath since don them good service, and doth carry very well, and giues good grounds of hope that hee is religiously affected, hee desireing that hee may haue libertie to make vse of a gun which *which* an other Indian bestowed on him, this Court doth heerby giue libertie vnto him, the said Isacke, the Indian, to make vse of the said gun, and to carry it abroad as hee hath occation without disturbance or opposition from any, and that these shalbe for his protection.

Att this Court, an order was sent to Middleberry and Bridgwater to send there agents to giue meeting each to other att the next July Court, in order to the settlement of the bounds betwixt the said townes.

In answare to the petition of Job Randall, a wounded souldier in the late warr, for releiffe, the Court allowes vnto him the sume of ten pounds.

Jonathan Banges, of Eastham, is allowed and approued by the Court to be ensigne bearer of the milletary company of Eastham.

Forty shillings is abated of the rate which was due to the country from Middleberry the last yeer.

Sensures and Fines for Matter of Fact.

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John Burnett, for his abusive threatening speeches and other abusive cariages, att sundry times, in seuerall places of this jurisdiction, was sentanced by the Court to continew in durance vntill hee hath satisfied what is due to the jayler, and other charges of bringing him to prison, &c, which hee is to doe with speed ; and that being pformed, hee is within six dayes after to depart this gofment ; and after the said six dayes is expired, if hee shalbe found in any pte of this jurisdiction, hee shalbe taken and whipt, and carryed out of this jurisdiction by the constables, and not to returne againe into this collonie without lycence from authoritie therof.

In reference vnto Joseph White, James Briggs, and John Cowin, for their refusing to assist the marshall in the execution of his office, they are fined, each of them, ten shillings to the collonies vse.

Thomas Wade, for his wilfully, obstinately, and contemptuously refusing and neglecting to assist the marshall in the execution of his office, is, according to the law, fined forty shillings to the collonies vse.

*Timothy White, for defaming the Godd and Major Cudworth in respect vnto an acte or centance passed in Court, and for his abusive words and cariages concerning that matter, was centanced by the Court to pay a fine of twenty pounds current siluer mony of New England, and to find surties for his good behaiour. [*30.]

Timothy White, of Scittuate, planter, acknowledgeth	} ^l ^s ^d	Released.
to owe vnto our sofl lord the Kinge the sume of	} 20 : 00 : 0	
Joseph White, yeoman, the sume of	10 : 00 : 0	
Thomas Pencen the sume of	10 : 00 : 0	

The condition, that if the said Timothy White bee of good behaiour vnto our sofl lord the Kinge and all his leich people, and appeer att the Court of his ma^{tie} to be holden att Plymouth the last Tusday in October next, and not depart the said Court without lycence ; that then, &c. Released.

Ten pounds of the twenty pound abouesaid was taken of from Timothy White by the Court att this Court, in answare to his petition and att the sollicitation of some that interseeded in his behalfe.

The Surveyors of the Highways.

Plymouth,	{ James Clarke,
	{ Abraham Jackson,
	{ Ephraim Tilson,
	{ Elkanah Watson.

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Duxb̄,	{	John Wadsworth, Peter West, John Hudson.
Scittū,	{	Richard Dwelley, Peter Collmore, John Vinall.
Sandw̄,	. . . . .	{	Ralph Allin, John Jenkins.
Taunton,	. . . . .	{	Joseph Hall, Joseph Wilbore.
Yarmouth,	. . . . .	{	Joseph Seuerance, John Hawes.
Barnstā,	. . . . .	^	^
Marshfeild,	. . . . .	{	Nathaniell Winslow, Thomas Macomber.
Rehob̄,	. . . . .	{	Samuell Carpenter, John Fitch.
Bridḡw̄,	. . . . .	^	^
Eastham,	. . . . .	^	^
Dartmouth,	. . . . .	^	^
Swansey,	. . . . .	^	^
Middfbery,	. . . . .	^	^

Propounded to be Freemen the next Year, if approved.

John Branch,	John Woodward,
John Hewett,	Joseph Staton,
Jonathan Morey,	John Smith, Seni ^r ,
Samuell Arnold, Juni ^r ,	Jabez Snow,
John Sherman,	Nathaniell Chaffey,
Israell Holmes,	Joseph Sabin,
Seth Arnold,	Samuell Bullocke,
Anthony Eames,	Thomas Man,
Wiltam Swift,	Samū Penfeild,
Ephraim Swift,	Samuell Robinson,
John Barker,	Francis Carey,
John Miller,	Edward Vobes,
Isacke Howland,	Elkanah Willis.
James Walker, Juni ^r ,	

Joseph Church, Wilſam Bartrum, Jabez Snow tooke the oath of fidellity
this Court.

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Wilſam Swift, Juni^r, likewise tooke the oath of fidellitie att this Court.

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**Att the 2^{cond} Session of the Generall Court held att Plymouth, for
the Jurisdiction of New Plymouth, the seauenth of July, 1680.*

7 July.
[*31.]

BEFORE Josiah Winslow, Esq^r, Gou^r, John Freeman,
Thomas Hinckley, Esq^r, Deputie Gou^r, James Browne,
John Alden, James Cudworth, and
Wilſam Bradford, Daniell Smith,
Assistants, &c.

IN reference vnto the dispose of the estate of M^r John James, of Scittuate,
late deceased, this Court doth order, that wheras the estate is much
indebted, that Lydia, somtimes the relict of the said John James, shall haue
and enjoy as her right all the mouables after the full payment of all the debts,
and the improuement of the house and lands vntill the heire attaines the age
of twenty and one yeers, att which time the Court allowes two thirds of the
house and land vnto the said heire, and the other third to the said Lydia dur-
ing her naturall life.

Wilſam Wood is alowed by the Court the sume of eighteen shillings, for
charge of attendance att two Courts to answare the complaint of one Will
Symons, an Indian, about the breakeing of his gun.

Phillip Pointing, of Taunton, stands heerby bound vnto the Court, both
hee, his heires, executors, and adminnestrators, in the penall sume of one
hundred pounds sterling. The condition, that if the said Phillip Pointing,
haueing obtained letters of adminnestration to adminnester on the estate of
Thomas Pointing, late deceased, if, therefore, the said Phillip Pointing doe pay
or cause to be payed all such debts and legacyes due and owing vnto any
from the said estate, and euery way saue and keep harmles the Gou^r and Court
of the jurisdiction of New Plymouth from all damage that may acrew vnto
them, or any of them, by his said adminnestration, and keep a faire account
of the same, and be redy to giue in an account when by them required, that
then the aboue written obligation to be void and of non effect, or otherwise to
remaine in full force, strength, and vertue.

This Court doth order, that M^r Nathaniel Thomas, Cap^t Benjamine
Church, and Wilſam Paybody shall bound out Tatamanuckes thousand acres

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of land att or about Saconett from the lands of Mamanewett; and the Court haue graunted an hundred and fifty acrees therof, viz^s, of the said Tatama-nuckes land, vnto Samuell and John Leanardson, and an hundred and fifty acrees therof vnto Wilłam Reynalds his children, the said Reynalds haueing bin one of the companies servants, soe called, formerly, and fifty acrees therof, viz^s, of the said land, vnto Zackeriah Padducke, son of Robert Padducke, deceased; these seuerall graunts of lands to be layed and bounded vnto them by the said M^r Thomas, Cap^t Church, and Wilłam Paybody, by the appointment of the Court.

Alsoe, this Court haue graunted vnto Richard Wright fifty acrees of the said land, viz^s, fifty acrees of the thousand acrees of land that was Tatama-mucks land is graunted vnto the said Richard Wright, to be layed out and bounded for him by the said M^r Thomas, Cap^t Church, and Wilłam Paybody; and in defect of M^r Thomas, Joseph Church is appointed to acte.

Likewise, the Court haue graunted vnto M^r Thomas Hinckley, Seni^r, two hundred acrees of land out of the aboue named thousand acrees of land att Saconett, and haue appointed M^r Nathaniell Thomas, Cap^t Church, and Wilłam Paybody to boūd and laye it out to him, or any two of them; and in defect of M^r Thomas or any other, Joseph Church is appointed to help to lay out to M^r Thomas Hinckley his land.

It was voated by the Generall Court, that our honored Gof^t now in being shall haue ten pounds in siluer mony added to his yeerly sallery añually.

This Court doth order, that all such as are not of our collonie be heerby prohibited of feching oysters from Taunton Riuer with boates or any other vessells; and incase any such shall psist on in soe doeing after warning giuen to the contrary, this Court doth order John Hathway, of Taunton, and doe heerby impower him to make seizure of such boates and vessells for the collonies vse.

An Order sent to Wilłam Pointing, of Taunton, as followeth.

These may certify vnto you, Phillip Pointing, that you are not to prohibite or obstruct John Hathway, of Taunton, in his egresse and regresse in the way from a farme that was formerly M^r Streets, and from thence to the towne of Taunton.

[*32.]

*In reference and in answare vnto the petition of Nicholas Wade, of Scittuate, and his daughter, Elizabeth Steuens, wherin they complaine of a great and sore crosse and trouble by the marriage of Thomas Steuens with the said Elizabeth, the daughter of the said Nicholas Wade, which said Steuens is a man of a debauged life, expressed by his pluralltie of wives, it appeering that att the time of his marriage with the said Elizabeth, hee had a wife that

hee married att Boston, whoe was, as wee are informed, aliue within this three monthes, and, as it is reported, hath a wife and children in England, and another in Barbadoes. The p̄mises considered, the Court sees reason to dis-
 mise the said Elizabeth, daughter of the said Nicholas Wade, from the afor-
 said marriage bond, and doe heerby declare, that shee, the said Elizabeth, is
 clearly and absolutely released from her conjugall relation and ingagement
 with the said Thomas Steuens, and that the said couenant of man and wife
 between the said Thomas Steuens and Elizabeth Steuens is dissolued and att
 an end for euer; and that it is att the libertie of the said Elizabeth to make
 contracts of marriag̃ with another, as shee shall see cause; and the said
 Thomas Steuens, for his abominable wickednes aboue expressed, is centansed
 to be seueerly whipt att the post, which was accordingly p̄formed.

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The first day of July, 1680. Wee, whose names are vnder written,
 being called for a jury to testify according to the best of our vnderstanding
 conserning the occation of the suddaine and vnexpected death of a little child
 of Thomas Hatches, of Scittuate, of about halfe a yeer old, being found dead
 in the morning, in the absence of iť parents, lying in bed with Waitstill Elmes
 and Sarah Hatch, the childs sister, wee, haueing viewed the said child, and
 made inquiry of Waitstill Elmes and Sarah Hatch aforsaid, both vnder oath,
 doe conceiue the childs death, together with Daniell Pryor, whoe lay in the
 house that night, finding by testimony that the child had not bin well a day
 or two before, being troubled with a could, and that it was found dead on its
 face att a distance from those that then lay with it, yett by view finding .it
 to be very blacke about one syde of the head and some p̄te of the body, wee,
 according to our information and best vnderstanding, judge, that either it was
 stifled by lying on its face or accedentially ouer layed in the bed, as a cause
 of its death.

CHARLES STOCKBRIDGE,
 THOMAS PALMER,
 JOHN BUCK, Seni^r,
 JACOB BUMPAS,
 THEOPHILUS WITHERELL,
 JAPHETH TURNER,
 ISRAELL TURNER,
 JAMES DOUGHTTEY,
 WALTER WOODWORTH,
 STEUEN TILDEN,
 THO: CLAPP,
 JOSEPH HOUSE.

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The Occation of the Death of John During.

The jury find, that according to their best judgment, and by what light they had by evidence that was with him when hee died vpon a journey, that between Scittuate and Braintrey, was weaknes of body and trouble in his bow-ells, which hee complained of, that hee died a naturell death, without violence offered him.

JOHN TURNER, Juni^r,
JOHN TURNER, Seni^r,
RICHARD DWELLEY,
THOMAS JOSLAND,
WILLAM BARRELL,
JAMES TORREY,
JONATHAN TURNER,
JACOB BUMPAS,
JOHN STUDLEY,
ISACKE RANDALL,
WILLAM PARKER,
JOSEPH STUDLEY.

An Explanation of an Order about Scittuate Meeting House, att the North Riuer, as followeth.

This Generall Court, mett now on the adjournment, July, 1680, declare the sence of that charge in the order aboue mensioned, viz^s: that wee allow not that those that neuer were of that society should be forced to beare charge, &c, is intended those onely that neuer were of that societie, but remaine still of the other, viz^s, the lower or first society, comonly soe called. See the order, six pages backward in this booke. This was voated to be the sence in that order.

M^r Randolph was admitted to be a freeman of this corporation, and sworne.

[*33.] *These p^sents witnes an agreement between Samuell Fuller, Seni^r, of Barnstable, on the one p^{te}, and Steuen Skiffe, of Sandwich, on the other p^{te}, in manor and forme following: —

Videlecett, the said Samuell Fuller condecendeth, agreeth, and concludeth, by these p^sents, to relinquish to the said Steuen Skiffe and towne of Sandwich, and for himselfe, his heires, executors, and adminnestrators, doth for euer

quitt claime all the right, title, and interest which hee hath, or pretended to haue, ought, or might haue att Scauton, without the bounds of Barnstable and within the bounds of Sandwich; and the said Samuell doth alsoe declare and signify his desire to the honored Court to haue that record of the Courts judgment of some lands on the said Scauton, within the bounds of Sandwich, to belonge to the Fullers, about which there hath bin soe much contest heertofore, to be made null and void; and the said Steuen Skiffe doth for himselfe and the towne of Sandwich, as their agent, couenant and graunt to the said Samuell Fuller, that hee shall and may haue libertie to cutt and take away from the comons att Scauton Necke, within Sandwich bounds, for to fence that marsh of his which lyeth within Sandwich bounds, what fenceing stuffe may be needfull for the same; and that the said Samuell Fuller, his heires and assignes, shall haue from time to time libertie of a way, with free egresse and regresse through Sandwich lands into his land att Scauton, hee and they making fast such gates or barrs as may be there to prevent damage to them. In witnes wherof they haue heervnto sett their hands, this 30th of June, 1680.

1680.

7 July.
WINSLOW,
Gov^r.
PART I.

SAMUELL FULLER,
STEUEN SKIFFE.

In the presence of
Thomas Hinckley, Deputy Gov^r,
Mary Hinckley.

John Fuller doth aquiessey in this agreement of his vnkells and Steuen Skiffes, and doth desire that the record fore mensioned in this aboue writing should be made void; and that hee, the said John Fuller, hath receiued full satisfaction respecting the lands that were in controversy, viz^s, the Fullers and Sandwich mens on Scauton Necke.

Wheras it doth appeer to the Court, that the widdow Daman did sett forth vnto the said Zachery Daman his portion to be in that lott of land which lyeth on the third clift, his portion being twenty pound; and the said widdow did further promise, that when shee left of improueing the remaining pte of the said lott, then the said Zachery shall haue the whole lott, paying the said widdow three pounds, which the said Zachery did engage to doe; and the said widdow did ingage not to sell, or giue, or dispose of the said pte of the lott to any other pson; and this appeers by the testimonyes vpon oath of Wiltam Brookes and Thomas Woodworth; wherfore the Court can not but allow the aforsaid lott to be the aforsaid Zachery Damans, hee paying three pounds of siluer mony to his mother in law.

This Court is adjourned vntill the last Tusday in September, 1680.

1680.

7 July.
WINSLOW,
Gov^r.
PART I.
[*34.]

*Whereas att the Court of his ma^{tie} held att Plymouth, for the jurisdiction of New Plymouth, June, 1669, Prence Gou, some pte of the following graunt and order was ordered, graunted, and entered; and since, att the Generall Court of his ma^{tie} held att Plymouth the 7th of July, 1680, the other pte was graunted, and should haue bin entered, but could not be entered soe as to be legable by reason there was not rome in that place of the booke.

It is, viz^s, the whole intire order and graunt as followeth:—

June, 1669. Att this Court, the Court graunted, that Namassakett shalbe a townshipp, and to be called by the name of Middlbery, and is bounde with Plymouth bounds on the easterly syde, and with the bounds of Taunton on the westerly syde, and the bounds of Bridgwater on the northerly syde or end, and on the southerly syde or end to extend six mile from the wading place, and att the end of the said six mile to run east to Plymouth line, and from the said line west to Taunton line; and incase the west line runs to the southward of Taunton line, then to run vntill wee come vp to the most southmost pte of Taunton bounds, and then square of north to it; and it is further ordered by the Court, that a competencye of land be prouided and reserued for a minnester within their townshipp of such lands as are vnpurchased.

[*35.]

*By this publicke acte and instrument of protest, be it knowne and manifest vnto all Christian people, that vpon the 13th of this instant Nouember, anno Domi 1679, psonally appeered before mee, Nathaniell Morton, Secretary to the Court for the jurisdiction of New Plymouth, Mr Allexander Watts, comānder of the sloop the Anne and Elizabeth, of New York, which apparer did alledge, affeirme, and proued by the witnesses whose names are heer vnder written, that hee, the said appeerer, being bound on a voyage from New Yorke to Boston, in the gofment and jurisdiction of the Massachusetts, being on his course from Martins Viniyard toward Boston aforsaid, being ouer night gotton towards or past the pitch of Cape Codd, intending for to fech Cape Anne for a harbour, the wind did soe shrink vpon vs as wee could not doe it, and blew soe extreemly hard as wee splitt our mainsayle, haueing two riffes in, and had a great and terrible sea, soe as it made a free passage ouer our said vessell, the wind still continewing att northwest and att northnorwest; and about twelue of the clocke on the day and yeer first aboue written, wee bore vp and layed her head to the soufward, the storm still continewing vpon vs; and about nine or ten of the clocke in the night, the wind being shifted to northnor-east, and the night very darke, soe that wee could not lay it offe, wee were forced on shore vpon Cape Codd, and within a very short time our vessell was

filled with water vp to the very decke; and on the day following, viz^s, the 14th day of this instant, the winds and weather abated through the goodnes of God, soe as wee had an oppertunitie to gett seuerall of our goods on shore that lay on the windward syde; the next day, wee indeauored to gett the water out of her, by boreing holes in her; the same day, att night, about ten or eleuen of the clocke att night, wee had some healp come to vs from East-ham, to gett out some more of our goods, and to baile some more of the water and sand that was washed into her; and the same night, before daylight, wee carryed out our great ankar & cable to the better end, the wind being then att westsouthwest, a smale wind and prettey smooth water; and the same morning, betwix six and seauen of the clocke, with much difficulty, wee houe her off. This morning, as soone as wee had gott her off, wee gott what goods wee possibly could on board of the said sloop; and the wind coming vp att south and south and by west, and blowing fresh, raised such a sea that our boate could not liue by our syde to put on board any more goods, soe as wee were constrained to leaue seuerall of our goods behind vs; therefore this appeerer, as well for him as his companie, hath and doth heerby sollemly protest against the sea and storme, viz^s, that by Gods ordering hand in the said storme and tempest, all costs, charges, damages, losses, detriments, inconveniences, sufferences, and spoyles had, done, suffered, or sustained, came by the said storme and tempestuous winds. This was affeirmed and witnessed by

ALLEXANDER WATTS,
HENERY MORE,
JOHN GLOUER,
ROBERT PELTON,
ISACKE NORTON.

*This instrument of protest may certify all whom it may concern, that M^r Samuell Pelton, m^r of the barque Anne, of Boston, in the jurisdiction of the Massachusetts, in New England, appeered before mee, Nathaniell Morton, Secretary to the Court for the jurisdiction of New Plymouth, on the 9th day of this instant January, 1679, and asserted and testified, that on the 24th day of December last past before the date heerof, hee anchored the said barque in the harbour of Cape Codd, and by reason of the extremity of the weather, and not haueing cables sufficient to ryde there vessell, they were forced on shore about 12 of the clocke in the night, by reason of the breakeing of there cable, wherby they receiued damage in there cargoe now on board the said vessell, being extreamly laden with iyce and haueing about three foot water in the hold, which occasioned much difficulty and trouble to gett her off; and by

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WINSLOW,
Gov^r.
PART I.

[*36.]

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WINSLOW,
GOU^r.
PART I.

reason of the said difficulties and troubles, they were nessesitated to keep att the said cape fifteen dayes ; but it pleased God soe to dispose for them, that on the fift day of this instant January, 1679, they gott off againe, and anchored the second time in the aforesaid harbour of Cape Codd ; and on the eight day of this instant January, they ariued in the harbour of Plymouth, in New England ; and for the veritie and truth of the p̄mises, the said master, for himselfe, with the concurrance of the companie, shewed their reddines to make oath heervnto as occation may require, and likewise haue heervnto subscribed their hands, this 19th of January, 1679, as attesteth Nathaniell Morton, Secretary to the Court for the jurisdiction of New Plymouth, anno Doñi 1679.

SAMUELL PELTON, Master,
ROBERT PELTON, Masters Mate,
JOHN SANDERS, Seaman.

28 September. **Att the third Session of the Generall Court held att Plymouth the*
[*87.] *28th of Septem̄, Anno Doñi 1680.*

BEFORE Josiah Winslow, Esq ^r , Gou ^r , and	John Freeman,
Thomas Hinckley, Esq ^r , Deputie Gou ^r , and	James Browne, and
John Alden,	James Cudworth,
Wilham Bradford,	
Assistants, &c.	

WHERAS the honored Gou^r, Deputy Gou^r, and the Treasurer are appointed a com̄ittee, in the collonies behalfe, to mannage the sale of Mount Hope, and the expedition of our addresse to his ma^{ty}, our dread so^l, lately agreed on by the Court, the said com̄ittee haueing att this Court giuen an account of their proceedings respecting the premises, the Court doth heerby expresse their thankfull acceptance therof, and doe heerby ratify and confirme their proceedings therin, and did order the same to be entered on the records of the Court.

It was voated by the Court, that the sume of three hundred pounds of the prise of Mount Hope be forthwith distributed amongst the seuerall townes of this collonie, according to the seuerall proportions rated on the said townes for the charges of the collonie this year.

[*88.] *M^r John Miller and Jeremiah Howes were aded to the com̄ittee att

Yarmouth for the disposing of lands to the seuerall inhabitants therof as occasion may require.

1680.

28 September.

WINSLOW,
G. J. U. S.

PART I.

Plymouth, the 5th of the first, 73, 74.

In reference vnto a controuersye that was between the towne of Sandwich and M^r Thomas Dexter about the bounds of some meddow lands lying about Pyne Iland, it was left by both p^ties vnto M^r Thomas Prence, M^r Thomas Hinckley, and myselfe to determine wher the bound should be; M^r Goff Prence and myselfe agreed that the head of the vpper creeke should be the bounds of M^r Dexters meddow.

CONSTANT SOUTHWORTH.

In reference vnto Humphery Johnsons petition to this Court, the Courts answare is, that although they are apprehensive of his right to some lands in Scittuate, yett the p^ties concerned therin being not p^sent, they can not determine any thinge therin; onely they haueing heard, that there is an intention in Scittuate men to consider of that affaere amonge themselues, and make proposalls for the quiett issueing of that controuersye, which this Court desires, and would hope may be effected, but if otherwise, they shalbe reddey to doe what is agreeable to right and justice therin, if it shalbe brought in a legall way before them.

Wheras formerly some of the names of the milletary company of Sandwich were p^sented to the Court for their approbation to be officers of that companie, which nomination mett with some obstruction, this Court heerby orders the said milletary companie to renew their choise, and nominate some fitt p^sons of their said companie to serue in the offices of leiftenant and ensigne of the same, and to send their names vnto the next Court of his ma^{ty}, to be holden att Plymouth the last Tusday in October next, for confeirmation, as the Court shall see cause.

Libertie is graunted vnto M^r Thomas Dexter to keep an ordinary att Sandwich for the entertainment of strangers, and that hee be well prouided with nessesaries for that purpose, and to keep good order in his house, soe as not to incurr any just blame on that behalfe.

A smale iland in Assowamsett Pond, co^monly called Daniells Iland, is graunted by the Generall Court vnto Major Wiltam Bradford; and the Court did att the same time condition, that such other lands as lyeth att or on Assowamsett Necke, or [^] and places adjacent, shalbe and belonge to the proprietors of Middleberry as their proper right, without molestation from any, excepting any lands that doth or may appeer of right to belonge to any Indian or Indians.

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Gov^r.
PART I.

Wheras complaint hath bine made by the deputie of Bridgewater that they haue sustained wronge, for that the lines haue not bine run betwixt Middlebery and them ; whervpon the Court saw cause to require both Middlebery and Bridgewater to appoint and send their agents for settlement of the bounds betwixt them ; the agents of both townes appeering to make plea on both sydes respecting the p̄mises, and the agents of Middlebery appeering and continewing att the Court, and the agents of Bridgewater abruptly goeing away before the thinge was effected, this Court requires Bridgewater to send their agents to the Court to be holden att Plymouth the last Tusday in next October, to giue a reason of their soe acting.

[*39.]

*The Generall Court, takinge into their consideration the many fauors wee haue receiued from the Lord the yeer past, in the continuance of our peace, a considerable measure of health in our tabernacles, and the great blessing wee haue had vpon the labours of our hands and the fruits of the earth, with the injoyment of our liberties both sacred and ciuill, through the mercy of our God and the fauor of our prince, doe propound the twentieth day of October next ensueing to be cellibrated as a sollemne day of thanksgiueing by all the congregations in this collonie, wherein wee may p̄sent our joynt praises to our good God for these and whateuer other mercyes wee doe injoy, requesting grace att his hands to walke in a holy improuement of them, to his glory and our eternall good.

Thought meet to allow vnto our honored Gouvernor and Deputy Gouvernor, to each of them, the sume of six pounds, in compensation of their charges expended and care and paines taken, in the collonies behalfe, in and about the late addresse of our collonie to his ma^{ty}, our dread soū, &c.

And vnto the honored Major Cudworth the sume of three pounds, in such like respects.

This Court voated a debt of three pounds, due and owing to Captaine Curren from the collonie, to be payed by the Treasurer.

And vnto John Paysley, of Yarmouth, whoe was out in the late warrs, and is since become a cripple, the sume of three pounds, prouided that hee trouble the Court noe more on that account.

Att this Court, John Hathwey, of Taunton, was sworne constable of the neighborhood or ward of the Fall Riuer and places adjacent.

And John Read, of the same place, sent vnto by the Court to appeer att the next Court to take the oath of a grandjury man for the same precincts.

Att the Court of his ma^{ty} held att Plymouth, for the jurisdiction of New Plymouth, the seauenth of June, one thousand six hundred eighty and one, —

To all Christian people to whom these presents shall come, John Wyburne, of Boston, in the Massachusetts collonie, in New England, marrinor, sendeth greeting.

Know yee, that wheras Samuell Clapp, Thomas Kinge, Theophilus Witherell, of Scittuate, Ephraim Little, of Marshfeild, and John Rogers, of the same towne, and all of Plymouth collonie, in New England, ptenors of the good barque called the Adventure, of burden about forty tun, now being or rydeing in the North Riuer, haue lett to hier the said barque for a voyage to the West Indiaes or elsewhere, being a dangerous voyage by reason of herecanes, and otherwise without legall notice giuen to the said Wyburne or his consent to the said voyage, the said Wyburne being an eight pte owner of the said barque, the vessell being lett since the begiining of May last past before the date heerof, and the said Wyburne neuer haueing deliuered vp possession of her, as hee was m^r of the said barque; yett notwithstanding an other man is put in for m^r by what is aboue written, and many other illegall actions of the ptyes aboue said, the said Wyburne is damnified to a very considerable vallue; these are, therefore, vpon the former considerations and many other reasons that may appeer, to certify and declare, that the said Wyburne doe by these presents protest against Samuell Clapp, Thomas Kinge, Theophylus Witherell, Ephraim Little, and John Rogers, Seni^r, all their ilegall actions and actings concerning the pmisses, wherby the said Wyburne is alreddy or may heerafter be damnified, by letting the said vessell, without Wyburnes consent, and other actions illegally don by them, as may appeer; and alsoe I doe protest against Roger Yelling, the pretended master of the said barque, for carying away the said barque without Wyburnes consent, and other pson and psons that concerne themselues in the voyage, wherby the said Wyburne may be damnified; for confeirmation wherof I haue heervnto sett my hand.

JOHN WYBURNE.

The 8th of June, 1681.

**Att the Court of his Ma^{ty} held att Plymouth, for the Jurisdiction of New Plymouth, the 27th of October, Ann^o Doñi 1680.*

27 October.

[*40.]

BEFORE Josiah Winslow, Esq^r, Gou^r,
 Thomas Hinckley, Esq^r, Deputie Gou^r,
 John Aldin;
 Wiltam Bradford,

James Browne,
 James Cudworth, and
 Daniell Smith,

Assist^r, &c.

1680.

28 September.

WINSLOW,
 GOU^r.
 PART I.

1680.

27 October.
WINSLOW,
Gov^r.
PART I.

IN reference vnto a poor orphan, named Sarah Nesfeild, liueing att Mannamoiett, whose father was slaine by the Indians in Capt Peirses fight, which orphan was left att Mannamoiett aforsaid in a destitute condition, and taken in and kept by Trustrum Hedgis and Anne, his wife, soe as it is recouered of his weakes and forlorne condition, it being about six yeer old att the date heerof, the said Trustrum Hedgis and Anne, his wife, haueing bine att some considerable charge and trouble in the keeping of her, and requesting some satisfaction for the same, the Court doe allow vnto them fve pound; and although they are well satisfied that of right it belonges to each towne in this goufment to releiue theire owne poor, yett forasmuch as the village of Mannamoiett is in its infancy, and therefore not soe able soe to doe as others, the Court doth therefore award the said neighborhood of Mannamoiett to pay vnto the said Hedgis the sume of three pounds of the said fve pound, in good currant country pay, att prise currant, vpon his demand, or in some short time after, and the remaining forty shillings to be payed by the Treasurer.

In reference to John Harmon, a decriped man, whoe came from Taunton vnto this Court, concerning whome debate hath bine had before the Court by seuerall of the towne of Taunton and seuerall of the towne of Plymouth, vnto which place of the two hee should belonge, it was ordered and determined by the Court, that hee continew att Plymouth vntill June Court next, and to be releued in his nessesities by the said towne vntill then; and that the one halfe of the charge that shall arise therby shalbe borne and repayed by the towne of Taunton vnto the towne of Plymouth, accordingly as John Richmond, theire agent, engaged; and att June Court, that the case be then refered to the Generall Court for a finall determination.

In reference vnto forty acres of meddow formerly graunted vnto Mistris Elizabeth Poole, of Taunton, deceased, now appertaining vnto her successor, M^r John Poole, marchant in Boston, forasmuch as the bounds of the said meddow, by reason of rubbish groune vp, can not be descerned, which occasioneth some disputes between the tenants of the said John Poole whoe improue the same and the neighbors next adjoyning, whoe haue injoyed theire rights bordering theron for the space of twenty yeers in peace, this Court doth order, that M^r Poole be speedily informed of the p^rmises, and required to make the bounds of the said meddow to appeer, in order to a settlement therof according to equity and justice, and for the preventision of future differences about it, which, if neglected, the Court will see themselues nessesitated to take some speedy course for the settlement therof.

Att this Court, John Cooper, of Barnstable, appeered, and by and in his behalfe declared to the Court, that hee hath bine in his younger time a faith-

full, profittable servant to this collonie and to their interest beyond many, and hath neuer yett obtained any considerable graunt of land from the country, nor otherwise considered for his good seruice, the Court ordered, that if in the interem of time betwixt this date and the next June Court, himselfe, or any frind for him, can by inquiry come by the knowlidge of any land in this collonie vndisposed of, and acquaint the Court therewith, hee shall then haue a competencye therof graunted vnto him and settled on him; and incase of falyer therof, to be competently otherwise considered.

1680.
27 October.
WINSLOW,
GOV^r.
PART I.

Att this Court, Thomas Tupper is approued and appointed by the Court to be leiftenant of the milletary companie of Sandwich, and John Gibbs to be ensigne bearer therof.

Att the Court of his ma^{ty} held att Plymouth the first of March, 1680, Humphrey Johnson and John Thomas made oath to the last will and testament of our honorable Gov^r, Josiah Winslow, Esq^r, deceased.

1680-1.
1 March.

**Att the Court of his Ma^{ty} holden for this Gou^rment att Plymouth, the first of March, 1680-1.*

[*41.]

BEFORE Thomas Hinckley, Esq^r, Deputie Gov^r,
John Alden,
Wiltam Bradford,
John Freeman,

James Browne,
James Cudworth, and
Daniell Smith,

Assistants, &c.

WHERAS Cap^t Wiltams and some others exhibited a petition to the Court, requesting that they would graunt them a deuision of the vndeided lands of Conahassett, this Court doth order, that it may be signified to the purchasers of Conahassett, that they judge it to be rationall that they come to an equall deuision, and doe advise them speedily soe to doe; and in the mean time judge it meet, that they, the p^rtenors and purchassers, sell noe timber for barke in any wise nor vpon any other account but what shalbe or may be for p^rsent nessesitie, in order to building or fenceing for his or their owne vse in Scittuate, and noe otherwise, and that the said purchasers sett vpon the worke of deuision before the leaues come forth.

Libertie of adminnestration is graunted vnto Jonathan Bosworth, Seni^r, to adminnester on the estate of John Copley, deceased.

1680-1.

1 March.
PART I.

This Court graunteth libertie vnto Jonathan Bosworth, Seni^r, and Samuell Pecke, adminnestrators on the estate of Nathaniel Pecke, late deceased, to make sale of a peece of land containing eight acres and an halfe, lying next to M^r Anthony Lowes land, vpon the necke of land called Phebeys Necke, and the comonage on the New Meddow Necke, with the addition of the forty rodd, all which belonged to the said Nathaniel Pecke, deceased.

Wheras there was an order of Court made the 4th of July, 1673, requiring the comission officers in each towne to make serch and take notice of the defects of armes and amūnition in each townshipp, these are, therefore, to require you speedily to make serch for defects as aforesaid, according to the said order; and such as are defectiue, you are to giue them one months time to prouide themselues therof, according to the said order.

The sūme of 15^s is alowed to the three agents of Midlebery, to be payed them from the towne of Bridgwater, for that the said agents of Middlebery attended the Court in reference to the defference between the said townes about theire bounds, and Bridgwaters agents went away, and left them, before the controuersy was ended by the Court.

That an order be sent to the towne of Yarmouth, to make choise of a fitt pson to keep an ordinary in that towne, and to send his name to the Court for approbation.

In answare vnto the desire of Edward Sturgis for an order or lycence to keep an ordinary, in regard hee liues soe farr out of the way or comon road, soe as hee can not conveniently entertaine strangers, the Court sees not reason to giue him any lycence thervnto.

In reference vnto a poor orphan named Sarah Nesfeild, being in the custody of Trustrum Hedges, the Court doth order, that the towne of Manna-moiet doe prepare and prouide a fitt place for the said child, and remoue it thervnto; and the Court doth free them from the payment of the three pound which was ordered them to pay to the said Hedgis for and towards the keeping of it.

Memorand: that the mony due to the collonie for the fishing att the Cape this yeer is payed by M^r Nathaniel Thomas, and disposed of according to order of the Court.

Memorand: that the Court haue ordered M^r Nathaniel Thomas to lay out the thousand acres of land giuen and reserued by Josias Wampatucke for his son, and to lay out an hundred acres of it to Gorge Wampey.

This Court haue fined Nathaniel Southworth and Joseph Warren, Juni^r, each of them, ten shillings, for neglecting and refusing to aid the constable of Plymouth in the execution of his office; but if payed willingly, but each of them fve shillings.

*Plymouth, the 29 October, 1680.

1680-1.

1 March.
WINSLOW,
GOU^r.
PART I.
[*43.]

Wheras the Generall Court incurraged and ordered the church and society att the North Riuer, att Scittuate, to erect a new meeting house for the worship of God, and sett the bounds how farr they should rate for the defraying the charges therof, namely, vpon all the inhabitants therof from the mill brooke vpwards, which order of the said Court was afterwards further explained by the Court, and declared to be their full intent and purpose that the said order should be obserued, with this prouiso, namely, that the p̄ticular p̄sons heer named, that liue aboue the mill brooke, namely, Jeremiah Hatch, Thomas Hatch, M^r Thomas Palmer, Samuell Clapp, being of the lower societie, should be exempted out of the said rate; and that these p̄sons heer named, whoe liue below the mill brooke, namly, Mistris Elizabeth Tildin, Richard Curtice, John Turner, Charles Stockbridge, should be put into the said rate; this Court doth declare and rattify this their said acte, and doe require and expect, that according to this rule, the rate be made and collected by the congregation and societie vp the riuer for finishing the meeting house, and for maintainance of the minnistry, and all nessesarie charges for incurragement and support of the worke of God amongst them; and this Court doth promise and resolue, according to their power and interest, to strengthen the hands of that church and societie in their due attendance to this order.

The Generall Court mett now, being adjurned to July the 8th, 1680, declare their sence of that clause in the order bearing date the 3 of June, 1680, that wee alow not that those that neuer were of that societie should be forced to beare charge, &c, is intended to be those onely which never were of that society, but remaine still of the other, viz^s, the lower or first societie, com̄only soe called.

Voated to be
the sence of
that clause in
this order.

The Generall Court, haueing taken into their seriouse consideration the great waight of those concernes now before them, as alsoe the labouring cause of God in the world, doe com̄end it to all the churches and people of God in this collonie to sett apart the last Weddensday in Auḡst next as a day of sollemne fasting and prayer, wherin to seeke the face and fauor of God to vs and his whole people and interest throughout the Christian world, and especially that the Lord would direct in, and owne, and blesse that our vndertaking and waighty applycation to our soũ lord the Kinge, for the preservation, continuance, and inlarḡment of those good priviliges and liberties, sacred and ciuill, that for soe longe a time wee haue had the comfortable injoyment of, that wee may find fauor in the eyes of our Kinge, as a testimony of the Lords yett

1680-1. graciouse owneing of vs as his couenant people in Christ, and that God may be intreated to be a wall of fier round about vs, and our glory in the middest of this his wildernes people, and still defend our glory, and that the breaches hee hath made in any of our churches may be healed by a comfortable supply in the minnistry, and that the Protestant interest may be advanced in our English nation and the world throughout; that the Kinges royall pson may be pserued from all plotts and conspiracyes of Popish aduersaries, and that all the Lords people may be saued in and out of trouble, and that the kingdom of our Lord Jesus Christ may be advanced and submitted too euery where.

1 March.
WINSLOW,
GOU^r.
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[*44.] *Att the Court held att Plymouth the first Tusday in March, 1680, vpon the petition of M^r Nathaniel Thomas, Cap^t Benjamine Church, and Edward Gray, in the behalfe of themselues and ptenor purchasers of the lands att Pocassett and ptes adjacent, this Court haue ordered Wiltam Paybody to run the line of the freemens land, vpon which the said purchasers land aforsaid is bounded, begiining att the Great Clift Rocke, on the north side of the riuier called the Fall Riuier, or Quequechan, which rocke is aboue the path and neare the path and the said riuier where the path goeth ouer the said riuier; and from the said rocke to run west north west vntill it meets with the Fall Riuier, and soe by the Fall Riuier vntill it comes to Taunton Riuier; and from the said rocke east south east into the woods to the extent of the graunt of Court formerly made to the freemen; and that the said petitioners giue notice to the owners of the freemens land next the Fall Riuier to be p^sent att the ruining of the said line.

1681. *Att the Court of Election held att the Towne of Plymouth, for the Jurisdiction of New Plymouth, the seauenth Day of June, Ann^o Doñi 1681.

7 June.
HINCKLEY,
GOU^r.

[*45.]

THOMAS HINCKLEY, ESQ^r, was elected Gof, and sworne.

Major James Cudworth, Esq^r, was elected Deputy Gou^r, and sworne.

M ^r John Alden,	} were chosen Assistants in gofment, and sworne.
Major Wiltam Bradford,	
Cap ^t John Freeman,	
M ^r James Browne,	
M ^r Daniell Smith, and	
M ^r Barnabas Laythorp,	

Thomas Hinckley, Esq^r, Gov^r, and Major James Cudworth, Esq^r, Deputie Gov^r, were chosen Comissioners for this collonie for the following yeer.

And Major Wilkam Bradford the next in nomination.

Major Bradford was chosen Treasurer for the collonie of New Plymouth, for the following yeer, and sworn.

Nathaniel Morton, Seni^r,

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The Names of the Celect Men in each Towne of this Jurisdiction.

Plymouth :

Leift Morton,
Wilt Crow,
Wilkam Clarke.

Duxbuř :

Benjamine Bartlett,
Samuell Saberry,
John Tracye.

Settuatē :

Capt^t Williams,
Jeremiah Hatch,
John Cushen.

Sandw^h :

Mr Edmond Freeman, Juni^r,
Wilkam Swift,
Thomas Tupper.

Taunton :

Leift Macye,
Wilkam Harvey,
Walter Dean,
John Hathwey,
Ensigne Thomas Leanard.

Yarmouth :

Edmond Hawes,
John Miller,
Ensigne Thacher,
Jeremiah Howes,
Edward Sturgis.

Bař :

Leift Laythorpe,
Leift Lewis.

Mař :

Anthony Snow,
Ensigne Marke Eames,
Samuell Sprague.

Rehō :

Leift Hunt,
Ensigne Pecke,
Gilbert Brookes.

Eā :

Capt^t Sparrow,
Daniel Cole,
Thomas Paine,
Marke Snow,
John Done.

Brid :

Deakon John Willis,
Samuell Edson, Seni^r,
John Carey.

Dař :

John Cooke,
John Russell, and
Arther Hatheway.

Swā :

Ensigne Thomas Easterbrook,
Samuell Luther,
Obadia Bowin.

Mid :

John Thompson,
Mr Francis Combe,
John Nelson.

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*The Constables of the seuerall Townes.

Plym,	Abraham Jackson.
Dux :	Benjamine Bartlett, Juni ^r .
Scittū,	{ Thō Pincen, Benjamine Peirse.
Sand,	{
Taunton,	{ Henery Hodgis, Esra Deane.
Yarmouth,	Thomas Sturgis.
Barnstā,	Leiff Allin.
Rehob,	{ Stephen Paine. Nathaniel Chaffey.
Bridg,	Edward Vobes.
East,	John Freeman.
Swansey,	{
Dartmouth,	Jonathan Delanoe.
Manamoitt,	John Savage.
Middlebery,	Ephram Tinkham, Juni ^r .

John Rogers, of Duxberry, tooke the oath of a Constable, to serue in the ward of Mount Hope, for this p^sent yeer.

The Grand Enquest for this year.

1. †Leiff Peter Hunt, †	} sworne.	13. M ^r Allexander Standish,	} sworne.
2. Justus Eames,		14. Samuell Worden,	
3. ||Shuball Smith,||		15. Thomas Fallon, Juni ^r ,	
†Gorge Barlow, †		16. James Cobb,	
4. Francis West,		17. John Finney,	
5. Andrew Ringe,		18. Wilłam Britt,	
6. Benajah Pratt,		19. Jonathan Blisse,	
7. Thomas Wade,		20. Joshua Banges,	
8. Samuell Studson,		21. John Butterworth,	
9. Jonathan Nye,		22. Wilłam Wood,	
10. Samuell Arnold,		23. Obadiah Eedey,	
11. Joseph Wilbore,		24. Wilłam Nicarson,	
12. John Smith, Juni ^r,		||John Hathwey.||	
||John Titus, Seni ^r,||			
||Serjeant John Carey,||			

The Names of the Deputies of the seuerall Townes of this Gou^rment.

1681.

- | | |
|---|-------------------------------|
| 1. Leiftē Morton, | 11. Leiftenant Laythorpe, |
| 2. Joseph Warren, | 12. Ensigne Marke Eames, |
| 3. M ^r Josiah Standish, | 13. Anthonie Snow, |
| 4. Wiltam Paybody, | 14. Ensigne Nicholas Pecke, |
| 5. Cap ^t John Williams, | 16. Gilbert Brookes, |
| 6. Samuell Clapp, | 17. Leiftenant Haward, |
| 7. M ^r Edmond Freeman, Juni ^r , | 18. Cap ^t Sparrow, |
| \|\|Ensigne Thomas Leanard,\|\| | 19. Thomas Paine, |
| 8. John Hathwey, | 20. Obadiah Bowin, |
| 9. John Miller, | 21. John Cooke, |
| 10. Jeremiah Howes, | 22. John Thompson. |

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*Surveyors of the Highways.

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- | | |
|-------------------------------------|------------------------------------|
| Plymouth : | Marshfeild : |
| George Bonum, | Josiah Snow, |
| Jonathan Shaw, | Francis Crocker. |
| John Bryant, Juni ^r , | Bridgwater : |
| Ephraim Morton, Juni ^r . | ^ ^ |
| Duxbur ^r : | Eastham : |
| Gorge Partrich, | Thomas Freeman, |
| Joseph Wadsworth, | Jabez Snow. |
| Josiah Holmes. | Rehoboth : |
| Scittuate : | Thomas Cooper, Juni ^r , |
| ^ ^ | Samuell Perrey. |
| Sandwich : | Dartmouth : |
| ^ ^ | ^ ^ |
| Taunton : | Swansey : |
| Thomas Harvey, | Sarjeant Hugh Cole, |
| Joseph Willis. | Wiltam Ingraham, |
| Yarmouth : | Joseph Chaffey. |
| ^ ^ | Middleberry : |
| Barnstable : | William Nelson, |
| ^ ^ | John Miller. |

Freemen admitted this Court.

- | | |
|--------------|-------------------------------------|
| John Branch, | Samuell Arnold, Juni ^r , |
| John Hewett, | Seth Arnold, |

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John Shermou,	Edward Vobes,
Israell Holmes,	Elkanah Willis,
Justus Eames,	Nicholas Byram, Juni ^r ,
John Barker,	John Bryant, Juni ^r ,
Isacke Howland,	Josiah Holmes,
Joseph Staton,	Elkanan Cushman,
Jabez Snow,	Wiltam Howard,
Nathaniel Chaffey,	John Smith,
Samuell Robinson,	M ^r James Browne, Juni ^r ,
Francis Carey,	M ^r Jeremiah Child.

Freemen propounded to be admitted, if approved by the Court, the next yeer.

M ^r Noah Floyd,	Samuell Little,
Job Winslow,	John Read,
Timothy Brookes,	Samuell Thomas,
Nathaniell Lewis,	Isacke Holmes,
John Butterworth,	Josiah Snow,
John Allin,	Daniel White,
Nicholas Tanner,	Clement Kinge,
Thomas Easterbrooke,	Kanelme Baker,
Hugh Cole,	Jonathan Wilmouth,
Israell Pecke,	Nicholas Iyde,
Zacheriah Eedey,	Thomas x ley,
John Browne,	Joshua Smith,
Nathaniel Holmes,	Gorge Robinson, Juni ^r ,
of Plymouth,	Samuell Walker.
Jonathan Eames,	

To be propounded to be Freemen.

James Cole, of Swanesy,	Samuell Studson,
John Allin,	John Whetston, and
Daniel Allin,	Nathaniel Church, and
Joseph Kent,	Wiltam Perrey,
Caleb Eedey,	Thomas Jenkens,
Hezekiah Luther,	Wiltam Barrell,
Thomas Wood,	Nathaniel Brookes,
Thomas Studson,	Sherjashub Bourne,

Elisha Bourne,
Shuball Smith,
Wiltam Bassett,

John Nye,
Jonathan Nye,
Robert Parker.

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*The Court haue voated that the sume of forty pounds, siluer mony of New England, be allowed for and towards the expences and charges of our honored Gov^r, late deceased, about his funerall, as a testimoniall of the collesies indeared loue and affection vnto him.

The Generall Court haue graunted vnto M^r Daniell Smith, of Rehoboth, majestrate, a certaine tract of land lying beyond M^r Blackstones, viz^t: all that land which was layed out to Indians that liued on it, and haue bine actors in the late warr and rebellion against the English, which Indians liued att Sene-teconett; all the said tract of land is now giuen and graunted vnto the said M^r Daniel Smith, be it more or lesse, to the said M^r Daniell Smith, to him and his heires or assignes for euer; provided an Indian, called Abimelech, be allowed six acres of land out of that tract, incase the Indian desire it, and M^r Smith see cause to allow it.

In reference to the difference about the freemens land, lying on the east-erly side of Taunton Riuer, and concerning theire northerly bounds, the Court haue ordered, that it is bounded from Stacyes Creeke by Taunton bounds east-erly to the woods, four miles from Stacyes Creeke.

This Court graunts libertie vnto Jane Walker, widdow, of Rehoboth, to make sale of a smale p^sell of meddow ground, with the advice and approbation of M^r Daniell Smith and Ensigne Pecke.

Thomas Pencen, Juni^r, is by the Court freed from bearing charge as relateing to the society of the North Riuer.

In like manor James Doughty is freed by the Court from bearing any further charg as relateing to the society of the North Riuer.

In reference vnto an Indian named Sam, his being accused to haue fiered Ephraim Morton, Juni^r, his house, the Court haue ordered that hee, the said Sam, be comitted to the inspection of Accanootus, his grand father, and that hee take his counsell, and be ordered by him, and that the said Accanootus haue him in a reddines, that incase any thing appeer to giue further light in the p^rmisses, that hee forth coming att the Court summons.

Richard Benitt, for telling of sundry lyes, and for his laciuous and light behaiour with Deborah Woodcocke, is centanced by the Court to be publicly whipt att the post, which accordingly was p^rformed; hee, the said Benitt, was likewise centanced by the Court to pay one and twenty pence a weeke, for the space of three yeers from the date heerof, for and towards the keeping of the

1681. child borne of the said Deborah, wherof shee, the said Deborah, affeirmeth that the said Richard Benitt is the father therof.

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And the said Deborah, for comitting fornication with the said Richard Benitt, is centanced by the Court to pay a fine of ten pounds.

M^r John Thacher is approued and appointed by the Court to be Leiftenant of the milletary companie of Yarmouth.

Joseph Turner, of the towne of Scittuate, forasmuch as it appeered to this Court that hee serued in the office of an ensigne in the Narragansett fight against the Indians, is freed by the Court from traininge.

7 July.
[*49.]

**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the seauenth Day of July, 1681.*

BEFORE Thomas Hinckley, Esq ^r , Gou ^r ,	John Freeman,
James Cudworth, Esq ^r , Deputie Gou ^r ,	James Browne,
John Alden,	Daniell Smith, and
Wiltam Bradford,	Barnabas Laythorp.

Assistants, &c.

IN answare vnto the desire of the comission officers of the milletary companie of Scittuate, to be freed of theire offices, the Courts answare is, that they see not reason to admitt therof; but if said milletary companie there shall judge that the reasons alledged by any p̄ticular of them be of such waight as to induce said companie to free them, and p̄sent some fitt p̄son, according to order of Court, in theire stead, the Court will doe what may rationally appeer to be meet in that case.

Forasmuch as there haue bine some differences lately amongst the inhabitants of the towne of Swansey, respecting the laying out of lands in that townshipe, this Court doth heerby rattify and confeirme whatsoever the former comitty haue doñ respecting the p̄mises, and haue made choise of Cap^t John Browne, Leif^t Wiltam Ingraham, Serjeant Hugh Cole, Samuell Luther, Job Winslow, and Joseph Kent, to be a comittee in the townes behalfe for the regulateing of matters in difference concerning lands alreddy layed out in that townshipe, and what defects doe or shall appeer vnto the said comittee aboue named, shalbe made vp of the lands vndevided, and for any further deuision of lands in the towne, that are to be devided, that it be don and p̄formed by

the proprietors, they haueing liberty by this order to choose a comitte for the lawing out of land according to the three fold ranke.

M^r Nathaniel Thomas, Leif^t Ephraim Morton, M^r Wilham Crow, and Joseph Warren were appointed by the Court, for a comitte to take a true inventory of the estate of M^r Edward Gray, of Plymouth, late deceased, and to giue meeting to our honored Gof^t and Major Bradford, att such time as they shall mutually agree vpon, to settle the estate of the said Edward Gray, according to their best descretions.

M^r Daniel Smith, M^r Barnabas Laythorp, and Wilham Paybody were appointed by the Court to be a comitte to proportion the rates in the seuerall townshipp^s, for leuying the publique charges of the collonie for the following yeer.

M^r Daniell Smith is appointed by the Court to see the papers burned which concerned the late controuersye between M^r James Browne, Joseph Kentt, there in Swansey.

In reference vnto sixteen or seauenteen bushells of Indian corne, taken from Joseph Kent, of Swansey, and improued for the releife of some souldiers, in the time of the late Indian warrs, this Court haue ordered that it, or the vallue therof, to be repayed by the Treasurer.

The Court sees reason that another constable be chosen by the towne of Swansey, to be aded to him alreddy chosen, and that him alreddy chosen be forthwith sworne.

The sume of fifteen pounds is allowed by the Court to Nathaniel Hall, a decreped souldier, whoe became soe by a wound receiued in the late Indian warr, the sume of fiue pound wherof to be payed forth with in mony, and the remaining ten pound in rate pay, att the fall, and all the fines that may fall in Yarmouth by selling liquor by retaile, and the said Nathaniel is heerby authorised to make inquiry after such abuses, and to make them knowne, that they be punished.

*July, 1681. Att this Court it was ordered that Isacke, Indian majestrate att Saconett and places adjacent, doe send or cause to be sent an Indian youth named Samuell, the son of Wanwaneame, a prentece to the widdow of John Tucker, of late of Martins Viniyard, vnto Steuen Skiffe, of Sandwich, to be sent by him to said widdow; or that the said Isacke doe pay or giue sufficient securitie to pay the said widdow, or said Skiffe in her behalfe, the full sume of eight pounds in mony, four pounds the last of October next, and other four pound the first of March next, which is according to his owne proposall.

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In reference vnto the desposall of the estate of Joseph Carpenter, late of Swansey, deceased, the Court haue ordered, that M^r Browne and M^r Smith doe take the accompt of the estate as the widdow left it, and that then it be deuided amongst his eight children in equall and alike proportions, according to the descretion of the said M^r Browne and M^r Smith.

In reference and answare vnto the petition of Jarud Talbutt, of Taunton, respecting monyes due to the said Talbutt, (and as it is said the mony is in the hands of some of Taunton, that had the ordering and disposing of the charges respecting the late warr that is past with the Indians,) the men were Wiltam Harvey, James Walker, Seni^r, and Wiltam Witherell.

This Court haue ordered M^r Browne and M^r Smith, Assistants, to call the said men to account of what they reserued, and how it was disposed; and if they find not their accompts to be just, then to cause them to appeer att the next Court to answare their defect, and to make returne vnto the said Court of their actings therein.

Mistris Dorothy Gray is graunted by the Court letters of adminnestration to adminester on the estate of M^r Edward Gray, late of Plymouth, deceased.

Liberty is graunted vnto Thomas Tobey, of Sandwich, to looke for accomodation, and that M^r Bourne and M^r Edmond Freeman assist him in it; and incase any can be found, hee is to haue fifty or threescore acres therof vpon report made to the Court.

This Court graunts liberty of adminnestration to M^r Barnabas Laythorp to adminester on the estate of John Muckroy, deceased.

In consideration of bodily infeirmity of M^r Joseph Pecke, Seni^r, of Rehoboth, the councill of warr haue freed him from publicke training.

Timothy Rogers, of Marshfeild, in like manor, being lame and vnfit in that respect, is freed from bearing armes and training.

In reference vnto the complaint of Peter Worthylake for the non payment of the sume of ten pounds due from the estate of Thomas Bird, deceased, the Court haue ordered, that the Deputy Goff shall heare and determine the case, as to take notice of what is payed of the said ten pound and what is vnpayed, that soe course may be taken for the payment therof.

M^r Samuell Saberry, of Duxberry, is appointed, allowed, and approued of by the Court to be gaurdian to Robert Marshall, son of Robert Marshall, deceased, a poor orphan left att Plymouth, his frinds many of them being deceased.

*The Oath to be adminnestred to such as are or shalbe aded to the Majestrates to be of the Councell of Warr in this Jurisdiction.

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You shall reddily appeer on any summons directed vnto you by the presedent of the councell of warr, att such place or places as you shall be ordered vnto by the said summons, vnles any inevitable prouidence doth or shall impead; att which meetings you shall, with respect to the good and welfare of this jurisdiction, giue youer best advice and councell in all matters of importance, or soe seeming, presented to you, in reference to peace or warr; you shall not disclose or discouer any councell cōmitted vnto you, but shall conceale all matters that may be agitated and transacted in the said councell in reference to the p̄mises that shalbe thought meet to be concealed by the presedent and councell of warr. Soe heelp you God, whoe is the God of truth and the punisher of falcehood.

The Names of those that were chosen by the Court to be aded to the Majestrates to be of the Councell of Warr.

Cap^t Nathaniel Thomas,
Cap^t Josiah Standish,
Cap^t Jonathan Sparrow,
Leiftenant Joseph Laythorpe,
Leiftenant Ephraim Morton,
Leiftenant John Thacher,
Ensigne Marke Eames,
Cornett Robert Studson,
Secretary Nathaniel Morton,
M^r James Walker.

July the 7th, 1681, the Court did establish M^r Nathaniel Thomas to be cap^t of the milletary of Marshfeild, and Isacke Little leif^t, and Wiltam Foard ensigne of the said companie.

This Court doth order, that Mannamoyett and Middleberry, each of them, doe make choise of a fitt man to exercise their men in armes, and to see their men well provided with fixed armes and āmunition for their respective places, and to p̄sent to the next Court for aprobatation.

Likwise, Saconessett is ordered by the Court twice in the yeer to repaire to Barnstable to traine there, and are put vnder the guidance and inspection of the cōmission officers of their milletary companie with respect to milletary occations.

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*The Gov^r and Deputie Gov^r are appointed as a comittee to review and settle the lawes of this jurisdiction, and haue heerby libertie to make choise of a third to be healfull therin, if they see cause, and the Treasur^e to provide accomodation for them att Plymouth.

To all Christian People to whom these p^rsents shall come, John Wyburne, of Boston, in the Massachusetts collonie, in New England, marriner, sendeth greeting.

Know yee, that wheras Samuell Clapp, Thomas Kinge, Theophilus Witherell, of Scittuate, Ephraim Little, of Marshfeild, and John Rogers, of the same towne, and all of Plymouth collonie, in New England, p^rtenors of the good barque called the Adventure, of burden about forty tun, now being or residing in the North Riuer, haue lett to hier the said barque for a voyage to the West Indiaes or elsewhere, being a dangerous [^] by reason of hiracanes and otherwayes, without legall notice giuen to the said Wyburne or his consent to the said voyage, said Wyburne being an eight p^rte owner of the said barque, the vessell being lett since the begiⁿing of May last past before the date heerof, and said Wyburne neuer haueing deliuered vp possession of her, as hee was master of the said barque; yett notwithstanding another man is put in for master by what is aboue written, and many other illegall actions of the p^rties aboue named, the said Wyburne is damnified to a considerable vallue; these are, therefore, vpon the former considerations and many other reasons that may appeer, to certify and declare, that the said Wyburne do by these p^rsents protest against Samuell Clapp, Thomas Kinge, Theophilus Witherell, Ephram Little, and John Rogers, Seni^r, all their illegall actions and acting concerning the p^rmises, wherby the said Wyburne is allreddy or may heerafter be damnif^d, by letting the said vessell, without Wyburnes consent, and other actions illegallly don by them, as may appeer; and alsoe I doe protest against Roger Yeling, the p^rtended master of said barque, for carrying away the said barque without Wyburnes consent, and other p^rson and p^rsons that concerns themselues in the voyage, wherby the said Wyburne may be damnified; for confeirmation wherof I haue heervnto sett my hand.

JOHN WYBURNE.

The 8th of June, 1681.

‡Richard Benitt, for light behaiour, telling of lyes, and laciuous cariages with Deborah Woodcocke, of Rehoboth, is centanced by the Court to be publicly whipt, and to pay twenty pence a weeke towards the keeping of

the child borne of the said Deborah, wherof shee affirmed the said Benitt is the father.‡

Simon Rouse is allowed by the Court to keep an house of entertainment att Saconett for strangers and trauellers, and that hee be prouided with prouisions and nessesaryes for that end and purpose ; and likewise hee is to keep good orders in his house, that noe damage or just blame befall him by his negligence.

*Wheras in the settlement of the estate of John Daman, deceased, the Court ordered the widdow to haue the thirds of the lands and one end of the dwelling house, one third of the celler, and one third of the barne, to be possessed, improued, and injoyed by her during her widdowhood ; and when shee changed her condition by marriage, shee was to leaue her house and land, and to haue the thirds of the proffitts therof, and thence forwards the possession and improuement therof to be in the eldest sonnes hands, viz^s, Daniel Daman, which hee hath now in improuement, and is redly to make payment due for the improument ; but the Court omitting in their former order respecting the p̄mises to settle the time and place of payment, this Court now orders, that payment therof shalbe made on the second day of March annually, and to be deliuered on the land where the rent is raised.

Wheras the Court is informed, that there is great need of a more direct way from Mount Hope to Boston, and a more convenient way is found out, the Court haue giuen libertie to Cap^t Church and any others of the propriators of Mount Hope to cutt and cleare, or to cause the cutting and clearing of, the said way soe farr as our collonie extends ; and incase that for the more directnes of the said way there wilbe a nessesitie to cause it to goe through some p̄ticulare mens proprieties of lands, that then a jury be impaneled by the next majestrates to lay out and settle the said way, and to returne what they haue don to the Court to be recorded.

Joseph Kent and Caleb Lumbert are approued of by the Court to be gaurdians to Joseph Cahoon.

These orders following ordered by the Court to be recorded, as followeth : —

To the Cheife Marshall of the Jurisdiction of New Plymouth, gree^t, &c.

These are, in his ma^{tes} name, to will and comāund you, p̄sently on receipt heerof, to repaire to Barnstable, and to arest the estate of Nicholas Dauis, somtimes of Barnstable, late of Rhode Iland, deceased, to satisfy vnto M^r Peter Serjeant the so^me of four hundred and ninetey pounds in currant siluer mony of New England, and the cost of the suite, being six and twenty

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shillings and sixpence, and the charges of this execution, wherof the said estate is convict in due course of law, retaining soe much as will satisfy the said sume, with the cost and charges aforesaid, rendering againe the ofplusse.

P JOSIAH WINSLOW, Gov^r.

Dated the 30th of October, 1673.

I, Samuell Nash, cheiffe marshall of the collonie of New Plymouth, this 23 of February, 1673, haue arested the estate of the said Nicholas DAVIS, deceased, that is to say, the house and land now in the possession of Gorge Danson, in which land is included the land and meddow of the said DAVIS, bought of the Lumberts, as pte of what was occupied by the said Danson, as alsoe the house and land in the occupation of James Doughten, reserueing the vse and proffitt of the house and land in occupation of the said Horton to the relict of the said DAVIS, according to order of Court; all which housing and land aforesaid, and all appurtenances and priviledges therto belonging, being apprised by Joseph Laythorp att an hundred and ninety pounds in mony towards the satisfying of the within mensioned execution, and for which sume I deliuer possession of the housing and lands aforesaid, by vertue of authoritie giuen vnto M^r John Walley, attorney to M^r Peter Sarjeant, off Boston.

By mee, SAMUELL NASH, Marshall.

[*54.] *This Court graunted vnto Cap^t Jonathan Sparrow a certaine iland lying neare Mattapoisett, called Sparrows Iland.

This Court graunted vnto John Cooper, of Barnstable, threescore acres of land out of the land that was Mamamewetts or Tatamonuckes, att or about Saconett, if it be there to be had.

This Court haue graunted vnto M^r John Done, of Eastham, threescore acres of land out of the aforesaid lands of Mamamewed or Takamanuckes, if it be there to be had.

Threescore acres of land is graunted by the Court to Cap^t Josiah Standish lying about Saconett, if it may be had after those graunts there are layed out, and to be layed out by those which are appointed to lay out the other graunts there.

In answare vnto the generalltie of the purchasers of the North Purchase, soe called, att Taunton, their desire to haue M^r Shoue inserted as a proprietor of the said North Purchase, and his name intered in the deed amongst the said purchasers, owneing that hee hath a right amongst them therin, the Court declares, that they desire that all the said purchassers doe assemble together, and that publicke notice be giuen, that if any one hath any thinge to say or

to object against M^r Gorge Shoue, why hee may not be owned, accepted, and his name entered amongst the propriators of the North Purchase, att Taunton, soe called, these are to giue notice to them that they are to appeer att the next Court to be holden att Plymouth the last Tusday in October next, to giue their reasons, if they haue any against; which if they shall neglect, the Court will then see reason to enter his name, or cause it to be entered, in the deeds with the names with the propriators of the North Purchase att Taunton.

This Court haue and doe by these p^sents graunt, that all those tract and tracts of land, both vpland and meddows, which is purchased att Agawaam, vnto those of the inhabitants of the towne of Plymouth whoe purchased the same, to them and their heires for euer.

This Court doth reverse their acte made att June Court last in reference to the towne of Taunton their maintainance of John Harmon for the future, and leaue the issue therof vnto legall tryall att the Court of his ma^{tie} to be holden att Plymouth the last Tusday in October next, and in the meane time to be entertained att Taunton.

In reference vnto Hannah Linnett her light behaiour with Joseph Randall att Barnstable, the Court haue ordered, that shee appeer before M^r Barnabas Laythorp, to whom the case is refered, that incase shee pay, or cause to be payed, the sume of twenty five shillings, then shee is to be freed, or otherwise to be whipt.

*Wheras seuerall of the ancient inhabitants of the towne of Sandwich, called Quakers, exhibited a petition vnto this Generall Court by the hands of Wilkam Newland, this Court graunts liberty that such of them as haue bin ancient inhabitants, and haue expended monies in purchasing of those lands lying within their townships, shall haue libertie to voate in the disposall of such lands, and shall haue libertie to voate for the choise of raters, and shalbe capeable of makeing of rates, if legally chosen thervnto by the towne and psons aforesaid, soe long as they carry ciuilly and not abuse their libertie.

To the Celect Men of the Towne of Marshfeild.

Wheras you gaue John Bryant, of Scittuat, an execution vpon Robert Standford as the effect of a product of a tryall in your Celect Court; and wee judge the execution was defectiue, and therefore this Court doeth order you to posse the said John Bryant, Seni^r, with another execution according to forme of law, that soe hee may be in a way to recouer of Robert Standford what was awarded him by your Celect Court. Wherof faile not.

This Court graunts that the deuiding line between the townships of Sand-

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wich and Saconeesett shalbe att a place comonly called Hopes Springe, a little to the southward of Pocassett Necke, and thence easterly by a straight, square line into the woods, being Saconeesett northerly bounds, and the easterly bounds of the *of the* Christian Indians lands, and those within the said bounds lyable to doe such duty att Saconeesett as is requisitt to be pformed for the good of that society there.

It is alsoe ordered and heerby graunted, that the people and society of said Sakonesset doe sett apart about thirty acres of vpland and a proportionable psell of meddow thervnto as may be suitable for the healp and incurragement of such fitt psons as doth or may be healpfull to them in teaching the word of God amongst them, and to lye ppetually for such an end successiuely.

Att this Court, M^r Nathaniel Thomas tooke an oath as followeth : —

Nathaniel Thomas, you haueing bin chosen clarke by the propriators of Pocassett and Puncckateesett land, you shall truely and faithfully record and keep all such records and writings concerning the said propriators lands att all the said places as are or shalbe comitted to you for that end, and such actes and orders as by the said propriators are or shalbe made touching or concerning the same, vntill a new \wedge be chosen & sworn in your stead

The oath of M^r Nathaniel Thomas, aged about thirty seauen yeers, takcn before mee,

JAMES CUDWORTH, Deputy, &c.

28 October.
[*57.]

**Att the Court of his Ma^{ty} held att Plymouth the 28th of October, 1681.*

BEFORE Thomas Hinckley, Esc^q, Gou^r, and
John Alden,
John Freeman,
Wilham Bradford,

James Browne,
Daniell Smith, and
Barnabas Laythorp,

Assistants, &c.

WHERAS it did appeer to the Court holden att Plymouth in July, 1681, that M^r Gorge Shoue, of Taunton, had an interest in a tract of land att Taunton, the North Purchase; and altho, by what ouer sight soeuer, his

name was left out of the deed of the said land, the generallyty of the said propriators doe owne the said M^r Shoue to haue an interest with themselues, and did petition to the Court that his name might be inserted in the said deed, and diuers testimonies did appeer wherby it was euident to the Court that M^r Shoue ought to haue his name entered in the said deed, and therefore directed an order to the clarke of the said propriators to call them together, and giue them notice, that if they had any thinge to object against M^r Shoue why his name should not be entered in the said deed, that they appeer att this p^rsent Court to render their reasons, if they hade any, otherwise the Court would see cause to enter or affix his name to the same deed, which the said clarke attests hee hath don ; and wheras notwithstanding none doe appeer to oppose or object why M^r Shoue should not haue his name entered, and the deed not being att Court, the Court doth heerby order the clarke of the said propriators to giue notice to the said propriators that hee is ordered by the Court to produce the deed of the said tract of land the next Court, which wilbe in March, 1682, that then the Secretary may enter M^r Shoues name, or affix it to the said deed, vnlesse any of the said propriators then shew reason to the contrary.

||None of the propriators of Taunton interested in the North Purchase appeering to present their reasons against the affixing of the name of M^r Gorge Shoue as propriators to the deed of sale, this Court hath ordered, that the said Gorge Shoues name be affixed to the said deed in the marjeant therof, & that both in the originall deed and Court record therof.

This ordered & entered March, 1681-82.||

This Court doeth graunt libertie vnto Jonathan Bosworth, Seni^r, and Samuel Pecke, adminnestrators of the estate of Nathaniel Pecke, deceased, to make sale of a smale p^rsell of salt m^rsh, being the fourth p^rte of a ten acree lott lying att Papasquash, or Mount Hope Necke, for the vse and benefitt of the children of the aforsaid Nathaniel Pecke.

This Court graunts libertie vnto Rise Leanard to make sale of eight acres of land to pay some arrearages yett due for charge expended towards the late Indian warr, because the psonall estate of said Leanard was soe smale that there was nothing extant but land to pay it.

This Court haue ordered Major Bradford, Wiltam Paybody, and Joseph Warren to run the line betwixt the lands of Saconett and Puncateesett to Dartmouth bounds, and to lay out Tatamunuckes thousand acres of land, and to make distribution therof vnto those to whom the Court haue graunted it, and alsoe that tract of land that the country are to haue from Mamanuitt.

||This was ordered by the Generall Court July, 1681.||

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In reference vnto the controversy between the townes Plymouth and Taunton about John Harmon, the Court haue ordered, that hee be kept by the said townes of Plymouth and Taunton vntill the next March Court, by the one towne the one halfe of the time, and by the other towne the other halfe of the time; and then the agents of each towne appeer to make their plea to the case. And this Court further ordereth, that vntill Plymouth or Taunton doe fech him from Robert Ransoms, both the said townes shall allow to said Ransom three shillings p weeke for his diett, & washing, and lodginge, to be payed their equall ptes therof.

[*58.]

*Att this Court, Thomas Saddeler was arraigned for buggery with a mare.

The forme of his inditement is as followeth:—

Thomas Saddeler, thou art indited by the name of Thomas Saddeler, of Portsmouth, on Road Iland, in the jurisdiction of Prouidence Plantations, in New England, in America, labourer, for that thou, haueing not the feare of God before, nor carrying with thee the dignity of humaine nature, but being seduced by the instigation of the diuill, on the third of September in this p̄sent yeer, 1681, by force and armes, att Mount Hope, in the jurisdiction of New Plymouth, a certaine mare of a blackish couller then and there being in a certaine obscure and woodey place, on Mount Hope aforsaid, neare the ferrey, then and there thou didest tye her head vnto a bush, and then and there, wickedly and most abominably, against thy humaine nature, with the same mare then and there being feloniously and carnally didest attempt, and the detestable sin of buggery then and there feloniously thou didest com̄itt and doe, to the great dishonor and contempt of Almighty God and of all mankind, and against the peace of our soū lord the Kinge, his crowne, and dignity, and against the lawes of God, his ma^{ty}, and this jurisdiction.

This bill was com̄itted to the judgment of the grand enquest; and their verdict indorsed thereon returned was, Billa verra.

And the said Saddeler was required to answere whether guilty or not guilty; vnto which hee answered, Not guilty, and desired to be tryed by his equalls; and soe a jury of 12 men was impanneled, according to law, whose names followeth:—

sworn,	{ John Bourne, John Thacher, Leiftenant Jonathan Alden, Ensigne Thō Leonard, John Hathwey, }	} sworne,	{ Encrease Robinson, Gershom Hall, Jabez Lumbert, John Blackwell, Joseph Dunham, Thomas Wade. }
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The verdict of the jury as followeth :—

Wee find him guilty of vile, abominable, and p̄sumtuous attempts to buggery with a mare in the highest nature.

And thefore the Court haue centanced him, the said Thomas Saddeler, to be seuerly whipt att the post, and to sitt on the galloss with a rope about his necke during the pleasure of the Court, and to be branded in the forehead with a Roman P to signify his abominable pollution, and soe to depart this goūment; all which was p̄formed in the p̄ticulars.

*Swansey, August 19, 1681.

The deposition of John Clarke, aged about 30 yeers, and alsoe of Robert Hilliard, aged about 30 yeers, both of them, witnesseth and saith, that wheras they, with two more, viz̄, M^r Gorge May and Timothy Venor, being bound from Matapoissett to Assonett, where Wiltam Makepeace dwelt, as wee were going ouer, the canooe proueing very leakey, and the wind riseing caused a great sea, in soe much that the canooe began to fill, soe that Wiltam Makepeace jumpt out of the canooe, with an intent to swim ashore; and wee with Gods mercye, hanged on both ends of the canooe, and escaped, and gott to the shore, where wee gott some refreshment att Hugh Coles house; and after wee were a little refreshed, wee went to looke along the shore to see whether wee could find our hatts or any other of our things, but wee, seeing Wiltam Makepeace floeing dead on the flates, thought it a point of humanity for to gett the said Makepeace to the shore, whervnto wee did him, and aboue high water marke, and soe left him; and further saith not.

The aboue written John Clarke and Robert Hilliard made oath to the aboue written testimony, the day and yeer aboue written, before mee.

JAMES BROWNE, Assistant.

Swansey, the 19th of August, 1681.

A jury impanelled for the viewing of the corpes of Wiltam Makepeace; and wee, the said jury, haueing dilligently serched him, can not find either wound or bruise about him; but, according to the best of our vnderstanding, wee find the cause of his death was by drowning.

The Names of the Jury.

sworn,	{	Obadiah Bowin, Thomas Eastabrooke, Cornelious Edwards, Samuell Luther, Job Winslow, Zacheriah Eedey,	}	sworn,	{	Hugh Cole, Joshua Lumbert, Caleb Eedey, John Wheten, John Cole, James Cole.	}
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19 August.

[*59.]

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Swansey, the 21 of August, 1681.

A jury being impanelled for the viewing of the corpses of M^r Gorge May and Timothy Venor, their verdict is as followeth:—

Wee found these two men below high water marke, and, according to our best vnderstanding, their death was by drowning.

The Names of the Jury or Corronors Enquest.

sworn,	{	Obadiah Bowin, foreman, Thomas Eastabrooke, Samuell Luther, Seni ^r , Zacheriah Eedey, Seni ^r , John Wheaton, Joshua Lumbert,	}	sworn,	{	Job Winslow, Jarett Ingraham, John Cole, Hugh Cole, Juni ^r , Cornelious Edwards, Jarett Bourne, Juni ^r .
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[*60.] *I, the deponant, doe testify, that I was psent att Plymouth with M^r Edward Gray, now deceased, and Gorge Watson, of said Plymouth, and heard them bargaine and agree about an exchange of land as followeth, viz^s: that the said Gray should haue a whole share of land off the said Watsons, which hee had att Puncateesett; and in consideration therof and softwhat to boot, the said Watson should haue halfe a share of land which the said Gray had att Sepecan.

The oath of M^r Nathaniel Thomas, taken in the Court held att Plymouth the 28th of October, 1681.

As attesteth NATHANIEL MORTON, Secretary.

Mistris Dorethy Gray, the wife of M^r Edward Gray, deceased, owned before the Court that shee ofens heard her husband owne the same which is aboue written.

Gorge Watson owned before the Court the same which is aboue written respecting the change of land with M^r Gray.

I, the deponant, doe testify, that M^r Edward Gray, in his life time, told mee seuerall times that hee and Walter Hatch had made an exchange of land, viz^s, that the said Gray had exchanged one halfe share of land att Sepecan, which was his, the said Grayes, for one whole share of land which the said Walter had att Puncateesett.

M^r Nathaniel Thomas made oath to the testimony aboue written, in the Court held att Plymouth the 28th of October, 1681.

Attested by NATHANIEL MORTON, Secretary.

M^r John Cotton, aged 41 yeers, testifyeth and saith, that some time this last year, M^r Edward Gray, late deceased, and Walter Hatch, were att Plymouth, and M^r Arnold and myselfe were in companie with them; att which time the said Edward Gray and Walter Hatch declared, in our hearing, that they had agreed to make an exchange of lands, namly, the said Gray said to the said Hatch, all that his halfe share of lands which hee had att Sepecan, with all privildges and appurtenances thervnto belonging, for and in consideration of a share of land att Punckateesett, which the said Hatch had there, and sold to the said Gray, and three pounds in siluer mony which the said Hatch att the same time deliuered to the said Gray; vpon it was a full concluded bargaine betwixt them, that M^r Grayes halfe share of land att Sepecan was now Walter Hatches, and the said Walter Hatch his share of land att Punckateest was now become Edward Grayes.

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JOHN COTTON.

Walter Hatch owned before the Court the change of land aboue written.

Mistris Dorethy Gray said before the Court, that shee hath often heard her husband, M^r Edward Gray, owne the change of the land abouesaid.

Att this Court, Joseph Dotey came into the Court, and owned before the Court that hee sold halfe a share of land att Mattapoissett to M^r Edward Gray, and that hee receiued full satisfaction for it.

*Att the request of Cap^t John Walley, M^r Nathaniel Byfeild, M^r Nathaniel Olliuer, and M^r Stephen Burton, purchassers of the lands on Mount Hope, it is by this Court graunted, that together with such as they haue admitted inhabitants, or shall heerafter orderly admitt, shall from this time be a towne, and injoy all such liberties and haue all such power in all respects as is allowed to any other towne of this jurisdiction, and doe order the said graunt to be recorded, and the towne to be called by the name of Bristoll.

[*61.]

An Order directed to Joseph Church, of Saconett, as followeth.

Wheras the Court are enformed that your neighborhood is destitute of leading men either to call a meeting, or otherwise to acte in your publicke concernes, this Court impowers you, the aboue named Joseph Church, to call your neighborhood att Saconett together in convenient time, to make such nessesary and wholsome orders as may be for your comon good & peace, and to choose and present some fitt pson or psons to informe the Court of the p^rsent state and condition of the said neighborhood respecting the p^rmisses to the Court of his ma^{ty} to be holden att Plymouth aforsaid in June next, and that they choose and send fitt psons to the said Court to serue in the offices of constable and grandjurymen.

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Libertie is graunted by the Court vnto Liffenant Jabez Howland to keep an house of entertainment att Bristoll, allies Mount Hope, to draw and sell wine, beer, stronge liquors, cyder, &c, and to be prouided with lodging and other prouisions for the entertainment of strangers and trauellers, and that hee carefull to keep good orders in his house, that hee incurr noe just blam by his negligence in that behalfe.

Libertie is likewise graunted by the Court vnto John Rogers to keep a victualling house att Bristoll, allies Mount Hope, and to draw and sell syder and beer, and to keep good orders in his house, that noe just complaint come against him for his negligence in that behalfe, and that hee be likewise prouided with beding to lodge trauellers and strangers as occation may require.

Forasmuch as the towne of Rehoboth, as it plainly appeereth to the Court, hath sustained much wronge respecting the deuision of the mony due to the said towne of that which was due to the country for as pte of the prise of Mount Hope, in that the said towne of Rehoboth wanted neare then twenty pounds of their proportion of the said mony, this Court engaged and ordered, that vpon the next deuision of the said mony, it shalbe made vp out of it or out of the treasury of the collonie.

In reference to the dispose of the corne of all sorts appertaining to the estate of M^r Edward Gray, deceased, the Court haue ordered, that two ptes of three, or two thirds therof, be disposed to the widdow and those children the said M^r Gray had by her, and the remaining third pte therof to those children said M^r Gray had before hee married her.

[*63.]

*It was agreed by this Court, that an order shalbe sent to the towne clarke of Scittuate in reference vnto a smale peece of swampe in the township of Scittuate, which is accompted to belong vnto old Thomas Hieland, of Scittuate, although & for as much as hee hath noe record for it; that the said towne clarke doe put it vpon record in the towne booke of Scittuate, to be and belonge to him, the said Thomas Hieland, to him and heires for euer, to the onely proper vse and behoofe of him, the said Thomas Hieland, hee, his heires, and assignes for euer; it being apparent to the Court, by diuers testimonies of Major Cudworthes and sundery others, that the said swampe is the vndoubted right of him, the said Thomas Hieland, and is bounded naturally by diuers hills surrounding it.

Phillip Pointing, of Taunton, yeoman, being detected of drunkenes, and this appeers to the Court to be the third time, is centancē by the Court to be bound to his good behaiour as followeth:—

Phillip Pointing, of Taunton, yeoman, acknowledgeth } ^{ll} ^s ^d
to owe vnto our sofl lord the Kinge the sume of. . } 10 : 00 : 00

The condition, that if the said Phillip Pointing be off good behaiour towards our sofl lord the Kinge and all his leich people, and appeer att the Court of his ma^{ty} to be holden att Plymouth the first Tusday in March next, and not depart the said Court without lycence; that then, &c. [Released.]

Silas Saares is approued and appointed by the Court to be ensigne bearer of the milletary companie of Yarmouth.

In reference vnto the estate of Wiltam Makepeace, deceased, the Court haue ordered, that the eldest son shall haue a double p^rtion of the land and other estate, prouided the widdow haue the vse of the land and intire estate vntill the children come of age, and the vse of the thirds of the land and other estate during her life; and the remainder of the said estate, both land and other estate, to be equally deuided amongst the other children in equall and alike proportions.

This Court haue considered the petition of the propriators of Conahassett land, which made theire addresse to the Court for releiffe last March, in reference to the equall deuideing of the said Conahassett land, the Court then advised them to come to an equall deuision of the vndevided land of Conahassett before the leaues come forth; but vnderstanding that the advice is not attended vnto as to the accomplishment of the said deuision, doe require the propriators to meet together as speedily as may be, and make an equall deuision of all the vndevided lands of Conahassett according to each p^rsons purchase.

*To the Cheife Marshall of the Jurisdiction of New Plymouth, or his Deputie, greef, &c. [⁶⁴.]

These are, in his ma^{ty} name, to comaund you, on sight heerof, to repaire to Taunton, and ymediately to arrest the lands and all other estate appertaining to M^r John Paine, deceased, now in the hands of M^r Encrease Robinson as adminnestrator of the estate of the said Paine, to satisfy as farr as it will extend the sume of one hundred and two pound eight shilling and eight pence, and the cost of the suite, which amounts to one pound nine shillings and six pence, and the charge of this execution, due vnto mee, Richard Thayer, wherof the said John Paine in convicted in due course of law.

P me, JAMES CUDWORTH, Assistant.

Dated att Plymouth, the 9th of July, 1680.

I, Samuell Nash, doe constitute Thomas Wiltams, constable of Taunton, to be my true and lawfull deputie to acte in euery p^rte of the aboue written p^rmises according to the tenure therof, as witnes my hand.

SAMUELL NASH, Marshall.

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This within written execution or arrest was leuied vpon the estate of M^r John Paine, of Boston, deceased, and the estate seized vpon and deliuered to M^r Richard Thayer, according to the contents within written; the said estate, now seased and taken out of the hands of the adminnestrator, Encrease Robinson, and deliuered to the said Thayer, is as followeth: that is to say, two shares and an halfe in the iron worke, and with all iron due to the share, and one purchase right, with rights to all deuisions, all which said estate is seized and deliuered to the said Thayer; the lands deliuered by turffe and twigg, the shares in the iron worke by deliury of one of the vtensills of the said worke into the hand of the said Thayer; all which estate is seized and deliuered to the said Thayer according to the within written comāund, onely excepting one pound fourteen shillings, the adminnestrator, Encrease Robinson, rest in his owne hand, by order of Court, to satisfy himselfe for his charge about the said estate, which was to be done before execution by Court order; all which said estate of said Paines was seized and deliuered to the said Thayer by mee, Thomas Wiltams, constable and cheift marshalls deputie, the 10th of July, 1681. u . . a

The sume of the estate, as appeers by inventory, is	75 : 01 : 06
The adminnestrators due is	01 : 14 : 00
M ^r Thayers cost of Court,	01 : 09 : 06
The execution,	00 : 01 : 06
The marshalls makeing a deputie,	00 : 01 : 00
The serueing of the execution,	00 : 02 : 06
All which charge amounts	03 : 08 : 06
Taken out of 75 ^u 01 ^s 06 ^d , there remaines	71 : 12 : 00

of the said estate; the which hath satisfied the said Thayer as farr as it doth amount, as witnesseth my hand.

THOMAS WILLAMS, Marshalls Deputy.

This 10th of July, 1680.

1681-2. **Att the Court of his Ma^{ty} held att Plymouth, for the Jurisdiction of New Plymouth, the seauenth Day of March, 1681.*

7 March.
[*65.]

BEFORE Wiltam Bradford, James Browne, and
John Freeman, Barnabas Laythorp,
Assistants, &c.

ATT this Court, John Sherman, of Marshfeild, and Israell Holmes, appeared in reference vnto the disposall of the estate of Wiltam Sherman, Juni^r, deceased, the said Israell Holmes haueing married Desire Sherman,

sofitimes the wife of the aforsaid Wiltam Sherman. The Court, haueing heard the please and discourses concerning the same, haue settled the psonall estate vnto the said Israell Holmes, his heires, executors, and adminnestrators, provided hee, his heires, executors, or adminnestrators doe bringe vp the children of the said Wiltam Sherman well vntill they come of age, and that hee, his heires, executors, or adminnestrators, doe pay, or cause to be payed, the sume of fifteen pounds in specue when they come of age, as is expressed in an obligation vnder hand and seale of the said Israell Holmes, bearing date with these psents.

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In reference to the Cape mony, the Court haue ordered twelue pounds therof to Rehoboth scoole, and eight pound therof to M^r Ichabod Wiswalls scoole att Duxburrow, and twenty shillings to M^r Thomas for his paines and care about it, and the remaining nine pounds to rest in the Treasurers hand vntill the Court sees cause to dispose of it.

Major Bradford appointed by the Court to take oathes for the truth of M^r Wiltam Britts inventory of his estate.

Letters of adminnestration is graunted vnto Serjeant John Carey to adminnester on the estate of John Carey, Seni^r, deceased.

Receiued by M^r Daniell Smith of the Treasurer twelue pounds in siluer mony of New England, of the Cape mony, to be imployed for and towards the maintainance and keeping of a gra^mer scoole att Rehoboth.

In reference to the remainder of the psonall estate of Edward Gray, deceased, which is yett vndevided, the Court haue ordered, that one hundred and fifty pounds of the best of the estate be kept by his executrix in her hand for the payment of debts & bringing vp of the children, and not to be devided vntill the Court shall otherwise order.

It is ordered by the Court, that Sam Bab and John Mohauke, two Indians soe named, that are now convicted of feloniously takeing the estate from John Wiltams, of Scittuate, and charges ariseing thervpon, are by the said Court ordered to serue the said John Wiltams or his assignes the full time of four monthes, each of them, in satisfaction, as aboue said, and then to depart from Scittuate, and not to reside there.

Josiah Palmer, for speaking contemptuously of the word of God and of the minnistry, is fined twenty shillings siluer mony.

Wiltam Nelson, for selling liquor to the Indians, is fined five pounds.

Wiltam Parker, of Scittuate, being convicted of the breach of the law of this collonie in selling liquor to the Indians, is fined five pounds. This was witnessed by Felix, the Indian.

In reference vnto the wrong don by Felix, the Indian, vnto Short Toms

1681-2. child, the Court orders the said Felix to pay vnto the said Short Tom the sume of thirtie shillings.

7 March.
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Leiftenant Robert Barker, in behalfe of his mother, the wife of Robert Barker, Seni^r, is fined 2^l 10^s for that his said mother sold syder to the Indians, contrary to the law of this gofiment.

[*66.] *John Andrewes, of Plymouth, acknowledgeth to owe vnto our sofi lord the Kinge the sume of twenty pounds.

The condition, that if the said John Andrewes be of good behaiour towards our S: lord the Kinge and all his leich people, and beware of drunkenes, and take heed and beware of lycenciousnes in that kind in which hee hath bin very frequent, and for which abusiue carriġs hee now giues bond, and alsoe that hee, the said John Andrews, doe psonally appeer att the Court of his ma^{tie} to be holden att Plymouth the first Thursday in June next, and not depart the said Court without lycence; that then, &c.

Thomas Man, of Rehoboth, fined ten shillings for Sabbath breaking.

An Inditement.

Indian James, thou art heer indited by the name of James, for that thou, haueing not the feare of God before thyne eyes, on the one and twentyeth day of Nouember, 1681, in the towne of Barnstable, didest feloniously, willfully, and of mallice forethought, with intent to murder, kicke Samuell Crocker, son of Wilkam Crocker, of Barnstable, on the bottome of his belley, wherof the said Samuell Crocker three weekes after died; which thou hast don contrary to the law of God, of England, and this collonie, and contrary to the peace of our sofi lord the Kinge, his crowne and dignity.

The jury find the p'sener nott guilty of wilfull murder.

The Names of the Jury.

sworne,	{	John Richmond,	}	sworn.	{	Joseph Warren,
		John Tracye,				John Hathwey,
		Wilkam Foard,				Anthony Eames,
		Thomas Faunce,				Jonathan Morey,
		Mellatiah Laythorp,				Jacob Burge,
		John Nye,				Mordecay Ellice.

Samuell Dunham, Seni^r, of Plymouth, for being much ouertaken with drinke, is fined fve shillings.

Memorand: that M^r Samuell Edson, of Bridġwater, is allowed, and aproued, and authorised by the Court to be gaurdian to Joseph Carey.

[The following paragraph is in an unknown handwriting.]

*Wee, whose names are under written, being ordered by the Court, October, 1681-2, to run the line between y^e lands of Saconet and the lands of Pocassit proprietors, have done as followeth: We began on the westerly end or side of a great spruce swamp, at a white oak tree marked formerly by men appointed there unto, and caryed it on the same point of compas east northerly through the said swamp, and marked a white oak tree on y^e east end or side of y^e said spruce swamp, having a flinty rock and stones on y^e west side of the said tree, and so by a range of trees marked on y^e east and west sides to Cokesit River or Brooke, and there marked a white oak tree on two sides with an heap of stones against it. This line was run November, 1681, by vs.

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[*67.]

WILLIAM BRADFORD,
JOSEPH WARREN,
WILLIAM PABODY.

*At the Court of Election holden att Plymouth the sixt of June, 1682.

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[*68.]

BEFORE Thomas Hinckley, Esq^r, Gov^r, James Browne,
John Alden, Daniell Smith, &
Wiltam Bradford, Barnabas Laythorpe,
John Freeman,

Assistants.

THOMAS HINCKLEY, ESQ^r, was chosen Gov^r, and sworn.

And Major Wiltam Bradford was chosen Deputy Gov^r, and sworne.

John Alden,
John Freeman,
James Browne,
Daniell Smith,
Barnabas Laythorp, and
John Thacher, } were chosen Assistants, and sworn.

Thomas Hinckley, Esq^r, and Major Wiltam Bradford were chosen Comissioners. And M^r Daniel Smith the next in nomination. And Major Wiltam Bradford was chosen Treasurer, and sworn.

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The Celeç Men in each Towne of this Jurisdiction.

Plymouth :	Rehoboth :
Leiff Morton,	Leiff Hunt,
Wiltam Clarke,	Ensigne Pecke,
Wiltam Crow.	Gilbert Brookes.
Duxburrow :	Marshfeild :
Cap ^t Standish,	Cap ^t Thomas,
Ensigne Tracye,	Anthony Snow,
Benjamine Bartlett, Seni ^r .	John Bourne.
Scittū :	Eastham :
M ^r John Cushen,	Cap ^t Sparrow,
Jeremiah Hatch,	Marke Snow,
Samuell Clapp.	John Done.
Sandwī :	Bridg^wā :
M ^r Edmond Freeman, Juni ^r ,	M ^r Samuell Edson,
John Blackwell,	John Willis,
Steuen Skiffe.	Leiff Haward.
Taunton :	Dartmouth :
Leiff Macye,	John Cooke,
Ensigne Leanard,	John Russell,
Wiltam Harvey,	Arther Hathewey.
Walter Dean,	Swansey :
John Hathwey.	Leiff John Browne,
Yarmouth :	Samuell Luther,
M ^r Edmond Hawes,	Obadiah Bowine.
M ^r Edward Sturgis,	Middleberry :
John Miller,	John Thompson,
Jeremiah Howes.	Frañis Combe,
Barnstable :	John Nelson.
Leiftenant Laythorpe,	Bristol :
Leiff Samuell Allin,	Cap ^t Church,
Serjeant John Howland.	Jabez Howland,
	Ensigne Rogers.

[*69.]

*The Constables of the seuerall Townes of this Jurisdiction.

Plymouth,	Elkanan Watson.
Duxburrow,	John Partrich.
Scittuate,	{ Wiltam Barrell,
	{ John Bryant.

Sandwī,	Jacob Burge.
Taunton,	{ John White, James Walker, Juni ^r .
Yarmouth,	John Hallett.
Barnstable,	John Barker.
Rehob̄,	{ Jonathan Blisse, Samuell Walker.
Marshfē,	{ Isacke Holmes, John Doged.
Easthā,	Wiltam Walker.
Bridgē,	Joseph Haward.
Dartm̄,	Samuell Cornwell.
Swan̄s,	{ James Cole, John Alline.
Middlebeř,	Samuell Wood.
Bristol,	Encrease Robinson.

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The Names of the Deputies of the seuerall Townes.

Leiff Morton,	Cap̄t̄ ‡Leiftenant‡ Joseph Laythorpe,
Joseph Warren,	||Cap̄t̄|| ‡Leiff‡ Hunt,
Cap̄t̄ Josiah Standish,	||Leiff|| Ensigne Pecke,
Wiltam Paybody,	Captaine Thomas,
M ^r John Cushen,	||Serjē|| Samuell Sprague,
Samuell Clapp,	Cap̄t̄ Sparrow,
Thomas Tupper,	John Done,
Stephen Skiffe,	Leiftenant Haward,
John Hathwey,	John Russell,
Ensigne Leanard,	John Thompson,
John Miller,	Obadia Bowin,
||Leiff|| Samuell Allin,	Cap̄t̄ Benjamine Church.

The Names of the Grand Enquest.

- | | |
|----------------------------|-------------------------|
| 1. Serjeant Wiltam Harlow. | 6. Steuen Vinall. |
| 2. Wiltam Hoskins, | 7. Wiltam Swift. |
| John Carey. | 8. Caleb Nye. |
| 3. Frañis West, | 9. John Hall. |
| M ^r John Pecke. | 10. Nathaniel Williams. |
| 4. John Wadsworth. | 11. John Hunt. |
| 5. John Briggs. | 12. Joseph Howes, |

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|--|----------------------|
| John Daus. | 18. John Haward. |
| 13. John Ryder. | 19. Gorge Soule. |
| 14. James Hamblen, Juni ^r . | 20. Isacke Howland. |
| 15. Josiah Snow. | 21. Timothy Brookes. |
| 16. Thomas Macomber. | 22. Nicholas Eldred. |
| 17. Thomas Freeman. | |

[*70.]

*The Names of such as took vp their Freedom this Court.

Job Winslow,	Caleb Eedye,
Joseph Church,	Abraham Holmes,
Nathaniel Lewis,	John Wheston,
John Butterworth,	Thomas Jenkens,
Nathaniel Holmes,	Sherjashub Burne,
John Hathwey, Juni ^r ,	Elisha Bourne,
Samuell Walker,	Samuell Hall, Seni ^r ,
Joseph Kente,	Samuell Bullocke,
Thomas Wood,	Daniell White,
Samuell Studson,	Clement Kinge,
Willam Perrey,	Jonathan Willmoth,
Nathaniel Brookes,	Nicholas Iyde,
Shuball Smith,	Joshuah Smith,
Willam Bassett,	Gorge Robinson,
Charls Stockbridge,	Hezeckah Luther,
Jonathan Eames,	Jonathan Morey,
Samuell Little,	Nathaniell Church,
John Read,	Willam Barrell,
Samuell Thomas,	Jonathan Nye,
Isacke Holmes,	Samuel Thrasher,
Josiah Snow,	Joseph Sabin,
James Cole, of Swansey,	John Perrum, 44.

Propounded to take vp their Freedom, if approued, are as followeth.

Ensigne Silas Saares,	John Howard,+
Samuell Worden,+	Nathaniel Haward,+
Thomas Falland,+	Joseph Haward,
Dauid Thomas, Seni ^r ,+	John Haward, Juni ^r ,
Obadiah Eedey,+	Benjamin Willis,+
Caleb Nye,+	Robert Sandford,
John Morton,	Ephraim Tinkham, Juni ^r ,+

Ebinezzer Tinkham,	Richard Childs,
David Wood,	M ^r Edmond Freeman,
John Thompson, Juni ^r ,+	John Willis, Juni ^r ,+
John Gorum,+	John Washburne, Juni ^r ,
Thomas Hinckley,	Edward Michell,
John Robinson,	Silas Titus,+
William Brett,	John Binson,
Elihew Brett,	Edmond Ranger,+
Nathaniel Brett,+	Hugh Woodberry,+
James Carey,	M ^r Richard Smith,+
Thomas Whitman,+	Zachery Curtice,+
John Delano,	M ^r Christopher Sanders,+
Joseph Vaughan,	Thomas Walker,+
John Haskell,	Benjamine Engle,+
Dauid Thomas, Juni ^r ,	Dauid Cary,
Dauid Lennitt,	Robert Duch.+
Jededia Lumbert,+	

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These tooke the oath of fidelity this Court, and were sworne :—

John Briggs, of Scittuate,
Thomas Macomber,
Gorge Soule.

Surveyors of the Highwayes.

Plymouth,	Nathaniel Holmes.
Duxburrow,	{ John Rogers, Edmond Weston, Abraham Peirse.
Scittuate,	{ Peter Collimore, James Briggs, Benjamine Peirse.
Sand,	^ ^
Taunton,	{ Robert Crosman, Seni ^r , Samuell Thrasher.
Yarmouth,	^ ^
Barnstable,	{ Mellatiah Laythorp, Josiah Crocker.
Rehoboth,	{ William Sabine, John Carpenter.

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Marshfeild,	{	Ralph Powell, Thomas Doged.
Eastham,	{	Thomas Freeman, Jabez Snow.
Bridgewater,	{	Elihew Britt, Nicholas Biram, Jun ^r .
Dartmouth,	^	^
Swansey,	^	^
Middlbery,	^	^
Bristoll,	^	^

[*71.] *Vpon the petition of M^r Joseph Church and the rest of the propriators and inhabitants of Saconett, the Court haue graunted, that the said propriators and inhabitants that are or shalbe there admitted orderly, according to the lawes of this collonie, shalbe from this time a towneship, and haue the liberties of a towne, as other townes of this collonie, and shalbe called by the name of Little Compton.

Liberty is graunted by the Court vnto Thomas Purdaine to keep a victualling house for the entertainment of strangers att Showamett, and that hee be well provided with beer, sider, and good horse meat, and other nessesaries requisite to such imploy, and that hee keepe good orders in his house, that soe hee incurr noe just blame by pmitting lycensiousnes in that respect.

In consideration of some smale kindnes shewed by Dorrethy Earle vnto some of our souldiers in the time of our late warr, as alsoe her nessesities respecting her poor family standing in great need, this Court hath ordered vnto her the sume of five pounds.

7 July.
[*72.] *Att the Court of his Ma^{ty} held att Plymouth, for the Jurisdiction of New Plym, the seuenth Day of July, Ann^o Doñi 1682.

BEFORE Thomas Hinckley, Esq ^r , Gov ^r ,	Daniell Smith,
Wiltam Bradford, Esq ^r , Deputie,	Barnabas Lothorpe, and
John Alden,	John Thacher,
John Freeman,	

Assistants, and sworne.

WHERAS there hath bin a longe and vncomfortable controversy and seuerall vexacious suites between Humphery Johnson, of Hingham, and the comittee and others the inhabitants of Scittuate, respecting the said

Johnsons claimes of an interest in the vndevided [^] of said Scittuate for four proprieties hee pretends to haue therin ; for the apeasing whēof, this Court see cause to advice and order the said cōmittee, by their agents, to lay out to the said Humphery Johnson two hundred and fifty accrees of land in some place or places of the said vndevided land, as may be most convenient for the said Johnson and lest prejudiciall to the inhabitants or neighborhood of the said Scittuate ; and incase the said cōmittee, or their agents, and the said Johnson, doe not agree about the place or places where the said lands should be layed out, this Court doth impower and appoint Cap̄ Standish and Willam Paybody, of Duxburrow, añ Insigne Marke Eames, of Marshfeild, or any two of them, to determine such place or places as to them shall seeme meete and reasonable, and said land to be layed out and bounded between this and March Court next, with the returne therof made to the said Court ; and that the said Johnson shall beare the said charge therof as other the inhabitants vse to doe for laying out there lands ; the said Johnson alsoe to beare the charge of the said three men aboue mentioned, incase there should be any need to call in their healpe as aforsaid, vnlesse the Court shall see better reason to order the last recited charge of said three men, or p̄te therof, on the said inhabitants ; which being don, the Court doth heerby order, and the said Humphery Johnson doth consent, and hath before this Court engaged, that it shalbe a full and finall issue of all the said controuersies, and the said Johnson, and all vnder him, to make noe more or further claime or demaund, or any interest, right, or title, to any other the said vndevided lands of Scittuate, or timber growing thereon, provided alwaies, that incase the said Johnson, or any of his children, shall come orderly to inhabite in the said towne of Scittuate, then such inhabitant to haue right to make vse of the cōmon or vndevided lands for feeding, wood, or timber, as other the inhabitants haue, but not for the said Johnson to haue any further deuision of land layed out to him or them, nor any libertie to cut or cary away any wood or timber from the cōmons or vndevided lands of Scittuate aforsaid whiles hee or they dwell in other townes.

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Vpon a Training Day, June the 27th, 1682.

The milletary companie of Rehoboth, with the rest of the housholders, being warned to make a choise of two psons to send their names to the honored Court for the establishing of one of them for a cap̄, which accordingly the milletary and the rest of the housholders chose Leiff Peter Hunt, whoe had eighty and seauen voates, and Ensigne Nicholas Pecke, whoe had fifty and fve voates, in order to the proposing of them to the said honored Court.

JONATHAN FULLER.

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The Court approoves of the said Leiftenant Hunt to be capt of the military companie of Rehoboth.

Wheras it hath pleased God to moue our honored majestrates with a sence of the soule languishing condition of such of the people in this jurisdiction att Saconett and places adjacent, for the want of the preaching of Gods word amongst them, together with their owne want of the sence of that duty to doe what in them lyes that the good knowlidg of God and of his wayes might be taught to them, and therefore doe comend it to seuerall of the elders to take their turnes as they may haue oppertunitie, euen vnto them and the elders, being moued with compassion towards their soules, being desirous to promote the honor of God amongst them and their sperituall good, haue redily complied to take their turne amongst them to labour in the worke of God amongst them for their sperituall good; this Court, therefore, doth highly approoue therof, and shall soe doe of like indeauors of any of the minnesters of other places where there may be like need, seriously adviseing and comending it to all the people of those places that they would with all reddines of hart receiue the good word of God which shalbe taught vnto them, and not put away the word from them, nor desert his messengers, least wrath from God breake forth against them.

[*78.]

*For the settlement of the estate of John Yeates, of Eastham, deceased, this Court doth order as followeth, viz: that the land shalbe settled on his son, John Yeates, to be by him possessed and injoyed by him when hee comes of age; and that the widdow shall pay, or cause to be payed, vnto their two daughters, Mary Yeates and Martha Yeates, to each the sume of eight pounds in current country pay when they come of age, or att the day of their marriage, which shall first happen; and for the rest of the rents of the lands, that shee haue them vntill their son comes of age, and then shee to haue the thirds therof during her life; and the rest of the estate not alreddy disposed of to be for her support, and for and towards the bringing vp of the children.

Liberty of adminnestration is graunted by the Court vnto Deborah Yeates, widdow, of Eastham, to adminnester on the estate of John Yeates, of Eastham, late decesed.

Deborah Yeates, of Eastham, stands bound vnto the Court in the penall sume of one hundred pounds; for the payment wherof well and truly to be made, shee heerby bindeth herselfe, her heires, executors, and adminnistrators, joyntly and seuerally, feirmly by these psents.

The condition of the aboue written obligation is such, that wheras the aboue bounden Deborah Yeates, widdow, hath obtained of this Court letters of adminnestration to adminnester on the estate of John Yeates, of Eastham,

late deceased, if, therefore, the aboue named Deborah Yeates shall and doe faithfully pay all such debts and legacyes as are due and owing vnto any from the said estate, and saue and keep harmles the Goff and Court of Plymouth aforsaid from all damage that may acrew vnto them by her said adminnestration, and keep a faire accoumpt therof, and be reddey to giue in a true accoumpt therof to the said Court when by them required, that then the aboue written obligation to be void and of none effect, or otherwise to remaine in full force, strength, and vertue.

Samuell Delano and Thomas Delano, of the towne of Duxburrow, standeth heerby bound vnto the Goff and Court of Plymouth aforsaid in the penall sume of one hundred and fifty pounds; for the payment wherdof well and truly to be made, wee bind ourselues, our heires, executors, and adminnestrators, joyntly and seuerally, feirly by these psents.

The condition of the aboue written obligation is such, that wheras the aboue bounden Samuell Delano hath obtained letters of adminnestration to adminnester on the estate of Phillip Delano, of Duxburrow aforsaid, late deceased, if, therefore, the said Samuell Delano doe faithfully adminnester on the said estate, and pay all such debts and legacyes by equall and alike proportions as the estate will amounte vnto, and saue and keep harmles the said Goff and Court from any damage that may acrew vnto them by their said adminnestration, and keep a faire accoumpt therof, and be reddey to giue in a faire accoumpt therof vnto the Court when therunto required by them, that then the aboue written obligation to be void and of non effect, or otherwise to remaine in full force, strength, and vertue.

In reference vnto a psell of barke attached by a warrant from Major Bradford, the Court haue ordered Thomas Pincen, late constable of Scittuate, to release the said barke; and the Court orders Timothy White to receiue the said barke, and soe to order that it be deliuered to the owners therof.

Wiltam Parker ingageth before the Court, that the next time that hee is brought before the Court for selling liquor, sider, or beere, from this time forward, without lycence, that then hee to pay fwe times soe much as hee should haue payed att this time.

This Court allowes and approues of M^r Rodulphus Thacher to be gaurdian vnto two of M^r Samuell Saberryes children, viz^s, vnto Hannah and John Saberrye.

*Know all men by these psents, that I, Richard Smith, of Narragansett, in New England, in America, gentl^e, doe heerby stand bound vnto the Goff and Court of Plymouth in the penall sume of fwe hundred pound sterling.

The condition, that wheras M^r Richard Smith aboue named hath

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cōmenced suite against Morris Freeloue in an action of the case to the damage of five hundred pound, for that the said Morris Freeloue doth vnjustly detaine an iland which hee, the said Richard Smith, claimeth to be his right, and that the said Freeloue hath settled himselfe theron without the said Smith his consent and approbation, as is expressed att large in the entery of the said action.

If, therefore, the said Richard Smith shall and doe psonally appeer, or some one or more attorney or attornies in his behalfe, att the Court of his ma^{tie} to be holden att Plymouth aforsaid the last Tusday in October next, to procecute the said suite to effect, that then the aboue written obligation to be void and of non effect, or otherwise to remaine in full force, strength, and vertue.

Morris Freeloue, of New Port, on Rhode Iland, in the jurisdiction of Prouidence Plantations, in New England, doth heerby acknowledge himselfe to stand bound to the Godd and Court of New Plymouth aforsaid in the penall sume of five hundred pounds sterling.

The condition, that if the said Morris Freeloue doe psonally, or by his lawfull attorney, appeer att the Court of his ma^{ty} to be holden att Plymouth aforsaid the last Tusday in October next, to answare the said M^r Richard Smith in his abouesaid action cōmenced against him, that then his aboue written obligation to be void and of none effect, or otherwise to remaine in full force, strength, and vertue.

Robert Stanford came into the Court, and payed the sume of forty shillings, siluer mony, to John Bryant, Seni^r, of Scittuate, in full satisfaction for an execution said Bryant obtained from the select men of Marshfeild, wherby said Stanford hath obtained libertie of an appeale from the said verdict of the celect men of the towne of Marshfeild, which shalbe to all intents and purposes as effectuall as if the said Stanford had emediately appealed from the aforsaid verdict; which said appeale said Stanford is to procecute to effect att October Court next, and said Bryant doth engage to answare the said appeale att the said Court.

Att this Court, M^r Ralph Thacher came into the Court, and petitioned the Court to take into their consideration a graunt of land made vnto M^r Wilłam Kemp, lying within the towne of Duxburrow, about Namassakesett, with meddow convenient to be layed forth vnto the same, which meddow was neuer yett layed out according to Court order, neither what was done about the laying of it out to be found vpon record nor in any other writing. This Court doth therefore order the three men appointed by the towne of Duxburrow to lay out the said lands and run the ranges, namely, Ensigne John Tracye, John Soule, and Wilłam Paybody, to reparaire to the said place, and lay out

the said meddow according to that proportion the said meddowes were ordered to be layed forth by the towne of Duxburrow att the first, that soe the vpland of the said Wilfām Kemp may be accomodated according to Court order.

*The Court doth order and appoint the Goſſ, M^r Laythorp, and M^r Thomas to treat and conclude with the messengers of Rhode Iland in reference vnto a controversye between the Rhode Iland men and M^r Richard Smith about a little iland called Hogg Iland.

The Court haue ordered, that foure pounds and four shillings be allowed to Captaine John Wilfāms, in way of grattification for the service don by him in the late warr.

It is ordered by a Court, that a jury be impaneled out of Middlebery, Bridgwater, Dartmouth, and Sepecan, — vizſ, fiue out of Bridgwater, 4 out of Middlebery, two out of Dartmouth, and one of Sepecan, — to lay out a way that may best serue for the said townes and plantations, to the way which Waymouth hath layed out to the pattent line, and each towne to pay there owne men.

The Court haue agreed with M^r Wilfām Clarke to prouide suitably for the Goſſ and majestrates diett, lodging, &c, in the country house att Plymouth, for four Courts, vizſ, October, March, June, and July, and to pay him forty pounds in mony for the same ; if it shall happen that the Generall Court be adjourned, or speciall Courts called, within the time of the yeer, hee is to be allowed for those Courts according to his just accompt.

The Treasurer is to prouide chaires, cushen, carpetts, and one bedstead more then is, att the collonies charge.

Att this Court, M^r John Cushen was appointed, for Scittuate, to graunt warrants and giue suppenaes, and to adminnestre oathes to any evidences att any time as occation may require in the towne of Scittuate, and to sollemnise marriage in the same towne as occation may require.

In like manor, John Bourne, of Marshfeild, hath libertie from the Court to graunt warrants, and giue subpenaes, and adminnester oathes to testimonies, and to sollemnise marriage, in Marshfeild.

The like was graunted vnto Cap^t Benjamin Church and John Carrey, to graunt warrants, and giue sumons and subpenaes, and to adminnester oathes ; further aded, that they haue power to call in question prophane fellowes, vizſ, Sabbath breakers, drunkards, and psons guilty of other criminall facts, and to deale with them answarable to their demeritts, and that they haue libertie to sollemnise marriage as occation may require within their towneshipp.

Att this Court, the lycence graunted to John Simons to keep an ordinary is called in.

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[*75.]

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Att this Court, John Randall, for his swearing by his Maker, was fined, according to the law, ten shillings.

And for neglect of an attendance vnto the word of God, haueing the same taught where hee might haue heard it, is fined for it, according to law, ten shillings.

Wiltam Gray, of Yarmouth, for cutting out the markes of two mares, was fined the sume of twenty shillings siluer mony.

Christopher Gifford came into the Court, and for contemptuously speaking against the dispensers of the word of God, was fined ten shillings.

July, 1682. This Court orders, the land called Assonett Necke, being purchased by some of Taunton, that the said tract of land shalbe in the townshipp of Taunton.

[*76]

*Wheras many alegations haue bine debated before the Court touching the prouiding for John Harmon, whoe hath bin for seuerall yeers wandering from one towne to another, and not fixed to any place; and for the better vnderstanding of the right of that matter, where in justice hee ought to be fixed, the Court gaue notice to the deputy of Dartmouth, for that towne to send some agent to the Court, with other townes where said Harmon hath of late bine residing, that their alegations might be considered, pro and con; but none appeering from that towne, and it appeering to the Court that said Harmon had bin for a considerable time immediately before the warr in said towne, wherby hee seemed as probably to belong to that towne as to any other; the Court therefore ordereth, that said towne of Dartmouth shall keep and maintaine said Harmon vntill October Court, att which time, if they can make it appeer that hee doth not of right belonge to them to keep and maintaine, the Court will otherwise order it according to justice.

[*77.]

*Wheras att March Court, 1665 and 1666, the honored Court of New Plymouth did order the towne of Rehoboth to run the lynes of the bounds of their towne; and the honored Court was pleased to appoint M^r James Browne, Seni^r, and M^r John Allin, Seni^r, to see the said bounds layed out, whervpon the towne chose psons to doe it; and the aforsaid gentlemen, appointed by the honered Court, and the psons chosen by the towne, did attend it in the month of Aprill, 1666; and the bounds of the towne of Rehoboth are as followeth:—

Imp^r, a white oake marked by Patuckett Riuer, by or neare a smale run ruñing into the said riuer; and from thence by marked trees to a great blacke oake marked standing by the edge of the Great Plaine; and from thence by marked trees ouer the Seauen Mile Riuer and ouer the Ten Mile Riuer vnto a

pyne tree marked with two R R, and a trench diged; and from thence ouer the plaine to a blacke oake marked with an R, and a heape of stones, there standing a great rock within six foot of the tree; and from thence by marked trees to a blacke oake marked with an R, and an heape of stones standing vpon a hill neare to a smale pond; and from thence to a redd oake marked with an R, and a trench diged by the ceader swamp; and from thence eighty rodd by marked trees in the ceader swamp to the corner tree, being a ceader tree marked; from thence southerly to a white oake marked with an R standing by the road way to Taunton; and from thence to a chesnut tree marked standing in a rocky island, with a heap of stones; and from thence straight to the southeast corner by Mattapoissett; the southeast line att the southwest corner is a smale freshett of water ruining into the Salt Riuer a little southward of a smale iland in the riuer; from thence to an oake marked by a swamp, where Capt Willett made a bridge; from thence by marked trees to a white oake marked with an R, and heap of stones neare to the house, wher formerly Richard Whitacar dwelt; from thence by marked trees to a white oake marked standing in the salt meddowes vpon a point of vpland near to Sowams Riuer, and ouer the said riuer to a blacke oake marked with an R, and a heap of stones by the comon road; from thence by marked trees to a white oake marked with an R; and from thence a few rodde to a greate rocke, with an heap of stones vpon the rocke; and from thence ouer the Rocky Riuer by marked trees to a white oake marked with an R, by Mattapoissett Riuer; and from thence ouer the riuer eighty rodd to the southeast corner of the towne, there being an heap of stones and a blacke oake marked, the west syde of the towne being bounded with Patuckett Riuer and the Salt Riuer.

Transcribed out of the towne of Rehoboth records by me,

WILLIAM CARPENTER, Towne Clark.

*To Steuen Skiffe, the Cheiffe Marshalls Deputy of his Ma^{ties} Collonie of New Plymouth, greet, &c.

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[*79.]

Wheras the cheiffe marshall, by reason of his age and disabillitie of body, did in open Court, and with their direction, consent, and allowance, constitute and declare you to be his deputy, to acte in all thinges required by lawfull authoritie heer established respecting his office as any occation might arise.

Now, wheras, on the request of Zacheriah Allin, late of Sandwich and Dartmouth, in the said collonie, the said Zacheriah Allin had a further triall att his ma^{ties} Court held att Plymouth the first Tusday in March last past, according to his owne desire, by a jury sworn to try the issue between our soft lord the King and him, the said Zacheriah Allin, respecting the breach of the

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wholsome law of this collonie prohibiting the selling or furnishing any Indian or Indians with stronge liquors, &c, wherof hee stood convicted; and the verdict of said jury in that case as by record doth and may appeer, that they find said Zacheriah Allin guilty of selling or furnishing of Indians with stronge liquors fower seuerall times, whervpon the said Court sentanced the said Zacheriah Allin to pay the sume of twenty pounds of currant siluer mony of New England, as by said law is in that case prouided, viz^s, fие pounds fine for euery such offence or transgression; and forasmuch as Joseph Holly, of Sandwich aforsaid, yeoman, became surty and stands bound by recognisance to our soū lord the Kinge in the sume of twenty fие pounds of lawfull mony of New England for the said Zachery Allins appeerance, abiding by, and pformance of what by the said Court should be then and there enjoyned him as by the said recognisance bearing date the 17th of June, 1681, and renewed the 28th of February, 1681, acknowledged before mee, Thomas Hinckley, Gov^r, whervnto reference being had, doth and may more att large appeer.

These are, therfore, in his ma^{ties} name, to will and require you, p^sently on receipt heerof, to demaund the said fine of twenty pounds of the said Joseph Holley; the which if neither hee nor the said Zacheriah pay vnto you, then that you leuey the same by distresse on the moneys, good, cattle, or other estate of said Zacheriah Allins, where or in whose hands soe euer you can find it, and in such p^{te} as is nearest the specue, or will best procure it, in which the said fine ought to be payed, as by law in that case is prouided; and incase you can neither find, nor the said Joseph Holley or his order shew you, such estate of said Allins, or not enough to satisfye the said fine, auouching it to be said Zacheriah Allins estate, that then you leuy soe much by destresse on like estate as aforsaid of the said Joseph Holleys; and, further, that you leuy alsoe youer owne allowed fees, and soe much ouer as will satisfy the charges you are put vpon in leuying or transporting the said fine vnto Plymouth, vnto the Treasurer of this collonie there; vnto whom you are to deliuer the said twenty pounds in or as money, free of charge, in full satisfaction of this execution. Wherof fayle not, as you will answare for youer contempt att youer owne prill, and make returne heerof and youer doings heerin to the next Court.

Giuen att Barnstable, this 28th of September, 1682.

THOMAS HINCKLEY, Gov^r.

[*80.]

*The 24th of October, 1682, I went to the house or place of the vsuall abode of the within named Zacheriah Allin, of Dartmouth, and demaunded of him the sume within mensioned; vpon which the said Allin tendered to

mee forty two acres of land, and halfe an acre lying in the botome of the necke of land called Panomesett Necke, bounded by a riuer or bay eastward, and by the sea southward, and by a pond westward; and the said Zachery Allin chose one prisor, and I chose another prisor, to apprise the land; and the said prisors and I valled the land att 21^u 5^s, which said land I then entered into, and seized it for the vse of this collonie of New Plymouth, by vertue of the within written execution, as witnes my hand.

STEPHEN SKIFFE.

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Att the Court of his Ma^{ty} holden att Plymouth, for the Jurisdiction of New Plymouth, the last Day of October, 1682. 31 October.

BEFOR Thomas Hinckley, Esq ^r , Gou ^r ,	James Browne,
Wilkam Bradford, Deputy Gou ^r ,	Daniell Smith,
John Aldin,	Barnabas Laythorp, and
John Freeman,	John Thacher,
Assistants, &c.	

SAMUELL LUTHER is approued and appointed by the Court to be capt of the milletary companie of Swansey.

M^r Nicholas Pecke is approued and appointed by the Court to be leiftenant of the milletary companie of Rehoboth.

Silas Saares is allowed and appointed by the Court to be leiftenant of the milletary companie of Yarmouth, and John Hawes to be ensigne of the said companie.

The Court allowes and approues of John Wadsworth to be gaurdian to Samuell Sabery, of Duxburrow, son of M^r Samuell Saberry, deceased.

Arther Howland is allowed and approued by the Court to be gaurdian to Caleb Williamson, of Marshfeild.

Letters of adminnestration was graunted by the Court vnto Sherjashubb Bourn and Elisha Bourne to adminnester on the estate of M^r Richard Bourne, deceased.

Capt Nathaniel Thomas is lycenced by the Court to draw and sell stronge liquors vnto his naighbors by the gallon, or not lesse then a gallon att a time to one pson.

In reference to the settlement of some lands which appertained to Edward Gray, deceased, the Court haue ordered Samuell Sprague to giue meeting to

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31 October.
HINCKLEY,
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the proprietors of Punckateest and Pocasett att theire meetings for and in the behalfe of Mistris Dorethy Gray & persons concerned in said estate, and to acte in there behalfe therin as need or occation may require.

Memorand : that James Case and Thomas Butts to be sent for to the next Court, to giue a reason of there being and continewance att Punckateest without liberty first obtained soe to doe from the goũment ; and that likewise Benjamine Downing be sent for to the said Court to giue a reason of his being on the freemens land without libertie as aforsaid.

[*81.] *Sam, the Indian, soe called, for his rape com̄itted vpon an English gerle, being found guilty by the jury, who found him guilty by his owne confession, in wickedly abusing the body of Sarah Freeman by laying her downe vpon her backe, and entering her body with his, although in an ordinary consideration hee deserued death, yett considering hee was but an Indian, and therefore in an incapacity to know the horibleness of the wickednes of this abominable act, with other cercomstances considered, hee was centanced by the Court to be seuerly whipt att the post and sent out of country.

John, an other Indian, for his incorrigable theft the second time, in robing of a barke and other theft, was centanced by the Court to be sent out of the country.

The Juryes Names that went on the Case of the first aboue named Indian.

Mr John Cushen,	Edward Jenkins,
Cap ^t Laythorpe,	Elkanan Cushman,
Wiltam Paybody,	Wiltam Vobes,
Samuell Clapp,	Arther Howland,
Jonathan Morrey,	Dauid Aldin,
John Soule,	Adam Wright.

Vnto which English jury four Indian men p̄sent were aded, viz^t : Keencomsett, Lawrance, Cap^t Daniell, Concoquitt.

Att this Court, Wiltam Numacke complained against Gorge Barlow, for that the said Barlow doth continew the vse and improuement of some land of the said William Numacks about Pinquin Hole, on which lands the Court layed an extent for the tearme of ten yeers for the payment of a debt of seauen pounds four shillings vnto Wiltam Paybody, whoe rented those lands vnto the aforsaid Barlow ; & the time being expired the fifteenth day of October last past, this Court doth therefore order the said Barlow to desist any further vse and improuement of said land, or else make his appeerance att March Court next, then and there to render a reason for the contrary.

In reference vnto the disposall and settlement of the estate of Nicholas Nicarson, of Yarmouth, this Court doth order, that wheras the estate amounts vnto 125^l 9^s 3^d, that the widdow, for the bringing vp of the smale children, shall haue twenty fve pound nine shillings and thripence ; and shee is to haue twelue pound thirteen shillings and four pence during her naturall life out of the house and land, and a third pte of the rest of the mouable estate ; and the whole remainder of the said estate to be deuided into eight ptes, and destributed amongst the children, wherof the eldest to haue a double ption, and the other children to haue theire ptes when they come of age or are married, which of them shall first happen ; and incase any of them shall die before then, theire pte to be deuided amongst those that shall survie, euery one alike proportion.

An order was directed to the celect men of the towne of Duxburrow to take some course with Henery Clarke and Thurston Clarke, whoe are like to be in great want, that what stocke they haue may be improued for theire benefitt and comfort, soe as not to be a burthen to themselues or theire naighbours.

1682.

31 October.
HINCKLEY,
GOU^r
PART I.

**Att the Generall Court of his Ma^{ty} holden att Plymouth the sixt of February, 1682.*

1682-3.

6 February.
[*83.]

THE occasion of calling the said speciall Court being declared, viz^s, to know the mind of the Court whether they judged it meet to send an agent for England to the Kinge and Councell, to petition for confeirmation and inlargment of our letters pattents, after competent consultation and deliberation it was concluded in the affeirmatiue ; and accordingly M^r Ichabod Wiswall was by full consent chosen to goe on the said expedition.

Moreouer, a comittee was chosen to agitate and conclude of such p^ticulars as shalbe by them thought meet in reference to the said messenger, whose names follow : —

Viz^s, our honored Gou^r, Major Wiltam Bradford, M^r Barnabas Laythorpe, and Cap^t Nathaniel Thomas, were chosen for a comittee, whoe according to theire best judgment and descretion shall giue instructions and advice vnto our said agent chosen to be sent to his ma^{ty} for his management of our pattent, and to furnish him with what they shall judge nessesary for his mannagement of that affaire, both as to mony and any other nessesaries and conveniencies accordingly as they shall judge needfull ; and this Court will allow and confeirme any such acte of the said comittee, or any three of them, the Gou^r being one, and defray the charge therof.

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And incase it shall soe happen, that our said agent shall not or doe not take on him the said imploy, or be any otherwise hindered from goeing to his ma^{tie} about our said affaire, that then the said co^mitte^e shall haue power by vertue heerof to doe and acte in and concerning that affaire of our pattent, either by sending to M^r Blathwaite or otherwise, as they shall judge most expedient for vs, and this Court will alsoe defray the charge therof.

Wheras M^r John Cushen, Wiltam Paybody, and John Russell appeered not att this Court, and the Deputy Gov^r, Cap^t Freeman, John Miller, Cap^t Sparrow, and John Done departed this Court before it was finished, all being members therof, this Court orders, that if att June Court they render not a suffi^ent excuse they shalbe fined according to law.

This Court haue fully and freely giuen vnto M^r Terrey, of Taunton, a certaine smale psell of land, be it more or lesse, lying or adjoining vnto his other land, lying att Taunton Riuer, to him and his heires for euer; the said p^rmises, with all and singulare the appurtenances belonging thervnto, to belonge to him, the said Thomas Terrey, hee, his heires, and assignes, for euer.

This Court haue voted, that Sandwich, Barnstable, Yarmouth, and Eastham shall find and allow vnto the building of the Eelriuer bridge, euery of the said townes, fve pounds in siluer mony; and the said bridge is to be a cart bridge, and is to be wharfed vp att both ends, and but one peer left in the middle of the said bridge, and the towne of Plymouth are to finish and compleat the said bridge.

And that Plymouth, with the other southeren townes, shall maintaine Jonses Riuer bridge and the Eelriuer bridge, when the Eelriuer bridge shalbe built, according to proportion as they are in the cuntry ra^ts; and then the said townes shalbe free from being charged toward the building of any other bridge out of thire respectiue towneshipes.

This Court haue ordered, that Scittuate pay ten pounds, Ma^rfeild fve pounds, and Duxburrow fve pounds, in siluer mony, towards the building of Barstowes bridge, onely that twenty shillings is to be taken out of Duxburrows fve pound, and placeed to Mannamoiett to pay it, in siluer mony; butt incase that Scittuate, Marshfeild, and Duxburrow shall see cause to build and maintaine a cart bridge ouer the North Riuer, neare Barstowes bridge, then they shalbe free from being charged towards the building or maintainance of any other bridge out of their respectiue townships.

¶June, 1683. This Court haue ordered, that for the better vnderstanding of the order of Court made in February last, that if Scittuate, Marshfeild, and Duxburrow shall see cause to build and maintaine a cart bridge ouer the North Riuer, neare Barstowes bridge, then they shalbe free from being charged

toward the building or maintainance of any other bridge out of their respective townships. This Court declares, that Duxburrow is to be free from maintaining of Joanses Riuer bridge, vpon the aboue resited condition, excepting onely the grauelling of the end of the causwey, which is in their towne.||

*Wheras it doth appeer to the Court, that there is noe other estate extant to pay the debts of Richard Berry, deceased, the Court doth order M^r John Miller and Jeremiah Howes, of Yarmouth, to make sale of the house and lands of the said Berreys to pay his just debts; and if any ouer plusse appeer after such debts are payed, the said remainder to be att the Courts dispose for the vse & benefitt of the children.

In reference to an Indian named James, now liueing att Swansey with M^r Anthony Loe, whoe was out in the rebellion, and hath often soliseted the Court for his freedom, this Court haue ordered, that the Tusday after March Court hee shalbe free, except M^r Loe doe appeer, or some one for him, att the said Court, to giue satisfying reason to the contrary; and the Court orders, that when hee goes away from his said master, that hee shall giue him a good suite of clothes.

The Generall Court, being deeply sensible that wee are greatly guilty of forfeiting many choise blessings and priuiledges that our gracious God hath bestowed vpon vs, and for soe longe a time continewd to vs, doe therefore judge it meet and nessesary to call vpon all the churches and people in this jurisdiction to assemble together in their respective places on the 22 of this instant, to fall downe befor God in an humble acknowledgmet of all our bakeslidings from him, wherby wee haue greuously prouoked him to lay all our pleasant things wast and desolate, & earnestly to seeke his face and fauor in Jesus Christ still to continew our sacred and ciuill liberties; and for that end that hee would direct in, blesse, and succeed that waighty affaire now vnder consideration, viz^t, our application to his ma^{ty} for our establishment in the orderly injoyment of our most desirable blessings; and that if it please God an agent be sent for that purpose, our God would graciously protect and preserue him, and prosper his way to the other England, and giue vs to find fauor in the eyes of our lord the Kinge, and in due season returne a comfortable answare to our desires; alsoe, that God would sanctify his hand in that epedemicall disease & distemper of the cold and coughs in the country, as alsoe his afflicting hand vpon poor children, that hath bin soe mortall to many in diuers places; and that \wedge would turne from his anger, and restore and continew health euery where, and blesse the labours of his people this insueing year, giueing both seed time and haruest according to his promise; alsoe, in a speciall manor to seeke \wedge and salvation to be vouchsafed to the Lords persecuted ones in other p^tes of the world.

1682-4.

31 October.
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GOU^r.
PART I.
[*84.]

1682-3. *Att the Court of his Ma^{ty} holden att Plymouth the sixt Day of
March, 1683.

6 March.
HINCKLEY,
GOU^r.
PART I.
[*85.]

BEFORE Thomas Hinckley, Esq^r, Gou^r, Daniell Smith,
Wiltam Bradford, Deputy Gou^r, Barnabas Laythorpe, and
John Aldin, John Thacher,
James Browne,

Assistants, &c.

THIS Court allowed vnto Sarah Carpenter, of Rehoboth, the relict of M^r Samuell Carpenter, late deceased, the thirds of the estate and twenty six pounds for and toward the bringing vp of four smale children, and the remainder to be deuided into eleuen ptes, the eldest to haue a double pte, and the rest to be deuided amongst the children equally and in a like proportions, viz^s, the children of M^r Samuell Carpenter, late deceased.

Know all men by these p^sents, that wee, Wiltam Carpenter and Samuell Carpenter, Juni^r, of the towne of Rehoboth, and Sarah Carpenter, the relict of the said M^r Samuell Carpenter, deceased, doe acknowledge ourselues heerby to stand bound vnto the Gou^r and Court of New Plymouth in the penall sume of four hundred pounds ; for the payment wherof well and truly to be made, wee bind ourselues, our heires, executors, and adminnestrators, feirmly by these p^sents. Sealed and giuen this eight of March, anno Domⁱ one thousand six hundred eighty and two, 83.

The condition of the aboue written obligation is such, wheras the aboue bounden Wiltam Carpenter, and Samuell Carpenter, & Sarah Carpenter, the relict of M^r Samuell Carpenter, dēased, haue obtained letters of adminnestration to adminnester on the estate _____, of Rehoboth aforsaid, late deceased, if, therefore, the said Wiltam Carpenter, and Samuell Carpenter, Juni^r, and Sarah Carpenter shall and doe pay all such debts and legacyes as are due and owing vnto any from the said estate, and keep a faire accoumpt of ther adminnestration, and be reddey to giue in a faire accoumpt therof vnto the Court when by them required, and saue and keep harmles and vndamnified the said Gouvernor and Court from any damage that may acrew vnto them by their adminnestration, that then the aboue written obligation to be void and of non effect, or otherwise to remaine in full force, strength, and vertue.

This Court haue ordered the Cape mony as followeth, viz^s : to Bāstable scoole, twelue pound ; to Duxburrow scoole, eight pound ; to Rehoboth scoole,

five pound; to Taunton scoole, three pound; and two pound to M^r Daniel Smith. 1682-3.

8 March.
HINCKLEY,
GOV^r
PART I.

Att a Court held att New Plymouth March the eight, 1682, vpon a complaint made to the said Court by seuerall psons of the towne of Scittuate and alsoe of the propriators of Conahassett lands, that there is vncertainety and want of fixed bounds between the land of the said towne of Scittuate and the land of the propriators of Conahassett, for the preuention of future contest in reference to the p̄mises, the said Court haue deputed, ordered, Cap^t Josiah Standish, Wiltam Paybody, and Leiftenant Marke Eames, M^r John Cushen, and John Briggs, to run a line or lines, and to settle and fix bounds between said townes and propriators lands according to such deeds, records, and euidences as said p̄tyes shall produce and present to the aboue named cōmittee, whoe are deputed by said Court to attend and pforme the same with as much convenient speed as may be, saueing to the greiued att such settlement their liberty at law.

This Court orders, that the celect men of the towne of Plymouth, viz^s, Leiff Morton, M^r Wiltam Crow, and M^r Wiltam Clarke, shall inquire after and vse means that what appertaines to Robert Marshall may be deliuered to him, and alsoe to take into thire custody whatsoever appertaines to the widow, Mistris Jone Barnes, and to improue it for her support as shee shall or may stand in need therof.

*This Court doth order M^r Daniell Smith to giue oathes to the two witnesses of Anthony Perrey, of Rehoboth, late deceased, and likewise to administer an oath to the witnesses of the inventory of the said Edward Perrey his estate, and otherwise to advise the widdow in whatsoever shalbe thought needfull by him in that behalfe.

[*86.]

Wheras Joseph Gorum hath made appeer to the Court, that hee hath formerly serued in the office of an ensigne, and therefore desireth that hee may be freed from training, the Court, on consideration of the p̄mises, haue freed him from publicke training as a priuate souldier.

This Court alloweth vnto Mistrise Dorethy Gray, out of the estate of M^r Edward Gray, deceased, the sume of sixty pound for and towards the bringing vp of the three youngest children of his.

This Court alloweth a debt of seauen pound from the estate of Francis Combe due to Robert Finney, Seni^r, of Plymouth.

Att this Court, John Howland, of Barnstable, was ordered by the Court to be leifenant of the milletary companie of Barnstable.

In reference to two children, the daughters of M^r Francis Combe, whoe are left, the one named Deborah Combe, the other named Marcye Combe, the

1682-3. youngest left with Andrew Ringe and Lettice Ringe, his wife, whoe is grand mother thervnto, and the other, the eldest, left with John Morton, whoe is vnkle thervnto, the Court haue ordered, that they shall stay and bee with the said Andrew Ringe and his wife and John Morton vntill they attaine the age of seauenteen yeers, and not to depart from or from vnder their dispose vntill the said tearmes of time are fully expired.

8 March.
HINCKLEY,
GOU^r.
PART I.

Wheras Capt John Williams did, about thre or foure [^] since, obtaine an execution from authority for fifty six shillings against Gorge Partrich, Indian, sundry goods stollen away from said Williams, and damage don him, and assisting an Indian squa, seruant to said Williams, from vnder which execution said Partrich made an escape, and since comitted sundry misdemenors, as swearing, assaulting, threatening to kill the said Captaine Williams, for which being imprisoned, and brought to answar for said misdemenors, and being found convict therof, was by this Court centanced to be whipt, and warned not to come any more att Scittuate as hee would answare the contrary att his pill, and alsoe ordered him to pay to the said Capt Williams the said fifty shillins mensioned in the said execution, and twenty shillings more to said Captain Williams for his charge, trouble, and damage respecting the said misdemenors, and twenty shillings to the Scittuate constabls for their charges, and eleuen shillings to the vnder marshall for his fees, amounting all to fve pounds and seauen shillings in siluer mony; and wheras for the payment wherof M^r Wilam Clarke oblidge himselfe, and on request of said Gorge Partrich hath payed the said monyes, hee, the said Partrich, Indian, did promise well and faithfully to serue the said Wilam Clarke from the date heerof vntill the latter end of October next come twelue month, this Court doth therefore impower the said Wilam Clarke to retaine the said Indian, Gorge Partrich, as his servant during the said tearme aforsaid, whoe is to find his said seruant with meat, drink, and apparrell, sutable for him, and doe heerby order and require the said Indian, Gorge, to doe his master, M^r William Clarke, and his assignes, true and faithfull service, and his lawfull comānds euery where to doe, and from his said masters service not to absent himselfe by night nor day without lycence from his said master the whole tearm aforsaid.

[*87.]
9 March.

*Elizabeth Eldrich, widdow, and Nicholas Eldrich, plantor, of Manna-moiett, in the jurisdiction of New Plymouth, in New England in America, doe acknowledge ourselues to stand bound, oblidge vnto the Gou^r and Court of Plymouth, in the penall sume of three hundred pounds, for the payment wherof well and truely to be, wee bind ourselues, our heires and executors, joyntly and seuerally, feirmly by these psents. Sealed and giuen this 9th day of March, 1683.

The condition of the aboue-written obligation is such, that wheras the aboue bounden Elizabeth Eldrich and Nicholas Eldrich hath obtained letters of adminnestration to adminnester on the estate of Robert Eldrich, deceased; if, therefore, the said Elizabeth Eldrich and Nicholas Eldrich shall and doe pay all such debts and legacyes as are due and owing from the said estate, and keep a faire accoumpt of their adminnestration, & be redy to deliuer the said accoumpt when by the said Court thervnto required, and keep harmles and vndamnified the said Gou^r and Court from all damages that may acrew vnto them, or either of them, by their said adminnestration, then the said obligation to be void and of none effect, or otherwise to remaine in full force, strength, and vertue.

1682-3.

9 March.
HINCKLEY,
Gou^r.
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Gorge Russell, of Duxburrow, being p^sented for neglecting the worshipp of God on the Lords day, promiseing reformation, is for the p^sent released; but incase hee doe not reforme, then hee remaines lyable to punishment for this and that alsoe.

*March 20, 1683. I, the said Thomas Chimery, m^r of the ketch John Adventerer, M^r Michell Shate mate, in behalfe of ourselues and companie, doe heerby protest against both wind and sea, by which wee haue sustained great damage by losse of mast, and what to the cargoe wee know not, as by euidence doth appeer.

[*88.]

20 March.

MICAELL SHEWELL,
NICHOLAS BOOE,
ROBERT BELL,
ROBERT PITTEY.

These men whose names are aboue mensioned, comeing before mee the 26 of March, 1683, did witnes vpon their oath to the truth of the protest aboue written.

WILLAM BRADFORD, Deputy Gou^r
of New Plymouth Collonie.

Dated att New Plymouth, the 26 of March, 1683.

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1683. *Att the Court of Election holden att Plymouth, for the Jurisdiction
of New Plymouth, the sixt of June, 1683.

6 June.

HINCKLEY,
Gov^r.
PART I.
[*89.]

BEFORE Thomas Hinckley, Esq^r, Gov^r, James Browne,
Wiltam Bradford, Esq^r, Deputie Gov^r, Daniell Smith,
John Aldin, Barnabas Laythorpe, and
John Freeman, John Thacher,
Assistants, &c.

THOMAS HINCKLEY, ESQ^r, was chosen Gov^r, and sworne.

Wiltam Bradford, Esq^r, was chosen Deputie Gov^r, and sworne.

John Aldin, John Freeman, James Browne, Daniell Smith, Barnabas Laythorpe, and John Thacher,	}	were chosen Assistants, and sworne, except M ^r James Browne, whoe refuseth to serue.
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The Gov^r and Deputy Gov^r were chosen Comissioners, and M^r Daniell Smith is the next in nomination.

Major Wiltam Bradford was chosen Treasurer, and sworne.

The Deputies of the seuerall Townes.

Leift Ephraim Morton,	Capt ^t Joseph Laythorpe,
Joseph Warren,	Samuell Allin,
Capt ^t †Miles‡ ||Josiah|| Standish,	Capt ^t Peter Hunt,
Ensigne Tracye,	Leift Nicholas Pecke,
M ^r John Cushen,	Leift Thomas Haward,
Samuell Clapp,	Ensigne Banges,
Thomas Tupper,	Ensigne John Haward,
Stephen Skiffe,	Capt ^t Sparrow,
Ensigne Thomas Leanard,	John Cooke,
John Hathwey,	Hugh Cole,
M ^r John Miller,	John Thompson,
M ^r Jeremiah Howes,	Henery Head,
Capt ^t Nathaniell Thomas,	Capt ^t Benjamine Church.
Serjeant Samuell Sprague,	

The Grand Enquest.

Wiltam Sabine,	Simon Rouse,
Andrew Ringe,	M ^r Jeremiah Child,
Dauid Aldin,	Edward Vobes,
Isacke Cushman,	Micaell Foard,
Samuell Hunt,	Seth Arnold,
Suball Dimake,	Joseph French,
Edward Lewis,	Zacheryah Padducke,
Samuell Newman,	John Crowell,
Simon Rouse,	Joseph Silvester,
Edmond Freeman,	John Gibbs,
Henery Hodgis,	Obadiah Eedye,
John Otis, Seni ^r ,	Jabez Gorum,
John Freeman,	Wiltam Earle.

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*The Constables of the seuerall Townes.

[*90.]

John Bryant, son of	Enock Hunt,
Steuen Bryant, sworn,	Samull Smith,
Josiah Holmes,	Elihew Brett, sworn,
Samuell Little,	Mellatiah Laythorp,
Thomas Hieland, sworn,	Job Winslow,
Richard Dwelly, Seni ^r ,	M ^r James Brown, Juni ^r ,
Elisha Bourne,	Wiltam Macomber,
Samuell Hall, Seni ^r ,	Wiltam Briggs,
John Smith, Juni ^r ,	Wiltam Nicarson,
Thomas Baxter,	Robert Nicarson,
Samuell Hall,	Hopstill Besbey, one of the
David Wood, of Middel-	constables of Marshfeild,
berry, sworn,	sworne.
M ^r Nathaniell Paine,	

Celect Men.

Leiff Morton,	} sworn.	M ^r Edmond Freeman, Seni ^r ,	} these	
Wiltam Harlow,		Steuen Skiffe, and		} took
Wiltam Crow,		John Blackwell,			} the oath.
Cap ^t Standish,	} sworn.	Wiltam Harvey,		
Ensigne Tracye, and		Gorge Macye,		
Benjamin Bartlett,		John Hathwey,		

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Thomas Leanard,
Walter Dean,
M^r Miller,
M^r Hawes,
Edward Sturgis,
Joseph Howes,
Jeremiah Howes,
Cap^t Laythorp,
Ensigne Howland,
Samuell Allin,
Cap^t Thomas,
Leif^t Eames,
John Bourne,
Cap^t Hunt,

Leif^t Pecke,
Gilbert Brookes,
Cap^t Sparrow,
Mark Snow,
John Doan,
Cap^t Luther,
Obadia Bowin, and
Cap^t John Browne,
Cap^t Richmond,
Joseph Church,
Wiltam Southworth,
John Cooke,
John Russell, and
Ar^ter Hathewey.

Scittuate :

These took the oath of celect men. { M^r John Cushen,
Samuell Clapp,
Jeremiah Hatch.

[*91.] *This Court, Cap^t Richmond, of Little Compton, and John Bartlett, of Rehoboth, took the oath of fidelitie to this goūment.

As an adition to a former order graunted by the Court to John Rogers, of Bristoll, this Court haue graunted vnto him liberty to sell wine and rum by retaile there.

John Vinall, vpon consideration, is freed from training.

Att this Court, an Indian named J^epeth Peter, haueing bin sometime in durance, was p^sented before the Court for stealing thirteen or fourteen pound in mony and a p^te of a rundlett of liquor from Robert Parker, of Barnstable, on the Lords day, being alsoe convicted of acts of like nature rendering him a co^mon theife and incorrigable, is centanced by the Court to be sold out of the country ; and the charges of his imprisonment, &c, being defrayed, the resedew of prise to be deliuered to the said Robert Parker.

This Court haue graunted vnto hafe a dozen Indians, approued to be sober and of good conversation, by the celect men of the towne of Bristoll, to haue, each of them, a gun, and to keep them vntill such time as authoritie shall see reason to require them to bringe them in to those that they shall appoint to receiue them with all convenient speed ; and alsoe, such Indians are prohibited by the Court to lend any such guns to any other Indians.

This Court haue giuen and graunted vnto the towne of Plymouth a smale

peece of vpland lying on the southerly side of the Great Street in Plymouth, a little about the country house, to erect their new meeting house thereon, viz^s, all that small parcel of land which was the countryes there.

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HINCKLEY,
GOU^r.
PART I.

This Court hath appointed and impowered Leiff Ephraim Morton to act in all cases within the township of Plymouth for the suppressing and punishing of any person or persons for any criminal offences, soe far forth as is proper to the office of any magistrate out of sessions; and in soe acting, this shalbe his sufficient warrant.

In answer vnto the within written petition, the Court orders, that the 21 James, cap^t 16, shalbe noe barr to the petitioner his procecution of his said action, nor any other person in like case, vntill the said statute is published as the law of this collonie; vnto which the Court will speedily advise themselves, as lookeing vpon it very suteable for vs, being first published.

This repealed.
This was
Robert Stan-
fords suite.

In reference to Goodwife Sprague and her son, John Sprague, about some small parcels of land, they are come to an agreement before the Court, viz^s: that the said John Sprague taketh vp and is contented with the land which was formerly his grand father Spragues, according as it was formerly bounded, and a small parcel of land which was formerly his grand father Bassetts, bounded by a white oake tree standing by a stone, a little westerly of the widdow Spragues dwelling house, and soe ranging by a square line downe to the creike and vp to the highway; and the said widdow Sprague doth giue her thirds of the proffits of said lands to her son John during her marriage.

Wiltam Perry, in reference vnto his lamnes, haueing bin a poore souldier in our late warr & wounded, his wounds haueing lately broken out, and hath putt to much paine & charge, this Court allowes him fifty shillings.

This Court doth order, that Swansey and Middlbery shall chose some for officers to lead their military companies and instruct them in marshall discipline, and that orders to each of those townes to send such to the Court as they shall see cause to choose.

*This Court, takeing notice of the neglect of some townes and military companies, in not choosing of military commanders according to order of Court, when they haue bin required therunto by warrant from the president of the councill of warr, this Court therefore orders, that if any towne and military companie in the collonie shall neglect to choose military commander or commanders, which they shalbe required according to former order of the Court to choose by warrant from the president of the councill of warr, that the councill of warr shall appoint such commissioners, officer, & officers, in such townes and companies as they shall judge meet and necessary.

[*92.]

That the poor may be provided for as necessity requireth, this Court

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This was don
by the Generall
Court.

This repealed
and otherwise
ordered.

ordereth that the celect men in each towne shall take care and see that the poor in their respective townes be provided for, and are heerby impowered to releiue and provide for them, according as nessesitie in their descretion doth require, and the towne shall defray the charge therof.

On the petition and complaint of Humphery Johnson, of much wrong don him by the Scittuate men in denyeing him his just right in his share of the comons or other lands in Scittuate, that there is a stopp put to his proceedings in a due course of law for the obtaining his just rights (as hee saith) by some acts and orders of Court heertofore made, this Court declares that noe such acte or order of Court shalbe soe interpreted as to be any barr to hinder justice from takeing place in a due course of law for the obtaining of any just rights which doth or may manifestly appeer to be due and belonging to him, or any other man in like case.

9 June

The Court of Assistants, assembled att Plymouth the 9th of June, 1683, declare, concerning the pticular acte in the within mencioned writing, acted att the towne meeting held att Scittuate the 5th day of Aprill, 1683, psented to this Courts approbation, the Court, on consideration of said pticulars, declare that att psent they see noe reason to disapprone of what the said towne in that pticulare haue agreed vnto.

Mr Thacher and Capt Laythorp aded to the comittee for the revising of the lawes.

Isacke Cushman, Jabez Gorum, Obadiah Eevey tooke the freemans oath this Court.

John Vinall was freed from training.

Mr Smith, Mr Thacher, Capt Laythorp, Capt Thomas, and Leiftenant Morton tooke the Treasurers account.

In answere vnto the petition of Mr Isacke Robinson, requesting soffi supply of land for his accomodation, for sundry reasons in the said petition expressed, the Court graunted vnto the said Isacke Robinson, that hee may looke out and make inquiry after land, that if any may be found that will not be prejudiciall vnto others, that hee shall haue accomodation in that respect.

Surveyors of the Highwayes.

Plymouth,	{ Serjeant Tinkham, Thomas Faunce, Jonathan Pratt, Elkanan Watson.
Duxburrow,	

Scittuate,	{	Wiltam Randall, Seni ^r ,
		Thomas Kinge, Juni ^r ,
		John Sutton, Seni ^r .
Sandwich,	{	Wiltam Swift, Seni ^r ,
		Caleb Allin.
Taunton,	{	M ^r Gyles Gilbert,
		John Linkoln, Seni ^r .
Yarmouth,	{	John Whelden,
		Samuell Howes.
Barnstā,	{	Wiltam Thropp,
		Jabez Lumbert.
Marfeild,	{	Ephraim Little,
		John Rouse, Juni ^r .
Rehoboth,	{	John Titus, Seni ^r ,
		John Paggett,
		Thomas Man.
Bridgwater,	^	^
Eastham,	{	Samuell Freeman,
		Samuell Knowles.
Swansey,	{	John Wheaton,
		John West,
		Gorg Webb.
Little Compton,	{	John Irish,
		Wiltam Browning.
Middleberry,	{	Dauid Thomas, Juni ^r ,
		Joseph Vaughan.
Bristol,	^	^

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*Articles of Agreement made between the Towne of New Plymouth on the one pty, and Charles Stockbridge, of Scittuate, in the aforsaid Plymouth Collonie on the other pty, concerning a Corn Mill, as followeth ; [*95.]

Wheras the towne of Plymouth haue bin many yeares much damnified for want of the right management of thire corne mill, and haueing by their agents made suite to the said Charles Stockbridge to come and purchase the said mill, and come and build it as hee shall see cause, for the good and benefitt of the said towne, and himselfe, the said Charles Stockbridge, coming to Plymouth, on the accounte abouesaid, the said towne of Plymouth haue, for his incuragment, heerby graunted vnto the said Charles Stockbridge the whole vse of their brooke or streame, comonly called the towne brooke,

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whereon the old mill now standeth; to him, the said Charles Stockbridge, his heires and assignes, for the vse of a corne mill, or mills, as hee or they shall see meet, and for noe other vse, noe more than any other townseman; which said brooke and privildges said Charles Stockbridge, his heires or assignes, shall haue soe long as hee or they shall maintaine a sufficient corn mill and miller, to grind the townes corn well and honestly for one sixteenth pte of a bushell of corne or graine which shalbe brought vnto the said mill in a fitt capassetie to grind; and for the further incurragement of said Charlse Stockbridge heerin, the said towne haue paied vnto him, said Stockbridge, eleuen pounds in siluer towards the raising of said mill dame, and makeing a wast water course for the herrings to pass ouer the dam into the pond; and the said towne by their agents, whose names are heervnto subscribed, doe heerby engage to and with the said Charles Stockbridge, and his heires and assignes, to be att halfe the charge of maintaining the said water course successiely; namely, all that pte of it that is below the said mill dam. In confeirmation of which articles of agreement abouesaid, the agents for the said towne of Plymouth, and the said Charles Stockbridge, haue put to their hands this first of May, 1683.

EPHRAIM MORTON, Seni^r.
JOSEPH WARREN,
JOSEPH BARTLETT,
CHARLES STOCKBRIDGE.

Signed in p^sence of
Isacke Little,
John Hathway

July.
[*96.]

*1683, July. M^r John Thompson, Mr. Wiltam Crow, and John Barker, att the Court of his ma^{ty} held att Plymouth, the sixt of March, 1683, were appointed to be adminnestrators of the estate of M^r Francis Combe, late deceased; the said adminnestrators appeering att this p^sent Court, July, 1683, and then and there giueing vp their accomptes to the Court respecting their adminnestration, and desired to be discharged from the same. The Court, being satisfyed in their accompt, haue by these p^sents discharged them from the said adminnestration.

And John Richmond, of Taunton, and Mistris Mary Combe, are admitted and appointed by the Court to be adminnestrators on the estate of M^r Francis Combe, and they haue receiued of the former adminnestrators the accomptes of the said estate.

In answare vnto the peñion of Nathaniel Hall, the Court allowes him five pound in respect vnto his conteneded lamenes, &c.

This Court doth order the inhabitants of Pocassett and Puncateesett to be vnder the constablericke of Little Compton.

This Court orders that the inhabitants of the freemens land, att the Fall Riuer, shalbe a townshipp, and haue a constable and grandjurymen, and be henceforth called by the name of Freetowne.

This Court haue ordered, that the law prohibiting the Indians att Court times to come to Plymouth, shalbe reuiued and put in execution forthwith.

Thomas Wilmouth, of Rehoboth, is allowed, approued, and appointed by the Court to be ensigne of the milletary companie of Rehoboth aforsaid.

In reference vnto John Harmon, an impotent man, concerning whom there hath bin much debate between the townes of Plymouth and Taunton, which of the said townes should maintaine him, the Court in the end haue ordered that Plymouth shall entertaine him vntill their yeer wilbe expired, which wilbe in October next after the date heerof, and that then the towne of Taunton shall receiue and entertaine him for the space of one whole yeer, and Plymouth then to take him one whole yeer ; and soe to be kept from yeer to yeer, one yeer in Plymouth and the other in Taunton, successiuelly ; and that if it can be found att any time to be just and equall that any other towne or townes should keep him, that it shalbe required of them alsoe to doe their pte therein.

Wheras Awashunkes, and her daughter Bettey, and her son Peter, were brought to this Court on suspition of their haueing a hand in the murdering of a young child the said Bettey had, this Court, on examination of the case, the said Awashunkes & her said daughter sollemly affeirming the said child to be dead before it was born, and nothing as yett appeering to the contrary vnto the Court, they therfore were dismissed ; yett in regard to their ill carriage in the management of that affaire concerning a woman to be whipt for reporting said Bettey was with child, when soe it afterward appeared to be really soe, the Court therfore order, that the two Indian squaes, that were appointed to serch the said Bettey, affeirming that shee was not with child, wherby Sames wife was whipt for the report aforsaid, shall pay, each of them, ten shillings in good currant pay to the said Sames squaw ; and the said Bettey to pay to her the sume of twenty shillings in good pay ; and each of the three, viz^s, Awashunkes, Bettey, and Peter, twenty shillings a peece towards the charge of their bringing and imprisonment ; and the said Bettey to be whipt by the Indians att Saconett, for her fornication ; and the Indians there to doe what they can to find out any further grounds of suspition of said suspected murder, and if there appeer further just grounds of such a fact comitted by any of them, them to ceure and send to the English authoritie, to be dealt with all according to law.

*Wheras Jonathan Dunham, allies Shingleterry, hath longe absented

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himselfe from his wife and family, tho advised and warned by authoritie to repaire to them, and for some considerable time hath bine wandering about from place to place as a vagabond in this collonie, alsoe deseminating his corrupt priñiples, and drawing away annother mans wife, following him vp and downe against her husbands consent; and att last hee meeting with and accompañing a younge woman called Mary Rosse, led by inthewsiasticall power, hee said hee must doe whatt shee bad him, and according did, both of them, on her motion, att the house of John Irish, att Little Compton, kill his dogg, against the declared will of the said Irish; and although hee put them out of his house, yett they would goe in againe; and according to their anticke trickes and foolish powers, made a fier in the said house, and threw the dogg vpon it, and shott of a gun seuerall times, and burnt some other thinges in the house, to the hazard of burning of his house and younge children, keeping the dores and not opening them to the said John Irish when hee come with some of his naighbours to rescue the same; to the disturbance of his ma^{tes} peace comaunded, and aganst his lawes.

This Court centanced the said Jonathan Dunham to be publickly whipt att the post, and required him to depart forth with out of this collonie, which if hee delay to doe, hee shalbe tooke vp by the constable where hee doth vnnessesarily stay, and be againe whipt and sent out of the collonie; and soe serued as oft as hee shall vnnessesarily returne into it to deseminate his corrupt principles.

And the said Mary Rosse, for her vnciuell and outrageous railing words and carriages to the Deputie Gou^r, and afterwards before the whole Court, superaded to her former anticke actings as aforsaid, is centanced to be whipt and conveyed from constable to constable out of this gou^rment towards Boston, where her mother dwells.

The law prohibiting the Indians att Court times to come to Plymouth is reuiued.

This was acted
by the Generall
Court.

In answare to M^r Johnson petition, this Court judgeth it is not proper to them to determine the title of land; yett, inasmuch as hee alledged that Scittuate men haue don him much wrong in deneying him his just right in the late vndevided lands of Scittuate, and that by reason of sundry actes or orders of Court made since and about that controuersye, which puts a barr or stopp, as hee saith, to his proceeding in a due course of law for his obtaining his said just rights, this Court therfore declares that noe order nor acte of Court made respecting that controuersy shalbe improued, or be of any force to hinder justice from taking place in a due course of law for the obtaining of any just right which doth or may legally appear to be due and belonging to

him or any other man in like case, but shalbe layed by and be of noe vse either for or against any pson or psons whatsoever concerning the said p̄mises.

This Court impowers and authoriseth Zachery Eedy to be constable of the ward of Showamett, and to act within that ward as in euery respect as an other constable might doe in his ward in any matter proper vnto the propriators of Showamett respecting them att that place.

William Connett, by his attorney, Jonathan Morey, in oppen Court declared that the said Wiltam Conett layes claime to all the land between Sepecan, allies called Cohassett Riuer, and the riuer called Wonconquake Riuer, and to Plymouthes westerly tree att Agawaame, and hath made vse of a p̄te therof, and doth disclaime and defie the title of euery these men, called the purchasers of Sepecan, vnto any of the lands aboue claimed by the said Wiltam Conett.

*In answare to the request and petition of John Cooke, for some accomodation of land, in reference vnto seuerall former petitions to the like effect, this Court doth graunt and giue him liberty, that if vpon serch and inquiry, hee can heare of any that is vndesposed of or not graunted to others, that then hee shall haue accomodation according to the said former petitions or graunts.

It is enacted by the Court, that all actions of debt proper to any of the A Court order. celect courts where the plaintiffe liues in one towne, and the defendant in an other, shall be tryed and determined in either of the said townes, where the plaintiffe pleaseth; and all actions proper to any of the celect courts against strangers & non resedents, and p̄sons liueing out of townshipes, shalbe tryed in any of the celect courts, where the plaintiffe shall choose; and the celect men shall haue power to graunt summons or attachments to the p̄tyes or constables of townes in the said cases, att any plaintiffes request, and to graunt executions, as in other cases in their owne townes they by law may doe.

*Att the Court of his Ma^{ty} held att Plymouth the sixt of Nouem- 6 November.
ber, 1683.*

ELDAD ATTWOOD for turbulent carriages to the constable of Eastham, is fined ten shillings.

John Sprague and his wife, for fornication after contract, fined fise pound.

Richard Man and his wife, for comitting fornication, fined seauen pound and ten shillings.

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[*98.]

A Court order.

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Imdah, an Indian, for theuery att diuers places att seuerall times, and goeing on therein in an incorrigable way, is centanced by the Court to be sent out of the country, and incase hee doe att any time come any more into this collonie, that hee shalbe taken and ymediately brand marked, soe as hee may therby be knowne.

Richard Dwelley, for coming drunke into the Court, and otherwise behaeing himselfe vnseemly, was fined.

Thomas Smith, of Eastham, is centanced by the Court to pay twenty shillings to the countrey, and twenty shillings to M^r Richard Rich, for striking and abusing the said gentleman both in word and deed.

Samuell Mayo, Juni^r, for striking of Barnabas Vixon, on the Lords day, is fined twenty five shillings.

[*99.] *To the Cheife Marshall of the Collonie of New Plymouth, or in his absence to the Constable of Plymouth, greet, &c.

Wheras John Rogers, the constable for the yeer 1681, that by reason of straightnes of time hee could not gett in all his rate, which was orderly made & comitted to him to gather, & that sundry psons concerned in the said rate had refused or neglected to pay their ptes therof, and desire the benifite of the law in that case prouided, viz^s, that they might haue a warrant directed to the constable in the yeer 1682, to assist him in the leuying by destresse on the goods and estates or pson (according to law in that case prouided) of such as refused or neglected to pay their ptes of the said rate, to make satisfaction as the matter required, which was accordingly graunted as by said warrant bearing the 19th of August, 1682, and signed by Thomas Hinckley, Gou^r, doth & may appeer, reference thervnto being had; in psuance of which warrant, Encrease Robinson, the then constable of said Bristoll, did, as hee alledged, demaund of M^r John Saffin, of Boston, 12: 16: 01, being his pte of the said rate, as hee made appeer to him by shewing him, the said rate bearing date 22 February, 1682, signed by Nathaniel Byfeild, Benjamine Church, John Carey. But the said John Saffin refused to pay his said pte of that rate, or to discouer any estate of his that the said constable might make destresse vpon for payment of said pte of the rate, but tendered rather *tendered* his body, wherby the said constable was nessesitated (as hee alledged) to make destresse on his pson, as by the abouesaid warrant and law in that case is required of him; whervpon the said Saffin complained against the said Encrease Robinson for leuying or making a distresse wrongfully vpon the pson of said Saffin, therby vnlawfully hindering or detayning him from his freedom and lawfull liberty vnder y^e pretence of a warrant directed to the

constable of New Bristoll, dated 19th of August, 1682, and procecuted a suite against the said Robinson for the same by a repleuion which hee had obtained, bearing date the sixt day of Aprill, 1683, whervnto reference being had more att large appeereth ; which, after the pleas heard on both sides, was comitted to the jury, whoe found for the defendant the cost of the suite, as by there verdict doth appeer ; whervpon the defendant that according to law & justice, his prisoner, the said John Saffin, might be deliuered and kept in safe costody vntill hee hath satisfyed the said sume, with the cost.

These are therefore in his ma^{ties} name to will and require you, or either of you, psently on receipt heerof, to attach the body of the said John Saffin, and him deliuer to the keeper of his ma^{ties} gayle att Plymouth, whoe is in his ma^{ties} name heerby required him to receiue and safely keep vntill hee shall satisfy the said sume of twelue pound sixteen shillings and a peny, and the sume of forty shillings for the cost, with your owne fees, or otherwise deliuered thence by lawfull authority ; wherof fayle not, as you, and either of you, will answare the contrary att your prill.

THOMAS HINCKLEY, Gou^r.

Dated att Plymouth the 9th of July, 1683.

*To the Marshall of his Ma^{ties} Collonie of New Plymouth, or in his absence to the Constable of New Plymouth, greef, &c. [*100.]

Whereas M^r John Saffin, of Boston, did att this Court, by a repleuing, procecute an action against Encrease Robinson, of Bristoll, for his wrongfull seizing and detaining of the pson of the said John Saffin, vnder pretence of his office as constable, for non payment of a rate of ten pound and odd mony, as by the said repleuion, bearing date the 6 day of Aprill, ann^o 1683, whervnto reference being had, doth and may more att large appeer ; and forasmuch as in the said procecutation, the said John Saffin not making good his said charge, the jury found for the defendant, as by the juryes verdict in that case (on record) doth and may appeer, and the said Encrease Robinson requeasting this Court to haue the pson of the said John Saffin returned into safe costody, to be kept in safe durance vntill hee shall haue satisfyed the said rate, with his damages and costs allowed in attending the said action, as the law requires, which accordingly was graunted to him by the said Court.

These are therefore in his ma^{ties} name to will and require, or either of you, psently, on receipt heterof, to attach the pson of the said John Saffin, and him deliuer vnto the keeper of his said ma^{ties} goale in Plymouth aforsaid, whoe is heerby required in his said ma^{ties} name to receiue him, the said John Saffin, and him safely keep vntill hee shall satisfy the aforsaid sum, or be thence

1683.

6 November.
HINCKLEY,
Gou^r.
PART I.

1683. deliuered by lawfull authoritie to law ; wherof fayle not, as you, or either of you, will answare the contrary att your prill.

6 November.
HINCKLEY,
Gov^r.
PART I.

THOMAS HINCKLEY, Gon^r.

Plymouth, the 9th of July, 1683.

The sume to be satisfied is 10 : 04 : 02 mensioned in the rate bill aboue-said, and the bill of cost allowed therevpon to the said is 1^u : 09 : 06, and such charges as shall nessesarily for the non payment of said sumes of eleuen pound thirteen and 8^d, incase any such charges shall arise to obtaine the said sume.

Plymouth, dated the 9th of July, 1683.

[Pages *102, *104, *106, and *108, are recorded out of place, and in an unknown hand.]

1682.

*New Plymouth Colony Debter.

June.
[*102.]

x 84 $\frac{1}{2}$ of biskett to Generall Cudworth,	00 : 18 : 00
x gallions of wine to ditto,	00 : 08 : 00
x bagg & runlett not returned,	00 : 00 : 00
x sheep deliuered by John Sanford by x of Comisse- sary Church, vnder y ^e souldiers, x came ouer from Mount Hope,	} 04 : 11 : 00
x 1 ^o 3 ^o 16 pound of biskett deliued to John Abbitt by Generall Cudworths order, . . . . .		} 02 : 10 : 00
	08 : 07 : 00

Sign^d by PELEG SANFORD.

The aboue written accompt is alowed by the Court held in June, 1628.

[*104.] *Peleg Sanford, Esq^r, his Account, appointed to be x rded at June Court, 1682.

Rhode Island, anno 1675.

General Josiah Winslows Debit^r.

x ement of twenty eaight wounded men, from the x Desember vntell the 25 th day,	} 004 : 04 : 0
x Almy, for 244 $\frac{1}{2}$ of mutton, . . . . .		003 : 01 : 0
x Almy, 10 yds. of duffles for the wounded,	003 : 00 : 0
x Almy, 2 $\frac{1}{2}$ cord of wood for ditto,	001 : 00 : 0
x ne firkin of butter sent y ^r hon ^r by John Cobly con- x ing neat 66 $\frac{1}{2}$ at 6 ^d p $\frac{1}{2}$, & the firkin 18 ^d ,	} 001 : 14 : 6
x 451 $\frac{1}{2}$ $\frac{1}{2}$ of mutton deliuered vnto Stretton Lowell & other tenders of the wounded men at the house of M ^r Brinton & Robert Carr, at . . . . .		} 005 : 12 : 9

To 12 ½ of candles & 10 ½ of butter to ditto houses,	000 : 12 : 10
To 6 bushels of Indian corn to ditto houses,	001 : 04 : 0
To 2 gallon of mallassas to ditto,	000 : 05 : 0
To 102 ½ of salt beefe to ditto, & 7 ½ of porke, . .	001 : 07 : 6
To 16½ cord of wood, at 8 ^s p cord, & 4 load of wood,	007 : 16 : 0
To 3 quarts of rum to Lowell,	000 : 03 : 9
To 15 ½ of flax, with the 6 ½ sent to the garison, .	000 : 15 : 0
To Capt Green, for bear to the wounded,	000 : 02 : 6
To cash for the buriall of Linkhorn, Harriss, Summers- by, & oñ more,	} 001 : 10 : 0
To 74 ½ of sugar amond the wounded,	001 : 17 : 0
To 28½ gallons of rum to the docter for the use of the wounded men,	} 007 : 03 : 1½
To 2 fat sheep to Docter Hawkins for the wounded that went in the vessell with him,	} 000 : 18 : 0
To 8 yds. of duff ^a to Serg ^{tt} Witherly, Jafñs Bell, & other Taunton men, that came wounded to my house Desemb ^r 24,	} 002 : 08 : 0
To cash to Jafñs Bell to bear his charges home, . .	000 : 04 : 0
To Sergeant Witherell, Jafñs Bell, & White, for their diatt, lodging, & attendance, two of them one month, & one of them thre weeks, at 8 ^s p weeke, }	004 : 08 : 0
To Left Sauage, Docter Cuttler, & their men, that tended them, being in all ^ from the 24 of Desemb ^r vntell the ^ day of February, at 8 ^s p weeke, besids soldiars that dieted with them when come ouer from the garrison, }	015 : 03 : 0
To Docter Hawkins, diet, & lodging about a month,	001 : 12 : 0
To Left Vpham, from the 24 Desemb ^r vntell the 14 day of March, & his kinsman for diet & lodging, at 8 ^s a weeke a peece ; his sister was also a consid- erable part of the time, }	009 : 02 : 0
To ditto Vpham, 1½ gallons of rum, & 15 ½ of mut- ton, when went away, }	000 : 11 : 3
To account of the estate of William Brenton, Esq ^r , for hire of a roome from the 24 of Desemb ^r vnto the 17 of October, 76, the day that Serjañ Wither- ell went out of it, at 5 ^u p yeare, is }	004 : 01 : 7½

1682.

June.
PART I.

1682.

June.
PART I.

To ditto Witherly for sundryes, as p his account in this folio vnder written,	}	003 : 12 : 11
To damage sustained in my beding & other house- hold stuffe, with things p̄loined by incomers, which here charge twenty pounds att p̄sent, for thought the damage be far more,		
		103 : 9 : 9

Dated in New Port, on Rhode Island, the 26th day of January, 1679.

[*105.]

*Rhode Island, Anno Domoni x .

p Contra, Creditor.

1675. } By one Indian man, & one Indian womax,	x	x
Desemb ^r . } bought of Left Allmy for	x	x
By Walter Newbery, p ditto, order,	x	x
By John Green, p ditto, order,	x	x
March 12. To 38 ħ of bullets from Capt Remington,	x	x
x of Capt Golden,	x	x
By one barrill, with some powder in it, receued	x	x
Ditto, Rimington, by ditto, Golden, wayed with the	x	x
& bay 67 ħ; judg the barrill	x	x
& barill conteing al	x	x
30 ħ, so then there may be neat powder 37, at 12 ^d	x	x
p ħ	x	x
By 6 ^c : 1 : 12 of biskett, taken out of the biskett that came from Boston,	}	x
		022 : 09 : 0

Rests due to Peleg Sanford to ballance this account the sum of eaigthy one pound & thre pence, currant money of New England,	}	081 : 00 : 3
		103 : 09 : 9

Errors Exsepted,

PELEG SANFORD.

Major Peleg Sanford, being lame in his hands, subscribed this account as at the foot therof in this maner, this ninth of Desemb^r, 1679, in p̄sence of witnesses.

WILLIAM TAILOR,
EPHRAIM SAUAGE.

At the Generall Court held at New Plimouth, June the 6^t, 1682, this account of M^r Peleg Sanfords being p^sented, soe far as it concerns this colony, was allowed, & the Tresurer of this colonye ordered to make payment of the just part or proportion of this colony towards it.

1682.

June.
PART I.

Testa me, NATH^{LL} MORTON, Secretary.

[The following line is in the handwriting of Secretary Morton.]

The before written accoumpt is revised, compared, and is exacte.

* x in y^e printed laws voted by y^e Court July, 1682.

[*106.]

x mo : 3. but if they be or will be married (add) and y^e case be such x wfully, may then, &c.

x had no attachments, add, or summons, & after the words, against any x bitant in this jurisdiction, adde, or forreigner ; & adde in y^e close, x making good y^e damage by y^e grant or.

x worke dayes warning, & ad, for appearance to answeare such p^sentment.

x de after y^e words, in his owne person (or giueing vote, vardict, centence in any ciuill case or cause ; also adde in y^e close (& the Court may chose their guardians before they attaine y^e age of fourteen yeers.

Cap. 8, in y^e close of n. 1, adde, and y^e said .sum̄ to be deliuered to y^e Treasurer ; n. 4, adde in ye close, (And forasmuch as some persons neglect to giue into y^e towne clerk y^e day & time of their marriage, whereby much inconvenience ariseth, for preuention wherof it is ordered, that such maiestrate, or other person authorized to ioyn persons together in marriage, shall keep a register of y^e persons & time of their ioyning togeather, & present a list therof, & present y^e same to y^e Court or towne clerke of y^e s^d towne.

Cap. 9, n. 5, read, (& y^e same certified to y^e next Court, &c.

[The second part of the sixth volume of Court Orders commences here in the chirography of Secretary Morton.]

†*Att the Court held att Plymouth the 5 of March, 1683, —†

1683.

PART II.

[*1.]

JONATHAH BLISSE, of Rehoboth, blacksmith, standeth bound vnto this Court in the penall sume of two hundred pound ; for the payment wherof well and truely to be made, I bind mee, my heires, executors, and adminnestrators, feirly by these p^sents, sealed and giuen thirty one of October, one thousand six hundred eighty three.

The condition of the aboue written obligation is such, that wheras the aboue bounden Jonathan Blisse hath obtained letters of adminnestration of the

1683. Court to adminnester on the estate of Ephraim Harmer, late deceased, if, therefore, the said Jonathan Blisse shall and doe pay all such debts as are due and owing to any from the said estate, and saue and keep harmles the aboue-said Court from any damage that may acrew vnto them by his said adminnestration, and keep a faire accompt therof, and be in a reddines to giue in an accompt therof when by them required to the said Court; that then the aboue written obligation to be void and of non effect, or otherwise to remaine in full force and vertue.

HINCKLEY,
Gov^r.
PART II.

Know all men by these p^sents, that I, Isacke Pope, and Seth Pope, both of Dartmouth, in the go^vment of New Plymouth, planters, doe heerby acknowledge ourselues heerby to stand bound vnto the Go^v and Court of Plymouth aforsaid in the penall so^me of four hundred pound; for the payment wherof well and truely to be made, wee bind ourselues, our heires, executors, and adminnestrators, joyntly and seuerall, feirmly by these p^sents, sealed and giuen this second of Nouember, 1683.

The condition of the aboue written obligation is such, that wheras the the abouebounden Isacke Pope and Seth Pope hath obtained letters of adminnestration to adminnester on the estate of Thomas Pope, of Dartmouth aforsaid, late deceased, if, therefore, the said Isack Pope and Seth Pope doe pay all such debts and legacyes, or cause them to be payed, as are due or owing vnto any from the said estate, and keep a faire accompt of their said adminnestration, and be redy to giue in an accompt therof when by them required, and saue and keep harmless the said Go^v and Court therof from any damage that may accrew vnto them by their said adminnestration; that then the abouewritten obligation to be void and of non effect, or othef to remayne in full force, strength, and vertue.

Memorand: that Joseph Holley, of Sandwich, in the go^vment of New Plymouth, in New England, yeoman, appeered, this 17th of June, 1681, before mee, Thomas Hinckley, Go^v of the said collonie of New Plymouth, and acknowledged himselfe to owe vnto our so^v lord the Kinge, &c, the sum of 25 pounds of lawfull mony of New England, to be leuied vpon his goods, chattels, or land, for the vse of our said so^v lord the Kinge, incase default be made of the condition heervnto anexed.

The condition of this recognisance is such, that wheras Zachery Allin, late of Sandwich aforsaid, hath bine convict before mee, by the accusation of sundry Indians, of his trucking, giueing, or procuring for or to sundry Indians, att seuerall times, some quantity of stronge liquors, contrary to the wholesome lawes of this go^vment, and hath neglected or refused to cleare himselfe by his oath or pay his fines therby due, if the said Zachery Allin shall make his

personall appeerance att his said ma^{ties} Court to be held att Plymouth the first Tuesday in July next, then and there to answere to the p^rmisses, and abide by, p^rforme, and doe or suffer what by the said Court shall there and then be injoynd to him, & not depart the said Court without lycence; then this p^rsent recognisance to be voyd & null, or else to abide and remaine in its full force, strength, and vigor.

1683.

HINCKLEY,
Gov^r.
PART II.

JOSEPH HOLLEY.

Recognett, the day and date abouewritten, before mee, predict,

THOMAS HINCKLEY, Gov^r.

Wheras his ma^{ties} Court, held att Plymouth in October last, graunted to Zachery Allin abouemencioned, on his request to them, that hee should haue another tryall by a jury sworne to try the issue between our sofi lord the Kinge and him, these p^rsents witnes, that the abouesaid Joseph Holley doth acknowldige himselfe bound by recognisance in the same so^me as in his abouesaid recognisance is specifyed, on the abouesaid condition, onely the day of appeerance altered to the first Tuesday in March next.

JOSEPH HOLLEY.

Recognitt, this 28th day of February, 1681, before me p^rdict,

THOMAS HINCKLEY, Gov^r.

*Capt Nathaniel Thomas is appointed by the Court to lay out seuerall p^rsells of land graunted to William Tubbs & Abraham Peirse, lying att or neare Indian Head Pond.

[*2.]

This Court doth order M^r Lathrop and M^r Thacher to adminnester an oath to M^{rs} Mary Hinckley in reference to the will of Abraham Blush, deceased.

Att the Court of his Ma^{ties} held att Plymouth, for the Jurisdiction of New Plymouth, the 5th of March, 1683.

1683-4.

5 March.

BEFOR Thomas Hinckley, Esquire, Gov^r,
Wiltam Bradford, Esq^r, Deputie Gov^r, and
John Aldin,
John Freeman,

Daniell Smith,
Barnabas Laythorp, and
John Thacher,

Assistants, &c.

1683-4.

5 March.
HINCKLEY,
GOV^r.
PART II.

IN reference vnto the settlement of the estate of Desire Gorum, of Yarmouth, deceased, amonge the children, it was agreed and determined by Goff Hinckley, Majer Bradford, Deputy Goff, M^r Freeman, M^r Laythorp, and M^r Thacher, Assistants, alsoe with the mutuall consent of the children then appeering, viz^s, James Gorum, John Gorum, Joseph Gorum, with the consent, likewise, of the sonnes in law, as followeth : —

That James Gorum haue a dubble portion of the whole estate, debts being first payed out, and all the rest of the children, both sonnes and daughters, to haue an equall portion of the aforsaid estate, that is, John, Joseph, Jabez, and Shuball, Desire, Temporance, Elizabeth, deceased, Marsy, Lidia, and Hannah ; as Elizabeth deceased, wee doe agree and consent that her children shall haue an equall pte that did belonge to their mother ; as to Shuball, the youngest son, wheras there was fifty pound in mony giuen to his mother to bestow vpon him in learning, wherof wee find vpon account a great pte of it bestowed on him, yett wee doe consent and agree that hee shall haue forty pound in siluer mony made vp to him when hee cometh to age out of the aforsaid estate, besides his equall pte, and alsoe fiue pounds of his equall pte, which to be in siluer mony, which makes his 40^l to be 45 pound in mony.

In reference to the settlement of the estate of Samuell Chandeler, deceased, in as much as the estate is but smale, the Court thought meet to settle the intire estate on the widdow, which was his wife, and haue graunted hres of adminestration to the said widdow and John Soule, to adminnester on the said estate.

Hres of adminestration is graunted vnto John Nelson to adminester on the estate of Martha Nelson, widdow, deceased.

Hres of adminestration is graunted vnto Wiltam Hoskens to adminnester on the estate of Peter Riffe, deceased.

Know all men by these p^sents, that I, Thomas Wood, of Swansey, doe acknowlidge my selfe to stand bound heerby vnto the Goff and Court of New Plymouth in the penall sume of fifty pound ; for the payment wherof well and truely to be made, I bind mee, my heires, executors, and adminnestrators, feirmly by these p^sents. Sealed and giuen this fift of March, 1683^¼.

The condition of the abouewritten obligation is such, that wheras Elizabeth Wheaton hath obtained of the Court hres of adminestration to adminnester on the estate of Samuell Wheaton, of Swansey, late deceased, if, therefore, the said Elizabeth Wheaton, widdow, shall pay, or cause to be payed, all such debts and legacies as are due and owing to any from the said estate, soe farr and by equall proportions as the estate will amount vnto, and saue harmles and vndamnifed the said Goff and Court from any damage that may acrew

vnto them by her said adminnstration, and keep a due account therof, and be reddey to giue an account therof to the Court of Plymouth when by them required; that then this obligation to be void and of non effect, or otherwise to remaine in full force, strength, & vertue.

Joseph Barstow is discharged by the Court from keeping an ordinary att the North Riuer.

This Court doth graunt lycence vnto Joseph Siluester to keep an ordinary att the North Riuer for the entertainment of strangers, and to be well prouided for with nessesaryes for their entertainment, both for them in respect of good diett and lodging, and for their horses alsoe that hee be fited with good prouender for them; and that hee keep good orders in his house, that hee incurr noe just blame through his neglegence in that behalfe; and that it shalbe in his liberty to entertaine such in their owne towne as hee shall see cause, and to keep out others as hee shall see reason.

John Miller, of Yarmouth, gaue notice to the Court of one John Abraham, that is likely to be chargable to the said towne, and hath bine ordeꝛ by the said John Miller and the constable of the towne not there to abide, this being the next Court after the said Abraham came into the said towne.

Att this Court, Suball Gorum made choise of his brother, James Gorum, to be his gardian, and the Court approued therof.

John Simmons, son of Moses Simmons, hath made choise of John Soule to be his gardian, and the Court approues.

Samuell Sampson, son of Samuell Sampson, deceased, hath made choise of John Soule to be his gaurdian, and the Court approues therof.

*Att this Court, Mistris Dorethy Gray had notice giuen her to appeer att June Court to giue in her account of her psonall estate, and to giue in an account of what shee hath receiued for her children.

[*3.]

These may certify, that John Thompson did declare att the last October Court, that the towne of Middleberry did warn William Green to depart their towne; and John Thompson and William Nelson appeered this Court, and enformed the same, and yett att this Court hee there remained.

John Bryant, this Court, for being ouertaken with drinke, was fined fife shillings.

William Gifford, for takeing his wife without orderly marriage, forasmuch as there were many cercomstances in the action that did alleuiate the fault, is onely fined fifty shillings, the Court abateing the fine in the extent of it respecting the pmisses.

These p'sents may certify all whom it may concern, that wheras Leiftenant Samuell Nash, of Duxberry, being aged, and not in a capassety to liue

1683-4.

5 March.
HINCKLEY,
Gov^r.
PART II.

1683-4. and keep house of himselfe, hath therefore put his estate into the hands of William Clarke, of Duxburrow, that therby hee may haue a comfortable liue-lyhood, as alsoe to certify the sume and total of his moueable estate; and it is as followeth:—

5 March.
HINCKLEY,
Gov^r.
PART II.

	u	s	d
Item, one great bed and bedding, five pound			00
Item, another bed and bedding,	02	00	00
Iron ware,	01	10	00
Item, pewter and brasse,	01	00	04
Item, 1 chern,	00	02	00
Item, wooden and earthen vessells,	00	05	00
Item, a cubberd & tubb,	00	05	00
Item, a table, tubbs, & chairs,	01	05	00
Item, a chist, linnine, & curtaines,	02	03	00
Item, a belace, a glasse, & other things,	00	05	00
Item, 1 cow and swine,	02	15	00
Item, corn,	00	11	03
Item, one pitch forke,	00	01	00
Item, by mony,	00	04	00
The totall sume is	17	18	03

The prissors were John Soule and Phillip Leanard, being chosen by William Clarke and approued by Leiff Nash.

Written by Thomas Delanoe, this 18th of the 4th month, further as followeth, } 01 : 00 : 00

Item, one gun, 00 : 12 : 00

Item, 1 prospectiue glasse, 1 pestle & mortar; alsoe, the disposing of his house and land during his life time.

This Court doth allow the abouewritten accoumpt to be the reall due of Martha Clarke, the wife of Wilkam Clarke, of Duxburrow, in compensation of her paines & care in lookeing to her father, Samuell Nash, late deceased. By order of the Court,

P NATHANIEL MORTON, Secretary.

[*4.] *The within named John Alden, authorised as attorney for the within mentioned councell, haueing in their name and stead entered into the within named or menconed tracts of land and other premises, in the name of the whole, and for them, and in their names taken possession and seasen therof, did, in the nam of the said councell, deliuer the full and peacable possession

and seazen of all and singulare the within mensioned to be graund pmisses vnto William Bradford, for him, his heires, associates, and assignes, secundum formam cartæ.

1684.

3 June.
HINCKLEY,
Gov^r.
PART II.

NATHANIELL MORTON, Secretary.

In presence of
James Cudwords,
William Clarke.

[Pages *5, *6, and *8 are in the handwriting of Mr. Nathaniel Clarke.]

**At the Court of Election holden at Plimoth, for y^e Jurisdiction of New Plymouth, the third of June, 1684. [*5.]*

BEFORE Thomas Hinckley, Esq^r, Gov^r, Daniell Smith,
William Bradford, Esq^r, Deputie Gov^r, Barnabas Lathrop,
John Alden, John Thacher, &
John Freeman, John Walley, Esq^r,
Assistants, etç.

THOMAS HINCKLEY, ESQ^r, was chosen Gov^r, and sworne.

William Bradford, Esq^r, was chosen Deputie Gov^r, and sworne.

The 4th day of July, 1684, y^e Gouvernor was sworne to this as followeth.

John Alden, John Freeman, Daniell Smith, Barnabas Lathrop, John Thacher, & Capt John Walley, Esq^r, were chosen Assistants, and sworne.

The Gov^r & Deputie Gov^r were chosen Comissioners. Y^e next in nomination was M^r Daniell Smith, Capt John Walley.

Maior William Bradford was chosen Treasurer.

The Names of y^e Deputies of y^e seuerall Townes.

Plymouth,	{ Leiff Ephraim Morton, Joseph Warren.
Duxburro,	{ Capt Standish, Ensign Trassie.
Sittuate,	{ M ^r John Cushen, Samuell Clapp.
Sandwich,	{ Stephen Skiffe, Sheriashoobe Burne.
Tanton,	{ Ensigne Leonard, John Hatheway.
Yarmouth,	{ John Miller, M ^r Jerimiah Howes.

1684.

3 June.
HINCKLEY,
Gov^r.
PART II.

Barnstable,	{ Capt Joseph Lathrop, M ^r Samuell Allin.
Rehoboth,	{ Leift Peck, Gilbert Brookes.
Eastham,	{ Capt Sparrow, John Doan.
Bridgewater,	Leift Thomas Hayward.
Marshfeild,	{ Capt Nathaniel Thomas, M ^r Samuell Sprague.
Middlebery,	M ^r John Tomson.
Swansey,	Hugh Cole.
Bristol,	Capt Church.
Little Kompton,	Henry Head.
Freetown,	Jo ^h Bayley.

The Grand Inquest.

M ^r Noah Floyd,	John Wasborne, Juni ^r ,
Samuell Peck,	John Thomas, Juni ^r ,
Preserved Abell,	Joseph Willis,
Jonathan Shaw,	Isaac Deane,
Thomas Fance,	John Perrey,
Nathaniel Bacon,	Thomas Sturgis,
Thomas Huckens,	John Haskall,
John Hatheway, Juni ^r ,	Jonathan Thurston,
Joseph Waterman,	William Merrick,
John Briggs,	Samuell West,
Joseph Barstow,	Joseph Rider,
Josiah Holmes,	James Sampson.
Thomas Walker,	

[*6.]

*The Constables of y^e seuerall Townes.

Plymouth,	John Bryant, Juni ^r .
Duxburow,	William Vobes.
Sandwich,	Jonathan Hallett.
Taunton,	{ Joseph Wilbore, John Hodges.
Sittuate,	{ Samuell Studson, William Tickner, Seni ^r .
Marshfeild,	Esrael Holmes.

Rehoboth,	Richard Whittacar.
^	Samuell Perry.
^	John Goram.
^	Noah Newman.
^	Capt John Browne.
^	Roger Kennicott.
^	Thomas Doghead.
^	John Aymes.
^	Joseph Nicholson.
^	William Brownell.
^	Josiah Cane.
^	Robert Studson.

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The Names of y^e Select Men of the seuerall Townes.

Lieft Epharim Morton,	Sheriashub Bourne,
Serieant Harlow,	Stephen Skiffe,
Lieft Joseph Howland,	Capt Lathrop,
William Clarke,	Lieft Howland,
Joseph Warren,	M ^r Samuell Allen,
Beniamin Bartlett,	Capt Peter Hunt,
John Watsworth,	Leift Peck,
Ensigne Trassey,	Gilbert Brooks,
M ^r John Cushen,	Leift Isaac Little,
Jerimiah Hatch,	Nathaniell Winslow,
Samuell Clapp,	John Bourne,
Leift George Macy,	Leift Sparrow,
Ensigne Thomas Leonard,	Mark Snow,
Walter Deane,	John Doane,
John Hatheway, Seni ^r ,	Samuell Edson,
John Hall,	Leift Thomas Hayward,
Edmond Howes,	Deacon Willis,
M ^r Miller,	M ^r John Tomson,
M ^r Jerimiah Howes,	Isaac Howland,
Capt Richmond,	Samuell Wood,
William Paybody,	Capt Luther,
William Southworth,	Obediah Bowin,
Thomas Tupper,	M ^r John Allin.

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The Names of y^e Freemen that tooke Oath this Court, June 5th, 1684.

M ^r Noah Floyd,	John Thrasher,
M ^r Nathaniel Byfeild,	Nathaniell Atwood,
M ^r Buxton,	John Hayward,
John Bailey,	Nathaniell Brett,
Epharim Doane,	Nathaniell Turner,
John Snow,	Samuell Gardner,
Samuell Paine,	John Crosman,
Thomas Paine, Juni ^r ,	Giles Rickard, Juni ^r .

Y^e Names of such as stand propounded or approued to take their Freedome.Samuell Sargent, John Glouer, William Bradford, Juni^r.[*6^b.]

*This Court, takeing into consideration y^e inconueniency likely to ensue by persons erecting fences, gates, or barrs on thwart contry high wayes, to y^e annoyance of trauellers, doe therefore enact, & be it hereby enacted, that all necessary country wayes within this colony shall, between this time & y^e next October Court, be laid out by a jury wher it is not already so done, at y^e charge of y^e respectiue townes thorow whose lands or townships such wayes may lead; & that an account therof, with y^e seuerall bounds of each such way, in euery of s^d townes, shall be presented or brought to y^e clarke of that towne, on penalty of five pounds to be forfeited & paid by such towne as shall neglect y^e performance therof.

And that the clarke of each towne send a true copy of such account to y^e publicke Secretary, who shall forth with committ such copies to publick record, to y^e end that such wayes may be certainly knowne; and that after s^d October Court, if any person or persons shall presume to sett any fence, barrs, or gate one thwart any such high way without y^e consent of y^e Generall Court, he or they shall for euery such offence *shall* forfeitt to y^e vse of y^e colony y^e sum of five pounds.

And that after said Court, if any such obstruction shall be made or maintayned in or vpon any such way, with out leaue as aforsaid, it shall be y^e care & duty of y^e surueighers of wayes in each towne to remoue all such obstructions, & to demollish such publicke nusances.

June 5th, 1684. In answeere vnto Nathaniell Halls petition, presented to this Court, for maintenance, he being a maimed souldier in y^e late Indian warr, & this Court haueing formerly granted & paid him for y^e cause aforsaid y^e sume of forty pounds in money, & granted him licence to keep an ordinary, & y^e fines of all such as shall presume to sell drinke to English contrary to

law in y^e township of Yarmouth, doe now in this Court further grant to y^e said Hall y^e sum of 5 pound p annum during his life, to be paid him out of the treasury, in case he take vp and be satisfied therewith.

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The Generall Court held at Plymouth the first Tuesday in June, 1684, authorised & impowered Ensigne Thomas Leonard to adminester marriage in y^e towne of Taunton, & also to adminester oathes, & grant summonses & attacements that shall be authentick in any Court of this gouernment; & this to stand in force vntill next Generall Court to be held in October next.

By order of NATHANIELL MORTON, Secretary.

Plymouth, y^e 7th of June, 1684.

[The manuscript is again in the handwriting of Secretary Morton.]

Plymouth, the 7th of June, 1684. The Court doeeth further impower the said Insigne Leonard to doe as aboue expressed vntill the said Court shall see reason to the contrary.

NATHANIELL MORTON, Secretary.

Plymouth, the first of Nouember, 1684.

*Lycence is graunted by the Court to Vzall Wardell to keep an ordinary att the ferrey att Mount Hope, and to be reddy and well provided with good lodging, and victualls, and wine, and beer, and lyquar, and other nessesaryes fitt for such purpose, and fodder for horses, & that hee keep good orders in his house, that hee incurr now just blame by his negligence.

[*7.]

This Court graunts liberty vnto Iäcke Howland to keep an ordinary att Middleberry, and to be provided with such nessesaryes for that purpose as are requisitte, as lodging and victualls for men, and fodder for horses; and that hee keep good orders in his house, that hee incurr noe just blame by his negligence.

This Court graunts liberty to John Hathway, Juni^r, to keep an ordinary att Freetowne, and to be provided with such nessesaries as are requisitt for that purpose, as lodging and victualles for men, and prouender for horses; and that hee keep good orders in his house with those that lodge ther or shall stay ther in their jorniings, that hee incurr not just blame by his negligence.

Capt^t John Walley is approued and settled by the Court to be captaine of the milletary companie of New Bristoll.

And Leiftenant Renolds to be leiftenant of the said companie.

And Jabez Howland to be insigne of the said companie.

M^r John Cushen is appointed and impowered to be in the place of a coroner in the townshipp of Scittuate, and to call men and sweare them to serue

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as a jury in the coroners inquest in any occasion that may heerafter fall out ; and especiall in respect vnto a poor boy that was lately supposed to be slaine by the shooting of a gun ; and that the said jury return their *theire* verdict, vnder their hands, to the Court ; and to bind ouer any pson that may appeer to be accessary therunto, to answere the said Court, or ceure him or them, as the matter may require.

It is enacted by the Court, that from the Fall Riuer to Dartmouth, it shall belonge to the constablerick of Little Compton ; and the constable shall gather in the rates of Puncatessett and Pacassett with their owne, and doe and pforme all other services within that precincts behoofull to that office as their owne.

It is ordered by the Court, that the rate due from Freetowne shalbe retained in their hands, and be improued for building of a bridge ouer Assonett Riuer and the dirty swamp and brooke where the Quakers once buildt a bridge, and that the constable shall gather the rates and cause it to be employed for the ends abouesaid by the Courte to be holden in October next, or otherwise the Treasurer to require the said rate.

The Gov^r, Mr Barnabas Laythorp, Cap^t Walley, and Cap^t Laythorp, and Cap^t Thomas are appointed to view the lawes of the collonie, and to reduce them into better order, and this to be don by the fift day of October, Court week ; and this Court is adjourned vntill then.

The Treasurer, John Thompson, and Joseph Warren are apointed by the Court to lett out the Cape fishing in behalfe of the country for seauen year, or lesse time if they see reason, from the 4th day of July next.

June the 5th, 1684. In answere to the petition p^sented to this Court for maintainance, by Nathaniell Hall, he being a mamed souldier in the late Indian warr ; and this Court haueing formerly graunted and payed him, for the cause aforsaid, the sume of forty pound in mony, and graunted him lycence to keep an ordinary, and the fines of all such as shall p^sume to sell drink contrary to the lawes, in the township of Yarmouth, doe now, at this Court, further graunt to the said Hall the sume of fve pound p^r aⁿum, during his life, to be payed him out of the treasury, incase hee take vp and be satisfied therewith.

Know all men by these p^sents, that I, Edward Bobbett, of the towne of Taunton, in the jurisdiction of New Plymouth, husbandman, doe acknowledge myself heerby to stand bound and feirly oblidge vnto the Gov^r and Court of Plymouth aforsaid, in the penall sume of fve hundred pound, for the payment wherof well and truely to be made, I bind mee, my heires, executors, and adminestrators, feirly by these p^sents. Sealed and giuen this 4th of June, 1684.

The condition of the abouewritten obligation is such, that, wheras the aboue bounden Edwward Bobbitt hath obtained letters of adminnestration to adminnester vpon the estate of Edward Bobbitt, Seni^r, deceased, if, therefore, the said Edward Bobbitt shall and will faithfully pay, or cause to be payed, all debts and legacyes as are due and owing to any att the decease of the said Edward Bobbitt, Seni^r, out of his estate, and keep a faire account of his said adminnestration, and be reddy to giue in an account therof when required by the Court, and otherwise doe saue harmles the said Gou^r & Court from any damage that may acrew to them by his said adminnestration, that then the aboue written obligation to be void & of non effect, or else to remaine in full force, strength, and vertue.

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*In reference vnto the estate of Samuell Witherell, deceased, this Court hath ordered that forasmuch as the eldest son hath receiued of his grand father, M^r William Witherell, deceased, that which was due to him, viz^t, seuen acres of vpland att Hoopole Hill, the Court haue ordered, that the youngest son haue allowed vnto him out of his fathers estate foure pound, and the daughter forty shillings, and that the remainder of the said estate be allowed to the widdow for the bringing vp off the children, which are but smale.

[*8.]

Know all men by these p^sents, that I, Issabell Witherell, of the towne of Scittuate, in the jurisdiction of New Plymouth, widdow, and Abraham Sutliffe, of the towne aforsaid, in the jurisdiction aforsaid, yeoman, doth acknowledge ourselues bound and feirmly oblidged vnto the Gou^r and Court of Plymouth, in the penall sume of one hundred pound, for the payment wherof, well and truely to be made, wee bind ourselues, our heires, executors, and adminnestrators, joyntly, and seuerally. Sealed and giuen this fift of June, 1684.

The condition of the aboue written obligation is such, that, wheras the aboue bounden Issabell Witherell hath obtained of the Court letters of adminnestration, to adminnester on the estate of the said Samuell Witherell, if, therefore, the said Issabell Witherell pay, or cause to be payed, such debts as are due and owing to any from the said estate, soe fare and by equall proportions as the estate will amount vnto, and keep a faire account of her said adminnestration, and bee reddy to giue in an account therof vnto the said Court when by them required, and doe saue and keep harmles and vndam-nified the said Gou^r and Court from any dama^g that may acrew vnto them, or any of them, by her said adminnestration, that then the said obligation to be void and of non effect, or otherwise to remaine in full force, strength, & vertue. Liberty of adminnestration is graunted by the Court to Issabell Witherell to adminnester on the estate of Samuell Witherell, deceased.

A fine of fifty shillings, receiued by the Treasurer of William Gifford, of Sandwich, on the countryes behalfe.

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Jonathan Howes, youngest son to Capt Thomas Howes, deceased, personally appeared this 8th day of May, 1684, and made choise of his vnkell, M^r Jeremiah Howes, to be his gaurdian, and which said gaurdianship by him the said Jeremiah Howes, was accepted before mee.

JOHN THACHER, Assistant.

[Pages *9, *10, *11, 12, and part of *13, are in the handwriting of Mr. Nathaniel Clarke.]

[*9.]

*In y^e name of God, amen, y^e 16th day of January, in y^e yeare of our Lord God one thousand six hundred seuentie six : I, Walter Briggs, in y^e jurisdiction of New Plimouth, in New England in America, yeoman, being aged, but of sound & perfect memory, (praise be giuen vnto God for y^e same,) and caling vnto remembrance y^e vncertaine estate of this transotory life, & that all flesh must yeild vnto death when it shall please God to call, & being desirouse to settle things in order, do make, constitute, ordaine, & declare this my last will or testament, in manner & forme following, reuokeing & adnulling by these psents all & euery testament or. testaments, will & wills, heretofore by me made & declared, either by word or writing, & this to be taken only for my last will & testament, & no other. And first & principally, I commend my soule vnto Almighty God, my Creator, assuredly beleiuing I shall reseaeue full pardon & free remission of all my sins, & be saued by y^e precious blood & meritts of my blessed Sauio^r & Redeemer, Christ Jesus, and my body to y^e earth, from whence it was taken, to be buried in such decent & Christian manner as to my executo^r, hereafter named, shall be thought meet & convenient. And as touching such worldly estate as y^e Lord in mercy hath lent me, my will & meaning is, y^e same shall be imployed & bestowed, as hereafter in this my will is expressed. I giue & bequeath vnto my loueing wife, Francis Briggs, six pound p^r annum during her life, to be paid by my executo^r, hereafter named, in corne or cattle, or any other pay. I giue & bequeath vnto my said wife two cowes ; & my will is that my executo^r keep them for her both in y^e winter & summer, without any trouble to her. I giue & bequeath vnto my said wife one of y^e two beds we lay on, & y^e furniture belonging to it, to be att her dispose when she dye. I bequeath vnto my wife, during her life, y^e loer roomes of y^e west end of my dwelling house, & libertie of a third part of y^e sellar, & roome in y^e chamber ouer y^e seller, to put any thinge as she may haue occasion for, & liberty to make vse of potts, kettles, & other vessels commonly made vse of in y^e house, that she may vse them as she hath ocasion, but not to dispose of them. And I will her lyberty of keeping two swine ; & I will her lyberty to make vse of y^e two gardens, & she to haue two thirds, & my executo^r to haue one

third of what she raiseth of them. I will that my executo^r allow my said wife a gentle horse or mare to ride to meeting or any other occasion she may haue, & that Jemy, y^e neger, catch it for her. Also, I will my said wife, Mariah, y^e little neger gerle, to be with her so long as my wife liues, p^rvided she continue at Conihassett. I giue & bequeath vnto my son John Briggs, as or for a homested, my dwelling house, with all barnes, out housing, yards, & gardens belonging to it, with my orchard, barne, feild, & y^e field of y^e northerly end of y^e barne feild, & from y^e northwest corner of my son James Briggs his field, neare y^e barrs at y^e going out with a straight line towards y^e sowethwest to south west southerly to M^r John Saffins land; this I settled vpon my son John Briggs, his heires & assignes, for euer, he & they allowing my wife to inioy that out of y^e p^rmises which is before willed her during her life. I giue & bequeath vnto my son James Briggs, as or for a homested, y^e house he dwells in, with y^e whole feild, with in which his house stands, & from y^e sowthwest corner of y^e sheep pen, on a straight line towards the sowwest to a maple tree by y^e fence, vnto y^e fence of y^e barne field, & by y^e fence round his barne vntill it comes to y^e barrs going into James his field, near y^e northwest corner of y^e sheep pen; & in case this falls short in quantitie of that settled on my sonne John, then my mind & will is, that y^e full quantitie of y^e lands be made vp of y^e lands adioyning to y^e feild on y^e easterly side of his field, y^e whole length of his field, in equall breadth, from end to end; & this I settle vpon my son James Briggs, his heires & assignes, for euer. And my mind & will is, that during y^e life of my wife, that my son John Briggs take y^e profit & benefitt of two thirds of all y^e rest of my land vndeuided, & my son James Briggs one third of y^e profit therof; but after my wifes decease, my mind & will is, that all my lands in Scittuate, not deuided as before, shall be equally deuided betwixt my son John & my son James, allwayes being p^rouided, & so it is to be vnderstood, & no otherwise, in case my son James pay a legasie of forty pounds vnto his sister Hannah Winslow, within one yeer after my wifes decease, which legasie of forty pounds *I doe, by these p^rsents, giue & bequeath vnto my daug^rter Hañah Winslow. But in case he shall refuse, or neglect to pay y^e same as aforesaid, then my will is, that my son John Briggs pay y^e said legasie of forty pounds vnto my daughter Hañah Winslow & then my mind & will is, that my son John shall haue two thirds of all y^e lands vndeuided as aforesaid, vnto him, & his heires & assignes, for euer, & my son James one third thereof, to him, his heires & assignes, for euer. I do giue and bequeath vnto my son Cornelius Briggs one whole freemans share of land that allready appertaines vnto a share, or shall euer hereafter appertaine, in Swansey,

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& on y^e easterly side of Tanton Riuer, & on y^e eastward of Chosino, or else where, & this I bequeath to my son Cornelius, his heires & assignes, for euer. Also, I giue & bequeath vnto my son Cornelius, thirty pounds, to be paid him within one yeer after my decease, by my executor hereafter named. All y^e rest of my goods & chattells, mouables & immouables, not mentioned nor disposed of, I giue to my eldest sonn, John Briggs, whome I make & appoint to be sole executor of this my last will & testament. In witnes wherof, I haue herevnto sett my hand & seale, y^e day and yeer first abouewritten. Memorandum: I giue & bequeath to my executor ten pound in mony, to defray my funoralle expences: this before sealing.

WALTER BRIGGS, & a

Seal.

Signed, sealed, & declared by Walter Briggs to be his
 last will & testament, in y^e p^sence of vs.
 William Hatch,
 James Cudworth.

William Hatch testified vpon oath before y^e Court, that he did see Waltar Briggs signe, seale, & declare this aboue written to be his last will & testament don. Before y^e Court held att Plymouth, this 4th June, 1684.

NATHANIELL MORTOR, Secretary.

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 [*11.]

*An Act for the restraining and punishing Priuateers and Pirates.

Wheras nothing can more contribute to his sacred ma^{ties} hono^r than that such articles as are concluded and agreed on in all treaties of peace should by all his ma^{ties} subjects according to their duty, be most inviolable preserued & kept in and ouer all his ma^{ties} dominions and territories; and wheras not only against such treaties of peace made by his ma^{ty} with his allies, but also contrary to his ma^{ties} royall proclamations, seuerall of his subiects haue & doe continually go of from this colony into forreigne princes seruice, & sail vnder their comissions contrary to their duty & good allegiance, and by fair meanes cannott be restrained from so doing, —

Be it therefore enacted by this Gen^l Court & authority therof, and it is hereby enacted by the authority of y^e same, that from & after publication hereof, it shall be felony for any person, which now doth, or with in four years last past heretofore hath, or hereafter shall, inhabitt or belong to this colony, to serue in America in an hostile manner vnder any forreigne, or any employed vnder any of them, against any other forreigne prince, state, or

potentate, *prince, state, or potentate*, in amity with his ma^{tie}, without special licence for so doing, vnder y^e hand & seal of y^e Gou^r or co^mander in cheife of this colony for y^e time being, and that all & euery such offender or offenders, contrary to the y^e true intent of this act, being therof duly convicted in any of his ma^{ties} courts of judicature within this colony, to which court authority is hereby giuen to hear & to determine y^e same, as in other cases of felony, shall suffer pains of death without benefitt of y^e clergy. Prouided, neuertheless, that this act nor any thinge therin contained shall extend to any pson or psons which now are or haue been in y^e seruice or employment of any foraigne prince, state, or potentate whatsoever, that shall returne to this colony, & leaue & desert such seruice & imployment before y^e 10th day of Decem^b next ensuing, rendring themselues to y^e Gou^r or cheife co^mander for y^e time being, & giueing him such securitie as he shall appoint for their future good behauiour, and also they shall not depart this colony without y^e Gou^rs leaue.

And for y^e better & more speedy execution of justice vpon such who, haueing co^mitted treasons, piracies, felonies, & other offences vpon the sea, shall be *apprehended in, or brought prisoners to this colony, be it further enacted by the authority aforesaid, that all treasons, felonies, piracies, robberies, murthers, or confedaracies co^mitted, or that hereafter shall be co^mitted, vpon the sea, or in any hauen, creeke, or bay, shall be inquired, tryed, heard, determined, & judged, within this colony in such like forme as if such offence had been co^mitted in & vpon y^e land; and to that end and purpose co^missions shall be had vnder y^e great seal of this colony, directed to y^e judge or judges of y^e Admy^{ty} of this colony for y^e time being, & to such other substantiall persons, as by his ma^{ties}, Gou^r, or co^mander in cheife for y^e time being shall be named, or appointed, which said co^mander, or such a quoru^o of them as by such co^missions shall be thervnto authorized, shall haue full power to doe all things in & about y^e inquiry, hearing, determining, adiudging, & punishing, of any of y^e crimes & offences aforesaid, as any co^mander to be appointed by co^mission vnder y^e great seal of England, by vertue of a statute made in y^e 28th year of the reigne of King Henry y^e 8th, are impowered to doe & execute within y^e kingdome of England. And that y^e said offenders which are or shall be apprehended in, or brought prisoners to this colony, shall be lyable to such order, process, judgment, & execution, by vertue of such co^mission, to be grounded vpon this act, as might be awarded or giuen against them, if they were proceeded against within y^e realme of England by vertue of any co^mission grounded vpon y^e said statute.

And all trialls heretofore had against such criminall or cryminalls before

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any judge or judges, by virtue of such commission or authority at any time heretofore granted, and all proceedings therevpon, are hereby ratified, confirmed, & adjudged lawfull, and all such judges, with all & euery y^e inferiour officers, that haue acted therby, are hereby indemnified, to all intents & purposes whatsoever; and in case they, or any of them, shall at any time hereafter be sued, vexed, or molested, or troubled for any such their proceedings as aforesaid, hee or they soe sued, vexed, or molested, shall plead y^e gen^l issue, & giue this act in euidence, any law, statute, custome, or vsage to y^e contrary in any wise notwithstanding. And be it further enacted by y^e authority, that all & euery person or persons that shall any way knowingly entertaine, harbour, conceale, trade, or hold any correspondence, by letter or otherwise, with any person or persons that shall be deemed or adjudged to be priuateers, pirates, or other offenders, within y^e construction of this act, and that shall not readily endeauour to y^e best of his or their power to apprehend, or cause to be apprehended, such offender or offenders, shall be lyable to be prosecuted as accessaries & confederates, & to suffer such paines & penalties as in such case by law is provided.

And for y^e better & more effectuell execution of this act, be it further enacted by y^e authority aforesaid, that all commission officers, in their seuerall precincts within this colony, are hereby required & impowred, vpon his or their knowledg^e or notice giuen that any priuateers, pirates, or other persons suspected to be vpon any vnlawfull designe, or in any place within their respectiue precincts, to raise & leuy such a number of well armed men as he or they shall thinke needfull, for y^e seizeing, apprehending, & carrying to gaol all, euery such person or persons, & in case of any resistance or refusall to yeild obedience to his ma^{ties} authority, it shall be lawfull to kill or destroy such persons, and all and euery person or persons that shall oppose or resist by strikeing or firing vpon any of y^e commanded parties shall be deemed, taken, and adjudged as felons without benefitt of y^e clergi; and euery such officer that shall omitt or neglect his duty herein shall forfeit fifty pound, currant mony of this colony, for euery such offence, to be recouered in any of his ma^{ties} courts of record within this colony, by bill, plaint, or *information, & wherin no essign, wager of law, or protection shall be allowed, one moyety therof to be to our soueraigne lord, y^e King, his heires & successors, for toward the support of y^e gou^rment of this colony, & y^e contingent charges therof, & y^e other moyety to y^e informer, and all & euery person or persons, that, vpon orders giuen him or them, shall refuse to repaire immediately, with his or their armes well fixed and ammunition, to such place or places as shall be appointed by y^e said officer, & not readily obey his command in y^e execu-

[*13]

tion of y^e premisses, shall be lyable to such fine or corporall punishment as by a regimentale court martiall shall be thought fitt.

In pursuance of his ma^{ties} speciall comānd this act was voated by the Generall Court, held at Plimouth July 4th, 1684, sumōned together for that occasion.
Nemine contradicente.

1684.

4 July.
[HINCKLEY,
GOVERNOR.]
PART II.

[In the handwriting of Secretary Morton.]

Att the Generall Court held att New Plymouth, July the fourth, 1684.

M^r Wilkam Clarke, of Plymouth, came into the Court and tendered, that if this Court would make a law to prohibitt the catching of mackerell with saines in any pte of this collonie, hee would and did engage to the Court that hee would giue and pay vnto the Treasurer thirty pound p^r annum, for seauen yeares, in currant New England mony, for the basse fishing att Cape Codd; whervpon this Court passed an order to prohibit sayning for mackerell, and ordered the Treasurer to make a lease to the said Clark of Cape Codd, onely for basse fishing, seauen yeer, for the said sum of 30^{li} per annum.

**Att the Court of his Ma^{ties} holden att Plymouth the first of July,
Ann^o Doñi 1684.*

1 July.
[*14.]

BEFORE Thomas Hinckley, Esq ^r , Go ^v ,	Daniell Smith,
William Bradford, Esq ^r , Deputy Go ^v ,	Barnabas Laythorpe,
John Alden,	John Thacher, and
John Freeman,	John Walley,
Assistants, &c.	

IN psuance of, &c., be it enacted by this Court and the authoritie therof, that the Gou^r for the time being, with three or foure of the Assistants, and such other substantiall psons as the Gou^r for the time being shall comissionate vnder the seal of this collonie, shall haue full power to acte as a Court of Admiralty, for hearing, trying, and determineing all matters and causes which by said acte are to be tryed therby, or by a quorum of them, as

1684.

1 July.

HINCKLEY,
Gov^r.
PART II.

by said comission shalbe authorised, either by themselues alone or together, with or by a jury impannelled for such tryall as the case may require.

By the councell of war for the collony of New Plymouth, to A B, Capt^r:

Wheras you are appointed and chosen captaine of a foot company of the towne of C for the seruice of his ma^{tie}, these are, therefore, to impower and require you in his ma^{ties} name to take into youer charge and vnder youer commaund said companie, and according to youer best skill shall exercise and instruct your inferior officers and souldiers, both in peace and warr, in any milletary employment, and shall faithfully intend the seruice of his ma^{tie} as there may be an occation, and all youer officers and soldiers are heerby required to obey you as theire capt^r, and you to obey such orders as allreddy are, or that shalbe, established by the Generall Court, or that from time to time you may receiue from youer superior officers or the councell of warr. And vpon any suddaine exegence where you haue not opportunity of advising with the towne councell, you are to acte according to youer best descretion, both in matters of offence and defence. In testimony heerof is affixed the seal of the collonie, the 4th of July, 1684.

This Court takeing into theire serious consideration the great damage that this collonie and our naighbours is likely to sustaine by the catching of mackerell with netts and saines att Cape Codd, or else where neare any shore in this collonie, to the great destruction of fish, and to the discouragement of seuerall fishermen, —

This Court doth therefore enacte, and be it heerby enacted, by the authoritie therof, that noe pson or psons whatsoever, after the publication heerof, shall catch or draw on shore any mackerell, with nett or netts, sayne or saines, in any pte of this collonie; and if any pson or psons shall heerafter presume to catch any mackerell by setting or shooring any nett or sayne, euery such pson or psons soe offending as aforsaid shall forfeite for his or theire said offence all such netts or saynes as shalbe soe improued, and all such mackerell as shalbe soe caught by him or them, and shall alsoe forfeite euery such vessell, and all such vessells, or boates, as shalbe employed therin, whether catch, sloop, or boat, as shalbe employed in taking or carrying away any such fish, if att any time the pson or psons soe offending be taken within the gou^{rn}ment, or the vallue therof, the one moiety to the collonie, and the other moyety to the informer, that shall procecute the same. And for the better exeution of said law, power shalbe giuen by some one or more of the mages-

trates by warrant to some fitt man to acte as a water bayliff to make seasure of any such forfeitures as aforsaid.

1684.

Att this Court, the Court graunted and ordered vnto M^{rs} Dorothy Gray, for her charges and trouble as adminestratrix about the estate of M^r Edward Gray, deceased, the sume of thirty pound out of the said estate.

1 July.
HINCLEY,
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PART II.

Edward Gray and Hannah Gray, son and daughter of M^r Edward Gray, of Plymouth, decaused, haue made choise of Cap^t Nathaniel Thomas to be thire gaurdian, and the Court approueth therof.

Thomas Gray, Rebecka Gray, Lyia Gray, and Samuell Gray haue made choise of Cap^t Nathaniel Thomas and Mistris Dorethy Gray, their mother, to be their guardians, and the Court approues therof.

Lycence is graunted by the Court vnto Mistris Mary Combe to keep an ordinary att Middleberry, and that shee is to prouide lodging and victualls for men, and prouender for horses, and to keep good order in her house, that shee incurr noe just blame by her negligence in that behalfe.

This Court hath ordered Wilam Carpenter, of Rehoboth, to be healpfull in deuideing of the land of Nathaniell Cooper, of Rehoboth aforsaid, late deceased.

*Robert Trayes, negro, indited this Court.

[*15.]

The Bill of Inditment.

You, Robert Trayes, negro, are indited by the name of Robert Trayes, of Scittuate, in the collonie of New Plymouth, for that you, haueing not the feare of God before youer eyes, and being instigated by the diuuel, did, on the last day of March last, felonuously, wilfully, and presumtrously fire of a gun att the dore of Richard Standlake, therby wounding and shattering the legg of Daniell Standlake, of Scittuate, of which wound, and cutting of his legg occasioned therby, died; which is contrary to the peace of our sofi lord the King, his crowne, and dignity, and the laws of God and of this jurisdiction.

The verdict of the grand jury is, Bella vera.

The Names of the Grand Jury.

sworn.	{	John Thompson,	}	sworn.	{	John Soule,	}	sworn.
		John Haward, Juni ^r ,				Gyles Gilbert,		
		John Nelson,				John Briges,		
sworn.	{	Benjamine Bartlett,	}	sworn.	{	Gorge Morton, Juni ^r ,	}	sworn.
		Ensigne John Haward,				Samuell Packer,		
		Isack Harris,				William Fobes,		

1684.

1 July.
HINCKLEY,
Gov^r.
PART II.

The Petty Juryes Names and Verdict.

sworn.	}	James Walker,	}	sworn.	John Pecke,
		Joseph ^ ,			Joseph Howland,
		Isacke Peper,			John Hathwey,
		John Done,			Ephraim Little,
		John Rogers,			Edward Fobes,
		Samuell Smith,			John Dotey.

Wee find him an instrument of the death of Daniell Standlake by misadventure.

The Court approued the verdict; and the negro, John Trayes, was cleared, with admonition to lay it much to hart that one should lose his life by him, although throw misadventure, onely amerced these fines after expressed:—

John Trayes, amerced by the Court to pay towards the charge of the lamnes of Daniel Standlake, vnto his father, Richard Standlake, of Scittuate, the sume of	}	" 03 : 00 : 0
And for the negroes wrong that hee hath don in takeing away, or being an instrument in takeing away, Daniell Standlake out of the world, although by misadventure, is fined or to suffer corporall punishment by being whipt.	}	02 : 00 : 0

The Coroners Enquest, their Verdict on the Death of John Miller, of Rehoboth.

Wee, whose names are vnderwritten, being, the 5th of June, 1684, called together to be the coroners enquest, and required by the constable of Rehoboth to make serch of the dead body of John Miller, and to make inquisition how and by what meanes the said Miller came by his death, which wee haue p^rsently attended; and vpon narrow serch, wee find that the said Miller had two wounds into the soft of his body, close by one and other, as wee apprehending, by a dagger, either stabbing himselfe or falling vpon the dagger, and alsoe a wound in his necke, close to his wind pipe, by a cutt with his knife, which wounds in a few houers proued mortall; and alsoe, vpon examining seuerall witnesses that were with him when hee cutt his necke, and by his owne confession before his death, wee find that the said Millir did absolutly, willfully, and crewelly murder himselfe, noe other p^rson or p^rsons, as wee apprehend, being accessory thervnto.

The prsons whose names are vnderwritten made oath vnto the truth of
the before specified pmisses, this 17th day of June, 1684, before

1684.

1 July.
HINCKLEY,
Gov^r.
PART II.

DANIELL SMITH, Assistant.

WILLIAM CARPENTER,
JOHN FITCH,
JONAS PALMER,
ANDREW EDMONDS,
THOMAS WILMOUTH,
THOMAS READ,
RICHARD BOWIN, Seni^r,
STEPHEN PAINE,
JOHN ORMSBAY,
JOHN WILMOUTH,
WILLIAM BLANDIN,
JOHN MARTIN.

[Page *16 is in the handwriting of Mr. Nathaniel Clarke.]

*We, whose names are vnderwritten, being, y^e 22^d of September, 1684, summoned, & impaneled, & sworne by y^e worshipfull M^r Daniell Smith, Assistant, on a jury to lay out y^e cuntry roads through y^e towne of Rehoboth according to Court order, we, said jury, haue attended y^e same; and in reference to y^e cuntry road from y^e s^d towne, haue agreed & laid out y^e said cuntry rode to Swanzie, (viz): from y^e bridge at y^e southerly end of y^e towne the road that now is to y^e Mile Bridge, so co^monly called & knowne, & so forward vpon y^e said road vntill we come to y^e towne bounds southward, near to M^r Taners house, and haue allowed y^e said high way foure rod wide. October y^e 3^d and 4th, 1684, the said jury laid out y^e cuntry roads towards Mendon & Dedham, (viz): y^e road to Dedham from y^e gate at y^e northwest end of y^e towne, through y^e lane & second diuision & great plaine in y^e ancient road, & along that road till we com to a heap of stones vpon y^e Ten Mile Hill, to y^e Massachusetts line; which high way we haue laid out foure rod wide, except it be between John Woodcoks land, where it is laid out forty foot & vpwards; likewise, y^e said jury laid out a cuntry high way to Medfeild from y^e aforsaid country high way to Dedham, (viz), between John Woodcoks lands, forty foot wide, to y^e line aforsaid; likewise, y^e way to Mendon, going out of y^e road at y^e end of y^e plaine lotts, where a stake standeth, & running westerly to y^e way to y^e Tarr Kills, (so commonly caled,) leading to Abbotts Run,

[*16.]

1684.

1 July.
HINCKLEY,
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PART II.

where y^e way coms that coms from Prouidence, that leads to Dedham, & along in that road westerly vntill it coms to John Steuens lott & part of John Blackstons land, along vntill wee come to Isaac Allens house, & by his fence straight betwixt two hills, to meet with y^e said road, & along that road through Isaac Allens land, & Anthony Sprague & Deacon Butterworths at Fall Brook, & passing by y^e lott laid out to Benjamin Buckland, and in that road through Stephen Paines lott, and through a corner of y^e lott laid out to John Read, Juni^r, to cleere a swamp, & along by that lott straight till wee meet with y^e s^d roade againe, & from thence y^e same road vntill we come to y^e line of y^e colonies, which said high way is four rod wide.

Moreouer, y^e said jury laid out a high way from Patuckett Riuer, (viz): forty foot wide by y^e riuer in John Blackstons land, through y^e west plaine, & vp y^e hill to meet with y^e way y^t leads to Mendon, & along y^t road to Abbotts Run, vpon which said run one y^e easterly side y^e way is laid out ncere y^e riuer eight rod in breadth, leading into Dedham road. October y^e 9th, 1684, y^e said jury laid out y^e cuntry high way towards Taunton, (viz): out of y^e easterly corner of y^e towne, ouer y^e bridge co^monly called Suttens Bridge, & along vpon y^e road ouer y^e run, co^monly caled Hunts Run, & along in y^e said roade ouer a smale corner of John Titus, Seni^r, his lott, & along y^e s^d road to y^e markt trees where y^e towne line is, the said high way being foure rod wide.

ROBERT HUNT,
NICHOLAS PECK,
WILLIAM SABEN,
SAMUELL PECK,
THOMAS READ,
SAMUELL NEWMAN,
GILBERT BROOKS,
JOHN PECK,
THOMAS WILMOUTH,
THOMAS COOPER,
WILLIAM CARPENTER,
RICHARD BOWEN.

Transcribed out of y^e towne records of Rehoboth, this 25th October, 1684, by me.

WILLIAM CARPENTER, Clerke.

[Pages *18 and *19 are in the handwriting of Secretary Morton.]

**Att a Generall Court of his Ma^{tie} holden att Plymouth, in New
England, the 28th of October, 1684.*

1684.

28 October.
HINCKLEY,
Gov^r.
PART II.
[*18.]

BEFORE Thomas Hinckley, Esq^r, Gov^r, and Daniell Smith,
William Bradford, Esq^r, Deputie Gov^r, Barnabas Laythorpe,
John Aldin, John Thacher, and
John Freeman, John Walley,
Assistants, &c.

THIS Court ordered, that the Gov^r or any other of the majistrates shall
giue oath to the will of Richard Smith, of Sandwich, deceased.

Lers of adminnestration is graunted by this Court vnto Benjamine Smith
to adminnester on the estate of Richard Smith, of Sandwich, deceased.

Caleb Hopkins, being bound ouer to the Court to answare for breaking
the Kings peace by striking of John Smith, in his owne house, on a Sabbath
euening, the Court orders the said Caleb Hopkins to pay a fine of twenty
shillings and the charge of procecution.

William Nicarson and Samuell Bryant being bound ouer to the Court
to answare for carrying of from the Iland of Nantucket John Grayham, a
pirate, that was there vnder their custody, they heer appeering, & proclama-
tion haueing bin made for any parson or p^rsons to euidence against them in
the behalfe of our so^l lord the Kinge, and noe sufficient euidence, but onely
cercomstances appeering, they were cleared, paying their fees and nessesary
charges of procecution.

The councell of warr see cause to free Samuell Hall, of Taunton, from
training, hee being hard of hearing, and haueing three sonnes of age and able
to beare armes, whom hee engageth they shalbe redy, if life and health, to
serue the country vpon any such occation, and Nicholas White, Juni^r, if Leif-
tenant Mace and Ensigne Leanard, of Taunton, shall see cause.

Att this Court, the celect men of the towne of Scittuate complained, that
about the latter end of July last past before the date heerof, there came into
their towne one William Parslow, whoe, being warned out by the said celect
men when hee had not bin in the towne above six weekes, as himself owned,
yett remains there contrary to their minds.

Know all men by these p^rsents, that wee, William Salsberry, of Swansey,
in the jurisdiction of New Plymouth, in New England, yeoman, and Hugh
Cole, Seni^r, of the same place, yeoman, doe acknowlidge ourselues heerby to

1684. stand bound and feirly oblidge vnto the Gou and Court of Plymouth aforesaid in the penall sume of sixty pounds ; for the payment wherof well and truly to be made, wee bind our selues, our heires, executors, and adminnestrators, joyntly and seucrally, feirly by these p̄sents, sealed and giuen this 30th of October, 1684.

28 October.
HINCKLEY,
Gou^r.
PART II.

The condition of the abouewritten obligation is such, that wheras the abouebounden Wiltam Salsberry hath obtained letters of adminnestration to adminester on the estate of Sussanah Salsberry, if, therby, the said Wiltam Salsberry shall and doe pay all such debts and legacyes as were due and owing vnto any from the said estate, and keep a due account of his adminnestration, and be redly to giue in an accompt therof vnto the said Court when by them required, and saue and keep harmles and vndamnified the said Gou and Court from any damage that may acrow vnto them, or any of them, by his said adminnestration ; that then the abouewritten obligation to be void and of non effect, or otherwise to remaine in full force, strength, and vertue.

M^r Gyles Gilbert, of Taunton, came into this Court and declared, that hee had deputed Captaine Nathaniell Thomas, of Marshfeild, his attorney in his behalfe, to defend añ answare any p̄son or p̄sons that should demaund, object, or say any thinge concerning him relateing to the will or estate of John Parker, late of Taunton, deceased.

Know all men by these p̄sents, that I, Joseph Buckland, planter, doe acknowlidge myselfe to be indebted vnto the Gou and Court of Plymouth in the penall sume of one hundred pounds ; for the payment wherof well and truly to be made, I doe heerby bind my selfe, my heires, executors, and adminnestrators, feirly by these p̄sents. Sealed and giuen the first of Nouember, 1684.

The condition of the abouewritten obligation is such, that wheras the aboue bounden Joseph Buckland hath obtained of the Court of Plymouth letters of adminnestration to adminnester on the estate of Wiltam Buckland, of Rehoboth, late deceased, if, therefore, the said Joseph Buckland shall and doe pay, or cause to be payed, all such debts and legacyes as were dew and owing to any att the decease of the said Wiltam Buckland, and keep a due and faire accompt of his adminnestration, and be redly to giue in the said accompt vnto the Court when by them required, and saue and keep harmles the said Gou and Court from any damage that may acrow to them, or any of them, by his said adminnestration, that then the next abouewritten obligation to be void and of non effect, or otherwise to remaine in full force, strength, & vertue.

*Zachariah Allen owned before the Court, that the land lying in Dartmouth shewed vnto Stephen Skiffe, then marshalls deputy, to satisfy his fine, was noe otherwise his then as hee had a comon right in the vndevided lands att Dartmouth.

John Cooke, of Dartmouth, is authorised by the Court to adminnester an oath to those that are to lay out the highways att Dartmouth.

The Court graunts, that the township of Sandwich shall run from the picked clift att the seaside by the same line as Plymouth bounds are run, from said clift vntill it comes to the red brooke, allies Stony Riuer, and then the said brooke to be the bound vntill it comes to the salt water bay.

This Court orders, that there be tres of adminnestration graunted vnto Sarah Hatch on the estate of her husband, Thomas Hatch, deceased; and the same to be kept in the hands and by him deliueř to her, giuing security to adminnester according to law, and att the psent to giue oath to the inventory, and M^r Cushen to return the bonds to the Court.

Leutenant Morton and Joseph Warren, celect men of the towne of Plymouth, att this Court did giue notice to the Court, that they had giuen warning to John Hoskins to depart the towne, according to an order of Court in that respect, hee being likely to be chargeable to the said towne.

Att the Court held att New Plymouth October 28th, 1684.

Wheras Mistris Dorethy Gray, relict of M^r Edward Gray, deceased, hath consented that the lands her said husband died seised of should be devided amongst his children before her dower was sett out vnto her, this Court therefore orders, that incase the said children amongst whom the lands haue bin devided, or any of them, doe not agree with her concerning her thirds in the said land, that then, att her request, her thirds of all her said husbands land shalbe sett out vnto her by meet and bound, or soe much therof as shee shall desire.

This was recorded by order of Court.

NATHANIELL MORTON, Secretary.

Anna Gray made choise of M^r John Walley to be her gaurdian att this Court, and the said Court consented thervnto and approued therof.

The Verdict of the Jury respecting Joseph Trewant and Israell Holmes, of Mařfeild, whoe, on the 24th of February, 1684, it being a stormy and tempestuous Wind, assaying to goe in att Plymouth Harbour, were cast away and lost their Liues, as followeth.

February 25th, 1684. Wee, whose names are vnderwritten, vnder oath

1684.

28 October.
HINCKLEY,
Gov^r.
PART II.
[*19.]

These 2 prticulars were don by the General Court.

1684. to giue in our verdict concerning two psons lately deceased, whose names are
 Joseph Trwant and Israell Holmes, both of the towne of Maiffeild, wee find,
 that by the desposing hand of Gods providence, & the extreemety of the
 weather and the couldnes of the same, they came to their death.

28 October.
 HINCKLEY.
 Gov^r.
 PART II.

sworn. { GORGE WATSON,
 NATH: SOUTHWORTH,
 WILLIAM CLARKE,
 ABRAHAM JACKSON,
 JONATHAN BARNES,
 ROBERT STANFORD,
 JOSEPH WATERMAN,
 JOHN FORD,
 sworn. { EDWARD DOTEN, Seni^r,
 SAMUELL HARLOW,
 ELKANAN WATSON,

[The entries on page *20 are in the handwriting of Mr. Samuel Sprague.]

[*20.]

*Boston, June 28th, 1695.

Received of Daniel White, constable of Marshfield, twenty six pounds two shillings and six pence, in full of a warrant of twenty six pounds two shillings and six pence, by the hands of M^r Samuel Doggett; I say, received for M^r James Taylor, Treas^r.

DAVID JENNER.

£ 26 : 2 : 6.

Boston, December 19th, 1695.

Received of M^r Daniell White, constable of Marshfield, seventeen pounds five shillings, in full of a warrant for seventeen pounds five shillings; I say, received for M^r James Taylor, Treasur^r.

£ 17 : 5 : 0.

JER: ALLEN.

Boston, January 7th, 1695.

Received of M^r Daniel White, constable of Marshfield, thirteene pounds ten shillings, in full of a warrant for thirteene pounds ten shillings; I say, received by M^r James Taylor, Treasurer.

£ 13 : 10 : 0.

.P JER: ALLEN.

The aboue written receipts recorded or here entered.

P SAM^l SPRAGUE, Cler.

[Pages *21, *22, *24, and *25, are in the handwriting of Secretary Morton.]

1684.

*July, 1684. Mistris Dorethy Gray, Adminnestratrix of the Goods and Cat-
tles of M^r Edward Gray, late of Plymouth, deceased, her Account of
her Adminnestration exhibited to y^e Court according to order.

28 October.
HINCKLEY,
Gov^r.
PART II.
[*21.]

Imp:, the said adminnestratrix is made debter by the inventory for mony, plate, goods, and chattels, by apprisement, the sume of	}	737 : 02 : 06
Item, to debts due to said estate, sertaine and vncer- taine, then reconed with and not reconed with, and desperate debts, by list therof, shee is made debtor	}	346 : 18 : 03
Item, to the catch then att sea, mensioned in the in- ventory, the adminnestratrix sold for	}	40 : 00 : 00
Item, to the estate of the said M ^r Gray that hath come to her hands and knowlidge since the inven- tory was taken, which amounts to the sume of . .	}	106 : 12 : 02
Item, to a pece of rope and a gun saued out of the catch,	}	
Item, the corn then growing, mencioned in the in- ventory,	}	
		1230 : 12 : 11

The Court orders this account to be recorded att the Court held att
Plymouth the 5th of March, 1684.

*P Contra Credit.

[*22.]

July, 1684. Imp ^r , to payed away in debts due from the estate, by order of the speciall Court, . . .	}	80 : 01 : 05
Item, deuided amongst the children, and between the widdow and children, according to order of the Court, the sume of	}	657 : 15 : 10
Item, to a deuision of debt mencioned in the list by allotment amongst the children, and between the relect & children, in which allotment the forty pound of mony was deuided, which was the prod- uct of the ketch, in all amounting to the sume of .	}	308 : 14 : 04
Item, the 21 ^l pound receiued from Thomas Purdane was deuided in manor abouesaid,	}	21 : 00 : 00
Item, the corn was deuided by measure according to order of Court.		

1684.

28 October.
HINCKLEY,
GOU^r.
PART II.

Item, a þsell of boltes then att the cedar swamp, was brought home, made into shingles, and the shingles devided.

Item, to debts payed by the administratrix and other dues, and mistakes rectifyed, besides the 80^u 01^a 05 after the first allotment of the estate, and not provided for by the speciall Court, amounting to . . .

137 : 07 : 04

Item, to allowance to the executrix for long and great trouble in her said office, by making vp accoumpts with many psons, both debter and credittors, att home, and att Boston, receiueing from and paying of debts to many seuerall psons, and charge to others I employed to write and keep accoumpts cleare ; and whiles I was busied euery day about the concernes of the estate, in generall I was faine to hier an nurse for my younger child, which cost mee, for about four or fue monthes time, three shillings p weeke and her diett, which come to fue or six pound ; and it is about three yeers time that I haue bine thus concerned about the estate in generall, with neglect to my owne þticulare concernes, and judge I may well deserue att least fifty pound, wherof the Court allows thirty pounds,

30 : 00 : 00

1234 : 18 : 11

The Court orders this accoumpt to be recorded att the Court held att Plymouth the 5th of March, 1684.

1684-5. *Att the Court of his Ma^{ty} held att Plymouth, for the Jurisdiction of New Plymouth, the fift of March, 1684.

5 March.
[*24.]

BEFORE Thomas Hinckley, Esq ^r , Gou ^r ,	Daniell Smith,
William Bradford, Esq ^r , Deputy Gou ^r ,	Barnabas Laythorpe,
John Aldin,	John Thacher, and
John Freeman,	John Walley,
Assistants in gou ^r ment, &c.	

TO the Cheife Marshall of the Jurisdiction of New Plymouth, &c: —

1684-5.

Wheras att his ma^{ties} Court held att Plymouth, on the last Tusday in October last past, Humphrey Johnson, of Hingham, comēnced a suite against the inhabitants of Scittuate, which, after pleas made on both sydes, was com̄ited to the jury, whoe found for the plaintife; the right said plaintiffe sued for in the com̄ons of the towne of Scittuate, and the cost of the suite, as by the verdict of said jury on record doth and may appeer, vpon which though the Gour^e expressed himselfe that hee did not vnderstand the said verdict, yett the defendant replying that hee was contented or satisfyed with it, and the plaintiffe alsoe lickeing of it, the Court thervpon acceptēd therof, and the said Humphrey Johnson earnestly requeasting an execution to be graunted to him.

5 March.
[HINCKLEY,
GOVERNOR.]
PART II.

These are, therefore, in his ma^{ties} name to will and require you, p̄sently on receipt heerof, to repaire to the towne of Scittuate, and there demaund of the said inhabitants, or theire agents, the right of said Johnson in the com̄ons of the towne of Scittuate giuen him by the said verdict, or to descouer to you the com̄ons of the said towne, that therby, or in defect therof, by the said Johnsons discouery of the said com̄ons to you, you may leuy this execution required of you, by youer sezen and deliuey of the said right vnto the said Humphrey Johnson, according to the said verdict; and that you alsoe leuy youer fees and charge of this execution according to the law in that case provided, the cost of said suite being alreddy satisfyed as said Johnson did acknowledge before the Court; and heerof you are not to fayle, and see you make true returne heerof, and of youer doeings heerin, vnto the next Court of tryalls heer to be holden, &c.

Dated att Plymouth, March the 5th, 1684.

This is a true copy of the execution giuen to Humphrey Johnson in the Court, beinge compared therwith.

As attests NATHANIEL MORTON, Secretary.

An Indian, called Job, complained of for breaking open the house of Stephen Peckham, of Dartmouth, about Nouember last, and breakeing his dore and chest, and takeing away his wastcoat, a remnant of linen cloth, and some cheese; the Indian, appeering in Court, acknowledged that he had the goods, but was drunke, and knew nott when and where hee had them, and next morning enquired after them, and owned. The Court, haueing considered of his offence, centanced him to be whipt twenty lashes well layed on, to pay ten

1684-5. shillings to Stephen Peckham, and nine shillings to the constable for his trouble, and one shilling to the whipper.

5 March.
[HINCKLEY,
GOVERNOR.]
PART II.

Stephen Peckham, of Dartmouth, complained of for receiueing or takeing of stollen goods from him by Indian Job without order of law, & neglecting att first to procecute said Indian; hee, the said Pecke, declaring his said ignorance, and not haueing taken the satisfaction of the Indian hee had bin treating about, but now att Court procecuting said Indian.

The Court order said Peckham for his neglect and fault to be admonished.

Ambrose Fish being presented for carting ouer the land and breaking downe the fence of Thomas Tupper, after warning and abusing him, by giueing him ile language, —

The Court, haueing considered of the p̄sentment, find him guilty of abusing said Tupper by ile language, and sentence the said Fish to pay eight shillings fine to the country.

Benjamine Foster, of Sandwich, p̄sented for striking and abusing Joseph Bucke in July, 1684. The Court, haueing considered of the offence, doe centance said Foster to pay three and four pence mony, and fiue shillings to the country.

The celect men of the towne of Scittuate are appointed by the Court to adminnester on the estate of Phillipe Ciuen, whoe lately died att Scittuate, haueing noe relations in that place.

[*25.] *Peter, Indian, being sūmoned to appeer att his ma^{tes} Court to be held att Plymouth, att the suite of M^r Thomas Clarke, said Peter appeering, and said Clarke not procecuting his action, the Court allow cost to the said Peter, sixteen shillings and six pence mony.

The Court haue appointed M^r Laythorpe and M^r Thacher to take the probation of the estate of James Mathewes, of his will and inventory, att home att Yarmouth.

Timothy, Indian servant to the reverent M^r John Cotton, being complained of for rūning away from his master some time about Nouember last, which was occation of considerable charge to his master, losse of time, and many waies to his damage, the Court, on consideration of damage that hee sustained, orders the said Timothy, Indian, to serue his said master or his assignes one yeer more, or besides the tearme hee is bound for by indenture, which yeers service hee willingly offered and promised in open Cou^t for satisfaction to his master.

Elizabeth Snow, wife to Jabez Snow, of Eastham, being p̄sented for railing expressions on a Lords day, vsed to the reuerent M^r Samuell Treat, e

the Court, considering the offence, doe centance her to pay ten shillings fine to the country. 1684-5.

Wheras adminnestration was graunted to Sarah Bartlett, relict of John Bartlett, late of Rehoboth, and an order to the wors^b M^r Daniell Smith to take her oath to the inventory, but before there was oppertunity for soe doeing, said Sarah died, the Court therefore requests the wors^b M^r Daniell Smith, together with the celect men of Rehoboth, to make enquiry for a fitt pson to take out letters of adminnestration on the estate, and that the younger children, by the said M^r Smith and the celect men of the towne, be disposed as may be most for their good, & least charge to the estate, and the estate be according to their best judgment secured and improved for the benefitt of the orphans, and that they giue accoumpt of their actings and all matters relating to said children and estate to the next Court, and for their confeirmation, and further settleing the children that may chuse their gaurdians, be sent to the Generall Court for approbation. And if a meet pson p^sent himself that will giue bond to adminnestration according to law, that then the wors^b M^r Daniell Smith graunt letters of adminnestration to the said pson, and giue oth to the inventory, and that hee make a return of his doeings to the next Court.

5 March.
[HINCKLEY,
GOVERNOR.]
PART II.

It is ordered by the Court that the honored Gou^r and the worship^u M^r Barnabas Laythorpe, graunt adminnestration on the estate of Robert Parker, deceased, they giueing bond to adminester according to law, and that they settle the estate on the widdow and children as there may be reason, and that there be a return made of what they doe to the therin to the next Court.

Thomas Wappatucke, Indian, being found guilty of burglary att October Court last, —

It is ordered by the Court, that hee be sold for a ppetuall servant ; and it is left to the honored Gou^r and the wors^b M^r Barnabas Laythorpe to dispose or make sale of the said Indian, and giue a bill of sale for them that buy him, and to proportion y^e mony made of him to them that haue received damage by him.

Att this Court an Indian squa, named Betty, was indited for killing her husband, named Great Harry, with a stone ; att the first, being examined by the honored M^r John Walley, shee denyed it, but afterwards owned the fact, but said shee did not intend to kill him, but by throwing of a stone att a bottle of liquore and missing the bottle, shee hitt the said Indian, her husband, on the side of his head, wherof hee died.

The case being put to the grand jury, they brought in billa very.

1684-5.

5 March.
[HINCKLEY,
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This being refered to the petty jury, they found the said Betty, Indian squa, for the said fact, guilty of homiside by misadventure.

Att this Court, Hanna Dillingam was accused by M^r Timothy Thornton, of Boston, on suspision of ploying eight silke hoods and other goods appertaining to the said M^r Thornton ; this was likewise put to the petty jury.

And the jury find concerning Hannah Dillingam, that shee is not guilty.

The Names of the Petty Jury.

sworn.	{	Leift Ephraim Morton, Serjā William Harlow, Joseph Bartlett, Nathaniel Winslow, John Tracy, Leift Joseph Howland,	}	sworn.	{	Samuell Ryder, Peter West, Elkanan Cushman, Nathaniell Holmes, Thomas Maycomber, John Dotey.	}	sworne.
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[Pages *26 — *32 are in the handwriting of Mr. Nathaniel Clarke.]

[*26.]

*Wheras I, whose name is hereunto subscribed, was by the Court held at Plimouth, the fourth of July, 1684, ordered to lay out a certaine p̄sell of land formerly purchased of Josiah Chukatabutt, the late Indian sachem, by Cornett Robert Stettson, for the vse of the colony of New Plimouth, as by the deed therof vnder the said Indians hand & seale, dated Aprill 13th, 1668, more at large apeareth, & after purchase made therof the Court disposed of the said tract to the said Stetson, William Brewster, & diuers other p̄sons, as by the orders of the said Court may apeare, —

Haue, according to the aboue recited order, with the helpe of seuerall other p̄sons, laid out the said tract of land according to the length and bredth, & in such mañer as by the said deed is specified & sett down, viz^t: Begiñing at the southeast corner of a tract of land of three mile square, formerly granted vnto M^r Timothy Hatherly at Accord Pond, comōnly called the Shares, & from the southeast corner wee measured along by the vper bounds of Scittuate township three miles southward, & on the brow of a hill neare a beauer dam made across Indian Head Riuer, wee marked a white oake tree of about two foot ouer, on four sides, for the southeast corner bounds, from which said tree we sett & ran west 9 degrees south, & marked seuerall trees in and by the range, & on the east side of Poor Meadow Brooke, at the banke side, wee marked a clumpe of maple trees, from whence wee continued our line about 60 rodd farther, & came to the extent of two mile from the said white oake tree, & there on a plane on the west side of the said brooke sett vp a stake, marked & raised heap of stones about it, for the southwest corner bounds of the said tract, & from the said heape of stones, wee sett and

ran north to the shares aforesaid, marking seuerall trees in the range; & at the said shores wee marked a whit oake tree of about a foott ouer, formerly marked for the range or south side line of the s^d shares, & soe butted the said tract of land northward vpon the said shares. Note that the needle or flye by which I surueyed the lands abouesaid varied from the true meridian of the heauenes just one pointe westward from the north, & the land abouesaid was laid out according as the flye did trauerse without allowance for variation. In witnes whereof, I hereunto sett my hand the 16th day of May, 1685.

1685.

[HINCKLEY,
GOVERNOR.]
PART II.

NATHANIELL THOMAS.

*Whereas we, whose names are vnderwritten, are apointed, by the towns of Duxbury & Marshfeild, to run the lines & settle the bounds between the townships of Duxbury & Marshfeild, as by the records of the said towns doth appear,— we haue accordingly run the said lines & settled the bounds as followeth: From the rocke that is flatt on the topp neer the house of Clement King, north west to the north riuer, & haue marked seuerall trees in the range, & about 12 or 15 rodd northeastward of Samuell Hacks house we raised a heape of stones, & from the said rock south east to the cart way between Samuell & Seth Arnolds where we raised a heape of stones, & from thence to Greens Harbour, (fresh,) the path to be the bounds, & on the eastward side of said fresh, just aboue where the said way goes through it, we rayesed a heape of stones, & from thence on a straight line to a tree of white oake wth the topp broken of, called poles, which said tree stands by the cart way, just where an old foott path turns out of it towards Casswell, & between the said ways, & from thence on a straight line to the south west sid of Edward Bumpps lande, soe called, where he formerly liued, att Duck Hill, takeing in the said land soñtimes the said Edward Bumppases to the township of Marshfeild, & these bounds aforesaid to be the bounds between the said township of Duxbury & Marshfeild for euer more. In wittness whereof, we haue hereunto sett our hands the three & twentieth day of February, 1683.

[*27.]

WILLIAM PABODY,
JOHN TRACY,
NATH^{LL} THOMAS,
SAM^{LL} SPRAGUE.

The aboue written is a true copy, transcribed out of the records of the town of Duxbury.

July 13, 1685.

P RODOLPHUS THACHER.

& recorded ver battam.

P NATH^{LL} CLARKE, Secretary.

1685.

[HINCKLEY,
GOVERNOR.]

PART II.

[*28.]

*Whereas Charls Stockbridge, late of Scitua^t, deceased, & left no will for the disposing of his estate, & there being a considerable estate left, so as that, when the debts are deducted out, there is yett remaining of the estate the sum of six hundred seenty & nine pounds, as doth apeare by the inuentory, to be deuided amongst them, theree being the widdow & eight children ; but finding that there may be some considerable loss in the estate by putting off some of it, (off) to loss, for the payment of the debts, soe as that where the widdows part is sett out there will not be aboue fifty pounds apeice to each child as it was prized, the eldest soⁿe haueing a duple portion ; therefore, know all men by these p^sents, that we, Abigall Stockbridge, widdow, & so^m of the children that are of age, whose names are vnderwritten, doe hereby make & conclude on this following settlement of the abouesaid estate if it shall please the honored Court to aproue of it & confirme it.

1. Imprimis, we doe agree and conclude that Charles Stockbridge, the eldest son of Charls Stockbridge, deceased, shall haue one hundred pounds as followeth: That is to say, in thirty foure acres of vpland & swampe land, by the third herring brooke in Scituate, & three acres of marsh land vp the north riuer in said Scituate, at twenty foure pounds ten shillings, & one halfe of a corne mill, & three quarters of a saw mill, both standing on said herring brooke, which said parts of said mills he is to take at seenty & seuen pounds & ten shillings, all which said vpland, swampe, & meadow lands, & said parts of said corne & saw mills, he, the said Charles Stockbridge, is to haue and enjoy with all the priuilidges & appurtenances to them or any of them belonging, to haue them & to hold them to him or his heires for euer. Hee, the said Charles, rendring to his mother, the administratrix, the sum of two pounds back againe, which the seuerall sums aboue set out doe amount to more then the said portion.

2. Item, we doe agree & conclude that Thomas Stockbridge, the son of Charles Stockbridge, deceased, shall haue fifty pounds for his portion as followeth: That is to say, thirty foure acres of vpland & swampe land by the third herring brooke in Scitua^t, & three acres of marsh land vp the North Riuer, in said Scituate, at twenty four pounds & ten shillings, & one halfe of a corne mill, & one quarter of a saw mill, both standing on the abouesaid herring brooke, which said parts of both the said mills, he, the said Thomas, is to take them att fifty & two pounds & ten shillings, all which said vpland, swampe, & meadow land, & parts of the said corne mill & saw mill, the said Thomas Stockbridge is to haue, hold, & injoy, with all the apurtenances there vnto, or any of them, belonging, to haue and to hold to him & his heires for euer. Hee, the said Thomas Stockbridge, paying to his mother, as

administratrix, the sum of twenty seven pound, which the abouesaid p̄ticulars doe ouer run his said portion, when he comes to receiue his s^d portion, which shall be when he, the said Thomas Stockbridge, comes to the age of twenty one yeares.

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[HINCKLEY,
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3. Wee doe alsoe agree that Joseph Stockbridge shall haue fifty acres of land lieing in Duxbury bounds, neer the Indian Head Riuer, at fifteen pounds, & ten acres of land in Chasset, in Scituate, with the right in the vndeuided lands therevnto belonging, at twelue pounds, & alsoe a reuersion in a house & land in Scituate, now belonging to Hester Stockbridge, at tenn pounds, all which said lands the said Joseph is to haue, with all the priuledges & apurtenances thereunto belonging, to haue & to hold to him & his heires for euer; & also the said Joseph shall haue twelue pounds more paid to him by the administratrix out of the moueable estate, when he shall come to the age of twenty one yeares.

4. Wheras Abigall Josling, the wife of Henry Josling, & daughter of Charles Stockbridge, deceased, haue already receiued twenty two pounds, & alsoe her mother, as administratrix, stands ingaged for said Josling for a debt of eighteen pound in mony, which with a quarter part allowance cofms to twenty four pounds, soe that if the administratrix be forced to pay said debt, then she to pay but foure pound to her said daughter out of the said estate as it was prized, but if the said Josling doe free the administratrix from her ingagement, then the said administratrix shall pay out of said moueable estate twenty eight pound to her said daughter, Abigall Josling, for her portion.

5. We doe alsoe agree that Sarah Stockbridge & Elizabeth Stockbridge, the daughters of s^d Charles Stockbridge, deceased, shall haue the eight part of a corne mill, & the eight part of a saw mill, at Straits Pond, in Hingham, at thirty fye pound, equally deuided betwixt them, part & part alike, at seuenteen pound teen shilling a peice to each of them, & they, the said Sarah & Elizabeth, to injoy there parts of said mills to them & their heires for euer; & further, the said administratrix shall pay vnto said Sarah Stockbridge & Elizabeth Stockbridge, when they shall come to the age of twenty one years, or vpon their *marriage day, the sum of thirty two pounds ten shillings a peice, as they shall come to age or marry; that is to say, out of the moueable estate, as it was prized.

[*29.]

6. And further, we doe agree & conclude that Abigall Stockbridge, the widdow of Charles Stockbridge, lately deceased, shall injoy all the houseing, & lands, & meadow, corne mill & saw mill, by & standing vpon the first herring brooke in Scituate, for her, the said Abigall vse, vntill Samuell Stock-

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 [HINCKLEY,
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bridge, the youngest son of said Charles Stockbridge, comes to the age of twenty one years, & then Benjamine Stockbridge & said Samuell Stockbridge shall haue & injoy for there own proper estate all the said houseing, lands, & meadow, corne mill & saw mill, near or vpon the said first herring brooke, (excepting the parlour for their mother to liue in,) to be equally deuided betwixt them, the said Benjamine & Samuell Stockbridge, with all the priuilidges & apurtenances therevnto belonging, to them and their heires for euer. The said Benjamine & Samuell Stockbridge rendering to their mother such rents as may be judged meete for her interest in said estate dureing her life, after said Benjamines & Samuells portions are deducted out of said lands, house, & mills, which is fifty pounds for Benjamins part, & fifty pound for Samuells parts, & said Benjamine & Samuell Stockbridge, after there said mothers decease, shall pay soe much, & to such as their said mother shall apointe, as there said mothers part shall then be found worth; her part being two thirds of said house, lands, & mills, & all the rest of the estate of Charles Stockbridge, deceased, of what kind or sort soeuer. The said widdow Stockbridge is to haue it for the payment of the portions aboue said, bringing vp of the children & her owne support, & payment of debts. In witness wherof, wee, Abigall Stockbridge, Charles Stockbridg, Thomas Stockbridge, Henry Josling, Abigall Josling, and Sarah Stockbridge, haue sett our hands & seales this thirtieth day of May, one thousand six hundred eighty & fiae.

The marke of ABIGALL A STOCKBRIDGE,
 CHARLES STOCKBRIDGE,
 THOMAS STOCKBRIDGE,
 HENRY JOSLING,
 The marke of ABIGALL A JOSLING,
 SARAH STOCKBRIDGE.



Signed, sealed, & deliuered, each to other of them, in the p̄sence of vs,
 John Cushing, Sen^r,
 Samuell Clap.

The Court allowes & confirms the settlement of the estate aboue written.
 Attests,

NATHANIELL MORTON, Secretary.

& now transcribed by me.

NATHANIELL CLARKE, Secretary.

Charles Stockbridge, the eldest son of Charles Stockbridge, deceased, being present in Court, acknowledged his free consent thereunto before the Court.

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[HINCKLEY,
GOVERNOR.]
PART II.

NATHANIELL MORTON, Secretary.

And now transcribed by me,

NATHANIELL CLARKE, Secretary.

*On the motion & request of the principle men amongst the Indians commonly called the South Sea Indians, liueing about Satuite Pond, Marshpey, & places adjacent, that the tracts of lands formerly giuen by Tookenchosen & Weepqush, Indians, as p deed, vnder their hands & seales, bareing date the 11th of Decem^{br}, 1665, & acknowledged before John Freeman, Assistants, the 7th of the 4th, 1667, may apeare, & confirmed vnto them by Quachatesett, sachem of Mannomett, acknowledged befor M^r John Alden, Assistants, the 31st of the 8th, 1672, might by this Court be confirmed to them, & secured to said South Sea Indians & their children for euer, soe as neuer to be giuen, sold, or alienated from them without all their consents, except such parcells of vpland & meadow as hath allready been by their consents granted or sold to M^r Richard Bourne, late of Sandwitch, deceased, & to his son, Sheirjashub Bourn, of Sandwitch aforesaid, hereafter mentioned.

[*30.]

The tract of land desired by said Indians, to be secured for them & contained in said deeds, are all the lands lieing between the line which runs between Barnstable lands & said Indians on the east, leaucing the skirts of good land lyeing next the east side of Satuite Pond vnto said Indians, according to the known & accostomed bounds thereof, & there extending westerly to the westward of Wequayett to a litle creeke or place so^mtims called Manomoyest, & to the mouth of said Wequayet Harbor to the sea, & from said Manomoyest into the land vnto Ashimuite Pond, & halfe a mile to the westward of said pond, & so from pond to pond & place to place as is the known northerly bounds thereof, & southerly to the sea. The said parcells of lands which the said Indians desire to be excepted as aforesaid, & willing to haue conformed by this Court to M^r Sheirjashub Bourne a^r as followeth, viz^t: a parcell of marsh, with two small islands in it, at Antaanta, & one halfe of the fresh meadow at Mashpey, bought for said Richard Bourn by M^r John Alden, Assist^t, by order of Court, as p deed bareing date 25th of July, 1661, appeareth, & a parcell of vpland conteining about thirty acres, be it more or less, giuen by said Indians to said Richard Bourn, at a place called by the Indians Wooqtcahoospa, as p deed bareing date 9th of March, 1672, &

1685. acknowledged before M^r Nathaniell Baccon, Assist^t, 3^d of Juñ, 1672, doth & may appear. Alsoe, a p̄cell of fresh meadow, with the swampes adjoining thereunto, being the other halfe of said fresh meadow bought by M^r Alden aboute mentioned, sould to said Sheirjashub Bourne by said Indians, for him to build a meeting house for them, as p̄ deed bareing date the 14th day of October, 1684, vnder their hands & seales doth & may appear.

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Also, a certain neck of barren land called Attaquahunchonnitt, with all the meadow on both sides of said necke lieing, adjoining to the east side of Wequayett Riuier, & bounded as p̄ a deed bareing date 10th day of December, 1684, under the hands & seales of said Indians agents, doth & may appear, being sold to said Sheirjashub Bourn for their redemption of their countryman, Tom Wampetucke, from his being sold out of the country for his misdemeanor, being not land fitt for planting, & was sold, with the aprobatation of Thomas Hinckly, Gouverno^r, & acknowledged before him with the aboue mentioned p̄sells of land, at an Indian Court at Mashpey, in the presence of many of said Indians, 1684.

Ita attest. p̄ dict, THO: HINCKLY, Gou^r.

The Court, on considerations of the p̄mises, doth soe far confirme said land to the said Indians, to be perpetually to them & their children, as that no part of them shall be granted to or purchased by any English whatsoever, by the Courts allowance, without the consent of all the said Indians. And this Court doth also approue of, & soe far as concernes them, confirme said p̄cells of land aboute mentioned vnto M^r Sheirjashub Bourn, to him, his heires & assignes, for euer.

Attest, NATHANIELL CLARKE, Secretary.

24 April. *The twenty fourth of Aprill, 1685, James the Second, Kinge of Eng-
[*32.] land, Scotland, France, & Ireland, &c, was solemely proclaimed at Plimouth, according to the form required by his majesties most honorable priuy councill.

[*33.] *Know all men by these p̄sents, that I, Nathaniell Morton, Senior, of the town of Plimouth, in y^e jurisdiction of New Plimouth, in New England, in America, doe acknowledge, that for & in consideration of the sum of fifty shillings, in weaueing of cloth, to mee already payed by John Wood, alias Attwood, of the town aforsaid, deceased, with which said sum I doe acknowledg my selfe fully payed, & therof & of euey part & parcell therof, doe exonerate, acquit, & discharge the said John Wood, alias Attwood, hee, his heires, executors, administrators, & assignes for euer; by these p̄sents haue bargained,

allienated, & sold, infeofed & confirmed, and by these p̄sents doe bargaine, allienate, sell, infeofe, & confirme from me, the said Nathaniell Morton, & my heires, to the heires of the said John Wood, to them, & their heires & assignes, for euer, all that my garden place in the town of Plimouth aforesaid, in the New Street, formerly cōmonly soe called, lyeing next vnto the garden place or homstead of Thomas Lettice, whereon he is now seated & doth now liue, bounded with the said Thomas Lettice, whereon he is now seated & doth liue, bounded with the said Thomas Lettice, his said homstead on the east or easterly side, & with the high way or cōmon roade on the westerly side, the southerly end abutting on the land of M^r John Cotten, & the northerly end on the street aforesaid; to haue & to hold all that my homsteed or garden place, with all & singular the proffitts, emunities, & priuilidges belonging therevnto, to belonge vnto the heir or heires of the said John Wood, deceased, to them & euery of their heires & assignes for euer; the said garden plott, with all & singular my right, title, & interest of & into the same, to belonge & apertaine to the only proper vse & behoofe of the heir or heires of the said John Wood, deceased, to them & euery of them, & their heires, for euer. In wittness hereof, I, the said Nathaniell Morton, haue herevnto sett my hand & seale, the 27th day of August, anno Dom̄i one thousand six hundred seuenty & nine, 1679.

1685.

HINCKLEY,
Gov^r.

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The words (and their heires,) between the 22 & 23 line, was enterlined before the ensealing hereof, & the word (same,) between the 20th & one & twentieth.

NATHANIELL MORTON, Senior, and a

Seale.

Signed, sealed, & deliuered in the p̄sence of

Andrew Ring,

The marke of Hannah O Morton.

This act & deed was acknowledged to be the free act & deed of Nathaniell Morton aboue written; soe acknowledged before mee,

WILL BRADFORD, Assistant.

The 8th of September, 1679.

*To all people to whome these p̄sents shall com, Nathaniell Wood, alias Attwood, of New Plymouth, in New England, sendeth greeting, &c. Know yee, that I, the said Nathaniell Wood, for & in consideration of the full & just sum of four pounds of curant mony of New England aforesaid, to mee

[*34.]

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in hand by M^r Nathaniell Clarke, of the town & colony of New Plimouth aforesaid, at the time of the ensealing & deliury of these p^sents well & truly paid, with which said sum I acknowledge my selfe to be fully contented, paid, & satisfied, & thereof & of euery part & p^sell thereof do clearly acquit, exonerat, & discharge the said Nathaniell Clarke, his heires & asignes, & euery of them, for euer; by these p^sents haue giuen, granted, bargained, sold, aliened, enfeofed, & confirmed, & by these p^sents, for my selfe & my heires, do fully & absolutly giue, grant, bargaine, sell, aliene, enfeofe, & confirme vnto the said Nathaniell Clarke, & to his heires & asignes for euer, all that my small pention, platt, or portion of land, scituate, lyeing, & being in the towne of Plimouth aforesaid, & is bounded toward the south p the lands formerly of M^r Stephen Hopkins, deceased, but late in the tenure of James Cole, & towards the west by the high way or country road, & towards the north p the street comonly called New Street, and toward the east by the land late of Thomas Lettice, deceased; the whole platt of land extending in length & fronting on the said road or high way fourteen rodds or perches, & in depth to the lands of said Thomas Lettice, four perches twelue feet & an halfe of a foot, together with all my right, title, & interest that I haue in or vnto the same, or to any part or parcell therof, with all & singular the rights, priuiledges, & apurtenances there vnto belonging or in any wise aperteining; to haue & to hold the said bargained platt or pention of land, with y^e apurtenances, to him, the said Nathaniell Clarke, & to his heires & asignes, for euer, to his & their alone proper vse, benefitt, & behoofe for euer; & I, the said Nathaniell Wood, alias Attwood, for my selfe, my heires, executors, administrators, & asignes, to & with the said Nathaniell Clarke, his heires & asignes, do couenant & grant by these p^sents in manner following, that is to say: that at the time of ensealeing hereof, I, the said Nathaniell Wood, haue full power & lawfull authority to grant, sell, & dispose of the said bargained primises in maner & form aforesaid; and that it shall & may be lawfull to & for the said Nathaniell Clarke, his heires & asignes for euer hereafter, to haue, hold, possess, & enjoy the aboue mentioned granted primises, with the apurtenances, without any lawfull lett, disturbance, or euiction of me, the said Nathaniell Wood, my heires or asignes, or of any other pson lawfully claiming any title thereunto, & all by force & virtue of these p^sents; & lastly, that Sarah, my mother, relict widdow of my late father, John Wood, alias Attwood, & Mary, Sarah, Abigail, Mercy, Elizabeth, & Hannah, my sisteres, the daughters of the said John Wood, shall all & euery of them, at the reasonable request of the said Nathaniell Clarke, appear before the Court or some magis-

trate of this colony, &, for each of themselues & their heires, acquitt & release & giue vp their intrest which they haue, or may pretend to haue, to all or any part of the said bargained primises, whether in possession or in reuersion. In wittness whereof, & for the sure performance of the primises, I, the said Nathaniell Wood, alias Attwood, haue hereunto sett my hand & seale, on this twenty fourth day of June, anno Domini one thousand six hundred eighty & fve, 1685.

1685.

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NATHANIELL WOOD, & a  Seale.

Signed, sealed, & deliuered in the psence of
Sam^l Sprague,
Elizabeth **E** Bonum, her marke.

The within & aboue named Nathaniell Wood, alias Attwood, apered the day of the date hereof, & acknowledged this instrument to be his free & volluntary act & deed. Before mee,

WIL^L BRADFORD, Deputy Gouvern^r.

Sarah Wood, relict widdow of John Wood herein named, apered on the same twenty fourth of June, & resigned vp all her intrest in the land herein mentioned unto Nathaniell Clarke herein named, & to his heires & asignes for euer; and also Mary, the wife of Major William Bradford, with his allowance, & Sarah, the relict of John Followay, & Mercy Wood & Hannah Wood, at the same time also apered, & gaue vp & released their right, each of them, to said lands, for her selfe & heires, to said Nathaniell Clarke, & to his heires & asignes for euer.

Before mee, WIL^L BRADFORD, Deputy Gouvern^r.

July 10th, 1685. Elizabeth Nye, the wife of Caleb Nye, with his allowance, apered, & gaue vp her intrest & right in the lands within mentioned to said Nathaniell Clarke, & to his heires & asignes for euer.

Before mee, WIL^L BRADFORD, Deputy Gouvern^r.

1685. *Att the Generall Court held att Plimouth the second Day of June,
1685.

2 June.

[HINCKLEY,
GOVERNOR.]

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[*36.]

BEFORE Thomas Hinckley, Esq^r, Gouer^r, Daniell Smith,
William Bradford, Esq^r, Deputy Gouer^r, Barnabas Lothrop,
John Alden, John Thatcher, &
John Freeman, John Walley,

Assistants.

THOMAS HINCKLEY, ESQ^r, was chosen Gouer^r, & sworne.

William Bradford, Esq^r, was chosen Deputy Gouer^r, & sworne.

John Alden,

John Freeman,

Daniell Smith,

Barnabas Lothrop,

John Thatcher,

John Walley,

were chosen Asistants, & sworne.

Deputies.

Plimouth,	{ Leu ^t Ephraim Morton, Joseph Warren.
Duxbury,	{ Cap ^t ^ Standish, Benjamin Bartlett, Sen ^r .
Scitua ^t ,	{ M ^r John Cushen, Samuell Clapp.
Sandwich,	{ Stephen Skiffe, Thomas Tupper.
Tanton,	{ Ensign Thomas Lennord, Serj ^t W ^m Witherell, Sen ^r .
Rehoboth,	{ Leiu ^t Nicklas Pecke, Gillbert Brookes.
Barnstable,	{ Cap ^t Joseph Lothrop, Ensign Shuball Dimack.
Yarmouth,	{ M ^r Jerimiah Howse, Leiu ^t Silas Seeres.
Marshfeild,	{ Cap ^t Nathaniell Thomas, Leiu ^t Isaac Little.
Eastham,	{ Cap ^t ^ Sparrow, John Doane.

COURT ORDERS.

Swansey,	Hugh Cole.
Dartmouth,	Joseph Tripp.
Midlebury,	John Tomson.
Bridgewater,	Leiu th Thomas Howard.
Bristol,	{ M ^r Stephen Burton, M ^r John Roggers.
Litle Compton,	Henry Head.
Freetown,	Joseph Bayley.

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Constables.

Plimouth,	John Rickard.
Duxbury,	{ Leiu th Robert Barker, Samuell Bartlett.
Scituate,	{ Nathaniell Church, Samuell Holebrooke.
Sandwich,	Ambross Fish.
Tanton,	{ John Richman, James Walker, Sen ^r .
Rehoboth,	{ Thomas Cooper, Joseph Pecke.
Barnstable,	Th ^o Huckines.
Yarmouth,	Elisha Hedge.
Marshfeild,	{ Samuell Doggett, Jonathan Crucker.
Easham,	Benjamine Higgines.
Bridgewater,	Nick: Byram, Jun ^r .
Swansey,	{ John Wheedon, Robert Stanford.
Dartmouth,	William Wood.
Midlebury,	John Allen.
Bristol,	Capt Nath ^l Hayman.
Litle Compton,	Josiah Clauson.
Freetown,	William Makepeace.

*Returned to serue on the Grand Jury.

[*37.]

Plimouth,	{ William Harlow, Sen ^r , Baruch Jordan.
Duxbury,	{ Robert Barker, Sen ^r , Josiah Wormeall.

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HINCKLEY,
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Scituate,	{ Benjamine Studson, William Perry.
Sandwich,	{ Mathias Ellise, Joshua Blackwell.
Tanton,	{ James Lenord, Jun ^r , Malachy Holloway.
Rehoboth,	{ William Sabine, John Titus, Sen ^r .
Barnstable,	{ Thomas Hinckley, Richard Child.
Yarmouth,	{ John Miller, Richard Taylor.
Marshfeild,	{ John Foster, John Rouse.x
Eastham,	Samuell Paine.
Bridgewater,	Edward Michell.
Swanzey,	Capt ^t John Brown.
Dartmouth,	Thomas Briggs.
Midleborough,	Obadiah Eddy.
Bristol,	Inceas Robinson.
Litle Compton,	Simon Rouse.x
Freetown,	Joshua Tisdell.
Manomoytt,	Hugh Steward.

Surueighors.

Plimouth,	{ Joseph Warren, James Cole.
Duxbury,	{ John Simons, Joseph Howland, William Tubbs.
Scituate,	{ William Randell, John Booth, Edward Jenkines.
Sandwich,	{ ^ ^ ^ ^
Tanton,	{ John Briante, Joseph Twisdell.
Rehoboth,	{ Richard Bowen, Sen ^r , John Doggett.

Barnstable,	{ ^ ^
Yarmouth,	{ Thomas Sturgiss, Annianias Winge.
Marshfeild,	{ Joseph Waterman, Ralph Powell.
Eastham,	{ John Freeman, Jun ^r , Thomas Paine, Jun ^r .
Bridgewater,	{ Joseph Alden, Comfort Williss.
Swanzey,	{ William Salsbury, John Martin, John Paddock.
Dartmouth,	{ James Sissell, John Russell, Jun ^r , Josiah Smith.
Midlebrough,	{ John Nelson, David Wood.
Bristol,	{ John Smith, Nick: Meade.
Litle Compton,	{ Jonathan Thirston, William Brigs.
Free Town,	{ John Simons, Benjamin Chase.

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*Select Men.

[*38.]

Plimouth,	{ William Harlow, Leiu ^t Joseph Howland, Isaac Cushman.
Duxbury,	{ Ensign John Tracy, Benjamin Bartlett, Sen ^r , Francise Barker.
Scituate,	{ M ^r John Cushen, Jeremiah Hatch, Samuell Clapp.
Rehoboth,	{ Capt ^r Peter Hunt, Leiu ^t Michael Pecke, Gillbert Brookes, John Pecke, William Sabin.

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Tanton,	{ Walter Deane, William Whitherly, John Hall, Thomas Lenord, George Macy.
Swansey,	{ Capt John Brown, Obadiah Bowen, Hugh Cole.
Midleborough,	{ John Tompson, John Nelson, Isaac Howland.
Bridgewater,	{ Deacon Willis, Leiu ^{tt} Howard, Samuell Eddson.
Yarmouth,	{ Edmund Hawes, Joseph Howse, John Miller, Jerimiah Howse, Silass Seeres.
Eastham,	{ Capt Sparrow, John Doane, Marke Snow.
Dartmouth,	{ Seth Pope, Jonathan Russell, Thomas Tabor.
Marshfeild,	{ Capt Nathaniell Thomas, Ensign William Ford, Sen ^r , Serj ^{tt} Nathaniell Winslow.
Barnstable,	{ Capt Joseph Lothrop, Leiu ^{tt} John Howland, Ensign Shuball Dimick.
Sandwich,	{ William Swift, Sen ^r , Stephen Sciff, Thomas Tupper.
Little Compton,	{ Capt Richmund, William Pabody, William Southworth.
Free Town,	{ M ^r Terry, Thomas King, John Bayley.

Bristol, { John Carye,
John Roggers,
Jabez Howland.

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Capt Nathaniell Thomas, } Chosen Associats
Mr John Cushen, } for the
Leiu^t Ephraim Morton, } County of Plimouth.
Leiu^t ^ Pecke, } Chosen Associats
Insign Lenard, } for the
Joseph Church, } County of Bristoll.

Chosen for to add to the Council of Warr.

For the County of { Capt Nath^l Thomas,
Plimouth, { Leiu^t Ephraim Morton.
For the County of { Capt Joseph Lothrop,
Barnstable, { Capt ^ Sparrow.
For the County of { Capt ^ Hunt,
Bristoll, { Mr Nathaniell Bifeild.

Major W^m Bradford, } Chosen { Plimouth,
Capt John Walley, } Majors for { Bristoll,
Capt John Freeman, } the Countys of { Barnstable.

*Juñ Court. Voted, that Indian corne, for defraying publicke charge & [*39.]
payeing all publicke officers, bee at two shillings six pence p^r bushell.

That the Secretaryes wages bee fifteen pounds a year, in corn att two
shillings six pence p^r bushell.

That besides what hath allready been giuen Nathaniell Hall, there bee
thirty pounds in mony more rayseed & giuen to s^d Nath^l Hall, & six pounds
p^r annum from the date hereof, to be paid in such pay & att such times as
the country rates are paid in: provided, said Nath^l Hall takes vp with the
same before the Court, the same being complied with dureing his life, (if there
be a continuation of this gouernment,) as full satisfaction of all demands from
the country, in reference to his wounds & damage receiued in the warrs.

Nathaniell Hall appeared in the Generall Court & accepted of the aboue
grant according as is there expressed.

As to the settling of the estate of Henry Sanders, of Sandwich, the
Court orders, that the relict of s^d Sanders shall haue one third part of the
whole estate, & the house & lands shall be the two sons. The eldest shall

1685.

2 June.
HINCKLEY,
GOVERN.
PART II.

Voted.

haue a duple part of s^d house & land, hee paying forty shillings to his youngest sister; & the youngest son shall haue a single part of s^d house & lands, hee paying to his youngest sister twenty shillings; & the four daughters is to haue fiue pounds a peice of said estate; & what of the estate doe remaine, the relict shall haue for the paying of debts & bringing vp the children.

The Court haue ordered, that the county of Plimouth shall haue the vse of the lower roomes of the country house att Plimouth, to keep their county courts in, & the vse of the countrys prisson at Plimouth to comitte prissoners into, without being charged as a county for repaire of the same, dureing the time the County Courts shall be held att Plimouth.

Nathaniell Clarke was chosen Secretary, & sworne in Court.

Ordered, thatt Litle Compton & the villiages belonging to y^e constablerick, pay this year fifteen pounds, to be rayسد according to law, for the encouragm^t of so^m to preach the word of God among them, or otherwise to be disposed of, according as the law hath prouided.

Orderd, that Dartmouth pay this yeare twenty pounds, to be rayسد according to law, for the encouragm^t of so^m to preach the word of God among them, or otherwayes to be disposed of, according as the law hath prouided.

[*40.]

*Juñ Court. The Court orders, that M^r. Barnabas Lothrop do giue M^r. Jonathan Russell his oath to Rogger Goodspeeds will.

The Court orders, that Cap^t John Thatcher & M^r. Barnabas Lothrop to setle the estate of William Chase, of Yarmouth, deseased.

The Court orders, that the high way ouer Setuckett Riuer be laid out three or four rodd higher then formerly the road was, in the most conuenient place.

The Court hath granted liberty to Serg^t William Witherell, of Tanton, to retaile cider, beeir, & strong liquors.

The Court orderes M^r. Barnabas Lothrop, Cap^t Sparrow, Leiu^t Litle, to take the countryes account of the Treasurer.

The Court orders to the town of Free Town, towards a minister & a meeting house for their encouragement therin, tenn pounds out of the fines of p^sentm^t.

William Walker, of Eastham, haueing two naturall sons in the training band, & one killed in the warrs, & some weakness & infirmitye of body, the Court orders, that hee, the said William Walker, from hence forward shall be excused from training.

Whereas Jonathan Hatch, of Succonessett, hath had a licence to keep a house of entertainment, the Court hath granted liberty to the said Hatch to keep a vittualing house & retaileing liquor for the entertainm^t of strangeres, passingers, or otheres, as occasion may require.

The Court haue impowered & requested Cap^t Nath^l Thomas & M^r Samuell Sprague forthwith to accompany the now Secretary, Nath^l Clarke, to the house of the late Secretary, & ther, for the vse of this colony, demand & deliuer to the said Nath^l Clarke all such bookes & papers as they shall find at s^d house that belonge to the Court or colony.

Ita attest. THO: HINCKLY, Gou^r.

1685.

2 June.
HINCKLEY,
Gou^r.
PART II.

Memorandum, July 9th, 1685. Att the Court.

9 July.

Cleared.	{	There apeared Mosess Knapp, & acknowledged to	40 : 00 : 00
		owe vnto our souer ^e lord the King the sum of . . .	
		John Hathway, of Tanton, the sum of	20 : 00 : 00
		Insigne Thomas Lennord, of Tanton, the sum of . . .	20 : 00 : 00

The condition, that if Moses Knapp doe appear at the Court to be holden at Plimouth the last Tuesday in October next, to make further answeere vnto such perticulars as shall be enquired of, or laid vnto his charg^e concerning the death of Richard Stephens, Jun^r, of Tanton, & not to depart without licence, that then

*July Court. Thomas Lewes, Seni^r, being clerke of the records of the proprietors of Suckonessett, apeared before the Court this 9th of July, 1685, & declared that the proprietors of Suckonessett did own Jonathan Hatch, Sen^r, of same place, to be an equall purchasser & propriettor with them; that is to say, one whole share in all the lands of Suckonessett.

[*40^b.]

Wheras information was giuen against Caleb Hopkins, of Eastham, of his suplyeing the Indians with strong liquor, & he being bound ouer to this Court, & he refuseing to giue his oath for his cleareing according to law, this Court hath sentanced him to pay fieve pound fine, silluer mony, to the country Treasurer, according to law in that case made & prouided, which if he refuse to doe, is to be comitted to prisson vntill he shall be willing soe to doe.

Afterwards his request hath been to the Court to putt in security to traurse his conuiction of said fact the next Court, & bee tryed by a jury.

July 11 th , 1685. Hee hath liberty of the Court soe to doe, giueing good security for the same. Whervpon Caleb Hopkins apeared, & acknowledged to owe vnto our souer ^e lord the King the sum of		} u . d	10 : 00 : 00
& William Ringe, of Plimouth, the sum of . . . . .				05 : 00 : 00

11 July.

The condition, that if the aboue bound Caleb Hopkins shall & doe appear att his maj^{ties} Court to be held att Plimouth the last Tuesday in October next, & doe there & then trauers his conuiction of his furnishing of, or procuring to or for, any Indians, att any time in Aprill last past, any strong liquor, by what-

Released.

1685.

11 July.
HINCKLY,
GOUER.
PART II.
P^d his fine to
y^r Treasurer,
4^s 10^d 00^d in
mony.

soeuer means it be called, for which he was sentanced as aboue, & abid by & perform what on said tryall shall, p^r said Court, then & their enjoyed him ; that then, &c.

The jury find Caleb Hopkins guilty by the law of this colony, October Court, 1685.

Juñ, 1685. We present John Read, of Freetown, for buying a beauer skinn on the Lords day, some time this last spring. Being conuict thereof by his own acknowledgement, is fined forty shillings.

October, 1684. Wee present James Bucker & Mary Bucker his wife, of Scituaſ, for fornication. Being conuict thereof by his own acknowledgm^t, is fined five pounds.

John Dexter, of Sandwich, in answer to his p^rsentment, was fined ten shillings, & paid it to the Treasurer.

11 June.
[*41.]

*To the Honoured Gouern^r, & Deputy Gou^r, & Asistants, sitting at Plimouth in New England, the first Tuesd in Juñ, 1685.

Yo^r Humble petiſoners petitioneth.

God by his prouidence hath placed the bounds of our habitation in Bridgwater, & on the eastern sid of the town, & about two miles some of us & soñ three miles from the meeting house & mill, & chiefe part of the town ; & though we haue liued their many years, soñ of us haue had no way into the town, but what we haue had vpon sufferance through mens lands that haue been laid out, & of our own making of bridges to pass ouer a riuier that lyes between soñ of vs & the town ; we haue ma^d & kept vp a horse bridg ouer this riuier, called Mattfeild Riuier, many years, which has been a great benefitt to us that liue there, & to many others, & strangers that haue occasion to pass that way, especialy in times of great floods, it being the best place & most conueniant for a bridg in a mile vp & down the riuier, which runs about south & north for the length of it ; but the lands being laid out on both sid^s of it, & butting vpon this riuier, our bridg lyeing ouer this riuier, vpon the northerly side of a twenty acre lott, the owner of the land has fenced it in ; & now we haue no way to go to the town without goeing three quarters of a mile about, & partly vpon suferance, too many of us, wee thinke it is very hard that liueing in a wilderness, we cannot haue conuenient roome for high wayes. We haue made our case known to the town, & cann haue no helpe. This lott where our bridg lyes is the cheifest hinderance, & yett there is coñon land joyning to the lower sid of it, left as we vnderstand by the ob-feofewes for allowance for a high way, but of it selfe it is altogether vncapable of a way. There is many others in y^e town that desires there might be a sworn jury to

lay out such high wayes as are needfull & to perfect such as are begun. Soe, 1685.
 desiring yo^r help as God shall direct you, yo^r humble petitioners,

SAMUELL ALLEN, Sen^r.
 WILLIAM BREETT,
 ISAAC HARRIS,
 JOHN HOWARD, Jun^r.
 JONATHAN HILL,
 THOMAS WHITMAN,
 SAMUELL AILENE, Jun^r.

11 June.
 HINCKLY,
 GOVER^r.
 PART II.

In answer to the petition aboue mentioned, the Gouver^r & Asistants haue ordered, that there be a jury impaneled out of yo^r town to lay out a way where it may be most conueniant to the neighbourhood, & least prejuditiall to the other psons concerned.

Dated at Plymouth, Juñ 11th, 1685.

By order of the Gouver^r.

NATH^{LL}. CLARKE, Secretary.

[In the handwriting of Mr. Samuel Sprague.]

*To the Chief Marshall of the Colony of New Plimouth, or to the Constables of Scituate, or either of them, greeting.

18 July.
 [*42.]

Whereas at his majesties Court held at Plimouth, the first Tuesday of this instant July, Cap^t John Williams, of Scituate, prossecuted an action of review of a former action against Thomas Waid and Timothy White, both of s^d Scituate, and at s^d Court obtained a verdict & judgment against said Waid and White of sixteene pounds and seven shillings, silver money, damage, and the cost of suit, which cost allowed by the Court is thirty six shillings & six pence, money, as p^r Court records may appear. Wherefore these are in his majesties name to require you, or either of you, on receipt hereof, to go to the said Waid and White, or to the place of the abode of one of them, and demand the said sum of damage and cost, which is in all eighteen pounds three shillings and six pence, in money; and in case of neglect of payment, that you levy by distress on their estate, or on the estate of ether of them, so much as will sattisfie the said whole sum of eighteene pounds three shillings and six pence, in mony, the charge of this execution, and your owne allowed fees, and deliuer the said sum of cost and damage, clear of charge, to the said John Williams; and in case you find not estate sufficient to satisfie as above said, that then you seize and secure the persons of the said Waid and White, or the person of one of them, and him or them conduct to the keeper of his

1685. majesties prison at Plimouth, who is hereby, in his majesties name, required him or them so brought to receive, and by imprisoment safely to keepe till they or he shall satisfie the sum abovsaid, and all other necessary charges about the same, or shall otherwise by law be delivered. Whereof faile you not at your perrill.

18 July.
[HINCKLEY,
GOVERNOR.]
PART II.

Dated this 18th day of July, 1685.

JOHN ALDEN, Assisť.

After I had receiued this execution, I repaired to the house of Timothy White and Thomas Waid, and there demanded the sum within mentioned of said White and Waid, and the said Waid told me that he would set out estate to levy said execution upon according to law ; then I went to said Williams and desired him to chuse an apprizer to prize the estate of s^d Waid, but s^d Williams utterly refused to chuse a prizer to prize said estate, and said he would not take it, but urged me to levy s^d execution vpon the body of s^d White, and caŕy him to his majesties goal at Plimouth, and charged me not to deliver s^d execution to the keeper of s^d goal, but s^d Williams told me that a copy under my hand of s^d execution was sufficient for said goal keeper. And I, being ignorant of the law, seized the body of the s^d White, and caried him to s^d goal keeper at Plimouth, and there tendered s^d White to said goal keeper, together with a copy of s^d execution, and s^d goal keeper refused to take s^d White into his custody. And since I proffered s^d Williams to satisfie s^d Williams the full contents of s^d execution if said Williams would set time & place and chuse his prizer, and I would chuse another ; but said Williams utterly refused soe to doe ; and afterwards I tendered s^d Williams estate to sattisfie the full contents of s^d execution, which Williams refused alsoe.

This is a true return of my proceeding in this execution.

By me, SAMUEL HOLBROOKE,

Dated May 31, 1686.

Constable of Scituate.

A true record of s^d execution & constables return on it.

As attests

SAM^L SPRAGUE, Recorder.

[In the handwriting of Secretary Clarke.]

* *At a Generall Court of his Maj^{ty} holden att Plimouth October
27th, 1685.*

1685.

27 October.

HINCKLEY,
GOVERN^r.

PART II.

[*48.]

BEFORE Thomas Hinckly, Esq^r, Gouver^r, Daniell Smith,
William Bradford, Esq^r, Deputy Gouver^r, Barnabas Lothrop,
John Alden, John Thatcher, &
John Freeman, John Walley,

Asistants in gouernment.

MOSES KNAP, of Tanton, being found guilty of the death of Richard Steuens, by missaduenture, by the grand jury of our soueraign lord the King for this colony, he, the said Knap, owning the same & referring himselfe to the Court, the Courtt, considering it was causuall, & hee cleared by the party before his death, & no relation apeareing against him, doe therefore admonish the s^d Knap & dismiss him.

Administration is granted by this Court to Elizabeth, the relict of Humphery Tiffany, deceas'd, on all the goods & chattells of s^d Tiffany, she bringing in a true inuentory thereof, & giueing bond with two sufficient sureties for her administring according to law. Major John Walley is ordered by the Court to giue y^e oath to the inuentory to s^d Tiffany, & to deliuer her the letter of administration granted by the Court, she haueing giuen in bond as afore s^d.

Administration is granted by this Court to Grace Smith, the relict of Ralph Smith, & Samuell Smith, son to the s^d Ralph Smith, all of the town of Eastham, in the colony of New Plimouth in New England, deceased, on all the goods & chattells of s^d Ralph Smith; she, the s^d Grace Smith, & he, the s^d Samuell Smith, giueing bond with two sufficient surtyes for their administring according to law, & Capt^t John Freeman, of Eastham, Asis^t, is ordered by the Court to deliuer them their letter of administration granted by the Court, they haueing giuen bond as afore s^d.

This Court hath granted libertye to William Barrell, of Scituate, to retaile brandy & ru^me, by the gallond, to whomsoeuer he, the s^d Barrell, shall see to be fitt & ciuill psons.

This Court graunts libertie to Leiu^t John Howland, of Barnstable, to retaile cider that is of his own makeing for this ensueing year.

The jury find Caleb Hopkins guilty by the law of this colony.

Valentine Decrō, conuicted by his owne confession of selling cider to the Indians, was sentanced to pay fiue pounds fine to the colony.

Paid his fine to
the Treasurer,
4th 10th.

1685.

27 October.

HINCKLEY,

GOVERNOR.

PART II.

In answer to the petition of Valentine Decrō, the considering his poverty & that his neighbors generally thinke he hath not been vsed to trangress in such kind, haue remitted the one halfe of his fine.

The Court giues order, that M^r John Cushen giues Mary Dodson, Sen^r, her oath to the will of Judeth Peakes; & allso, that he giues Israell Peakes his oath to the inuentry of Judeth Peakes, if the executor desires itt.

The Court giues order, that Major John Walley & M^r Daniell Smith, or either of them, that they giue Thomas Browman his oath to the will of Mary Wiatte.

[*44.]

*The Court requests M^r John Cushen, Cap^t Standish, & Leiu^t Jonathan Alden to take a veiw of the highway that goes through the land of Robert Stanford, laid out by the late jury; whether they can find a conuenient high way with less damage to the p^rticulars then the s^d highway, & make yo^r report to the next Court, & the s^d Stanford to satisfie yo^r paines.

Discharged.

Memorand, October 29th, 1685. John Mitchell & William Fobes are bound by this Court, jointly & seuerally, to the Treasurer of this colony, in the peanall sum of twenty p^d, for the apearance of s^d Michell att this Court to morrow morning, & to abide the sentance of the Court, & not to depart without licence.

John Michell being profered by the Court the benefitt of a jury, but he had rather submitt himselfe to the judgment of the Courtt.

Which accord-
ingly was don.

The Court then gaue him this judgmentt: John Michell, conuict for fornication with Hannah Bony, for lasciuious carriages and speches att sundry times, is sentanced to be seuerely whipt, & to giue bond with surtyes for for his good behaiour till March Court next, to stand comitted till sentance be pformed.

Memoranō. Att the Courtt, October 30th, John Michell apeareed & acknowledged to owe vnto our soueraign lord the King the sum of fifty pounds. The condition of this recognisance is such, that if the aboue bounden John Michell shall be of good & peaceable behaiour towards our soueraign lord the King & all his leige people, & apear att his maj^{ties} Courtt to be holden att Plimouth the first Tuesday in March next, that then, &c^r.

The Court haue graunted libertye to Thomas Lenord & Shadrach Wileboar, both of Tanton, to sell strong liquors by the gallond, soe that they are carefull nott to sell to such as will abuse the same.

Administration is granted by this Court to John Hathway & Thomas Lenord, both of Tanton, in the jurisdiction of Plimouth in New England, on all the goods & chattells of Daniell Mackeney, of Tanton afores^d, deceased, giueing bond for their administration according to law.

The Courtt orders & impowers Cap^t Nath^l Thomas & Justus Aims, of Marshfeild, & Ensign Traccy, of Duxbury, that they & each of them repair to Scittuate, & run the lines of the farme that was so^mtime M^r Timothy Hatherlyes, 400 acres according to reccord, & likewise measure Cap^t John Williamses ruⁿing lott soe called, being the ninth & fourteenth lott as apeares by Conahassett reccords, according to said Williamses bounds p^rsented, or that hath been p^rsented to the Court for euidence of s^d land.

1685.

27 October.
HINCKLEY,
GOVER^r.
PART II.

Administration is granted by this Court to Thomas Gillbertt, of Tanton, in the colony of Plimouth in New England, on the estate of James Wiatt, of Tanton afores^d, deceased, giueing bond for his administration according to law.

*Hannah Boⁿy conuict for fornication with John Michell, & also with Nimrod, negro, & haueing a bastard child by s^d Nimrod, is sentanced to be well whipt. [*45.]
Which accordingly was don.

Nimrod, negro, conuict for fornication with Hannah Boⁿy, is sentanced to be seuerely whipt, & that s^d Nimrod pay 18 *pence* p^r weeke to said Bonny towards the maintainance of s^d child for a year, if it liue soe long; & if he, or his master in his behalfe, neglect to pay the same, the s^d negro to be putt out to seruice by the Deputy Gouer^r soe long time, or from time to time, soe as to procure the same. Which accordingly was whipt.

To the Constable of Litle Compton, &c^r.

Wheras the town of Litle Compton hath sent to the Court of Asistants a vote of the s^d town vnder the hand of the towne clarke, wherein they manifest their refuseall of obeidiance to the orders of the Generall Court, not only in a way of neglect, but contempt, if the s^d town shall still neglect to yeild obedience to s^d order, you are then, in his maj^{ties} name, required to su^mons the inhabitants of yo^r town p^rsonally, or by their agents, to appear att his maj^{ties} Court to be holden att Plimouth, att March Court next, then & there to answere their contempt & neglect afores^d.

To the Constables of Swanzy, greeting.

You & either of you are, in his maj^{ties} name, required to take care to colect & gather such rates as are orderly com^mitted to you, & the same, when receued, to be deliuered to M^r John Allen, Deacon Butterworth, & M^r William Ingram, who are, or the major part of them, to receiue & secure the same, & dispose thereof according as they shall receiue order from this Court, who will dispose the same according to law, & for the good of yo^r towne.

1685.

27 October.
HINCKLEY,
GOVERN.
PART II.

Mem^o. Two of the select men of the town of Middlebury, viz^t, M^r John Tompson & John Nelson, appeared at his maj^{ties} Court holden at Plymouth on the last Tuesday of October, 1685, & according to law complained that John Howard, Sen^r, would not depart their town, being warned thereto by s^d select men according to law.

Indian, Joseph Wampus, who by mischance slew Will Wampus, engaged before the Court to pay a debt of thirty one shillings in money, which the s^d Will Wampus owed to Cap^t Nath^l Thomas, & also to give s^d Wills mother a coat of two yards of duffles, but would not pay any other debts of the s^d Wills.

1685-6.

March Court, 1685-6.

March.
[*46.]

*Whereas John Brandon, of Freetown, complains against Mathew Boomer, Jun^r, of s^d town, for that he, the said Boomer, hath sundry times beat him, the s^d Brandon, & given out threatening speeches against him, in soe much that, as he saith, he goeth in fear of his life of him, & more especially in behalfe of himselfe & Mary, his wife; she complains against the s^d Boomer, that at sundry times he hath attempted to abuse her, the s^d Mary, attempting by force to lye with her, & for other laciuous cariages towards her. These, &c^r.

1. The jury find the prisoner at the barr guilty of the breach of the Kings peace in striking of John Brandon. 2^v. Also, by breaking the Sabboth by sufering his Indian seruants to hunt on the Sabboth day. 3^v. Guilty of liciuous cariages to Mary Brandon.

Mathew Boomer, Jun^r, conuict of Sabboth breaking, breach of the peace, & laciuous cariages with Mary Brandon.

The Court orders s^d Boomer to pay for Sabboth breaking twenty shillings fine to the country; for his breach of the peace, ten shillings; & for his laciuous carriage with Mary Boomer, the Court orders him, the said Boomer, to pay four pounds fine to the country, & charges of prosecution.

The bill of charges of prosecution is four pounds four shilling & six pence, allowed by the Court.

John Bayley, of Bristoll, accused for stealing, or being confederate with those that did steale, sundry ꝑcells of rigging & blockes, belonging to the owners of the shipp Bristoll Merchant, & for receiueing & disposing the same, being conuict by his own confession, —

The Court orders the s^d Bayley to pay to the owners of the ship Bristoll Merchant three pounds in money, & sentence him, s^d Bayley, for his crime, to pay three pounds fine to the country, or be whipt, & to pay the charges of prosecution.

Soloman Curtice, of Bristoll, being complained of for receueing of goods stolen from the owners of the ship Bristole Merchant, & for concealeing or not timely discouering the same, —

The Court see cause, vpon the hearing of the case, to order s^d Curtice to be admonished, & to cary backe the rigging, & blockes, & other things, in his custody, belonging to the owners of the shipp Bristole Merchant, & deliuer or cause to be deliuered att the town the same to some of the owners ; & paying fees, is dismissed.

1685-6.

March.
HINCKLEY,
GOUER^r.
PART II.

**Att y^e Court of his Ma^{ty} holden at Plymouth y^e 2^o of March, [47.]
1685-6.*

BEFORE Thō Hinckly, Esq ^r , Gou ^r ,	Daniell Smith,
William Bradford, Deputy Gou ^r ,	Barnabas Lothrop,
John Alden,	John Thacher,
John Freeman,	John Wally,

Assistants in gouernment.

ADMINISTRATION was granted by this Court to M^r John Vsher, merchant, in Boston, in y^e county of Suffolke, in New England, on y^e estate of Isaac Waldron, in the colony of New Plimouth, aforesaid, deceased, giueing bond for his administration according to law.

Daniel Eaton complained of for coming to inhabitt within y^e colony without y^e leave of y^e Gou^r & two majestates, as y^e law directs, & liueing in the colony after warned out at y^e least ten weekes before October last : y^e Court orders s^d Eaton to pay five shillings for each weeke, fine to y^e cuntry, being in all fifty shillings, & for y^e time since October Court, being y^e matter was suspended by order of authority. The Court acquits said Eaton from any fine from that time, & for as much as s^d Eaton hath y^e aprobaton of many of y^e towne of Little Compton for his dwelling in said towne, and that he hath his concernes in y^e colony, & in hope of his yeilding obediance to y^e lawes here established, as he hath promised, y^e Gou^r & majestates admitt s^d Eaton an inhabitant into y^e colony, he giueing security to y^e towne of Little Compton, if they desire it, to saue them from any charge with him & his.

And vpon y^e said Eatons petition, y^e Court haue remitted halfe y^e fine, that is, twenty five shillings, to y^e country.

Administration is granted by this Court to Samuel Lathropp, of Bridg-

1685-6. water, in y^e colony of New Plimouth, on y^e estate of Marke Lathrop, of Bridgwater, afores^d, deceased, giueing bond for his administration, according to law.

27 October.

HINCKLEY,

GOU^r.

PART II.

Relating to y^e complaint exhibited to Maior Bradford, by Humphry Johnson, against Anthony Collimore, wherein he speaks of some persons that came armed with guns, y^e s^d Johnson, he in Court acknowledged that he did beleiue that those persons that came soe armed did not intend violence therewith.

Robert Staples, of Sittuate, apered before y^e Court; being convict of fornication, suffered corporall punishment.

In answe^re to a complaint of Robert Stanford, of Marshfield, concerning y^e high way that goes through his land, this Court orders, that y^e way shall goe where it did formerly, (that is to say,) y^e old way by M^r Arnolds, & not y^e new way y^e jury laid out last, till it be otherwise ordered.

[*48.] *Memorand^m, March 6th, 1685. Att Court, there apeared Humphrey Johnson, of Hingham, & acknowledged to owe unto our soueraign lord the King the sum of two hundred pounds: 200^l.

The condition that if the aboues^d Humphrey Johnson doe apeare at the adjournment of this Court, to be holden att Plimouth the first Tuesday in July next, then & there to prosecut his information, exhibitted vnto Major William Bradford on his maj^{ties} behalfe, the 22^d of December, 1685, against Anthony Colimore & others, a rieste of forceable entry, as by s^d information may further apeare, if the s^d Johnson shall prosecut s^d informatione att s^d Court to efect, that then, &c.

The Court orders, that this Court be adjourned till the first Tuesday in July next.

[*49.] *Christopher Gifford, of Suckanessett, in y^e colony of New Plimouth, planter, & Joseph Hull, of s^d Suckanessett, cooper, or planter, are indicted by y^e name of Christopher Gifford & Joseph Hull, for their notoriouse misdimenors & trespass against his ma^{ties} authority, laws, & peace, comāded for that y^e s^d Christopher Gifford did so^m time about y^e 8th day of December last past, & at other times in s^d Decem^b, turbulently & violently, by force & armes, resist the constable of s^d Suckanessett, in y^e execution of his office, & then & there, at Suckanessett afores^d, did wickedly strike Moses Rowly, Juni^r, being one of y^e constables aid or assistants in y^e execution of his office, on y^e head with a certaine stick or club, thereby fetching blood & shroadly wounding of him in his head, to his great & damage, & y^e s^d constable arresting y^e s^d Christopher for such his breā of his ma^{ties} peace, & contempt of his maiestes authority, y^e s^d Christopher carrying himselfe very vnruely, & forceably resisting s^d constable, & that y^e s^d Joseph Hull, him, y^e s^d Chris-

topher Gifford, did maintaine & abett at y^e s^d times in Decemb^r afores^d, & 1685-6.
 place of Suckanessett, at or in y^e house of Jonathan Hatch, Senir, & y^e s^d
 Christopher Gifford & Joseph Hull did conspire together to resist & oppose s^d
 constable & his aid in y^e further execution of his office at same time, & after-
 wards in s^d month, for euill intent to diuert justice, did moue & suggest falce
 pleas, & thereby causing a falce imprisonment or arrest of s^d constable & his
 company who aided him in y^e execution of his office, & performing y^e duty of
 his place as afores^d, to y^e great discouragement of s^d constable & his assistants,
 & other y^e Kings officers for y^e future, & y^e euill example to others, & against
 y^e publike good & quiett, & against his ma^{tes} lawes & peace comāded.

2 March.
 HINGKLEY,
 GOVERN^r.
 PART II.

The jury find the prisoners att the barr, Christopher Gifford & Joseph Hull, guilty acording to their indictment.

Christopher Gifford & Joseph Hull, being found guilty of their inditement by y^e grand jury, they trauersed s^d inditement.

Christopher Gifford & Joseph Hull, indicted for seuerall high misdemeanors, & they haueing trauersed there inditement, & haueing ben found guilty vpon tryall, the Court, considering of their offences & high misdemeanors, sentanced s^d Christopher Gifford seauen pounds fine to y^e colony, & Joseph Hull to pay fue pounds fine to y^e colony, & that they pay charges of prosecution & fees of Court, standing comitted till sentence be performed.

The bill of charges amounting to seuen pound nine shillings six pence, one pound seuen shillings six pence, mony, to be paid by Joseph Hull, & the remaiñer, being fue pound twelue shillings six pence, mony, to be paid by Christopher Gifford. This is alowed by the Court.

Attest, NATH^{LL} CLARKE, Secretary.

*This bill of cost is of one pound eight shillings six pence, wherof ten shillings, mony, to be paid by said Joseph Hull on the other side, & the remaiñer to be paid by s^d Christopher Gifford in mony, & is alowed by the Court. This is the cheife marshalls bill of cost.

[*50.]

Attest, NATH^{LL} CLARKE, Secretary.

In answer to the petition of Joseph Hull, the Court abate him, the s^d Hull, forty shillings of his fine.

In answer to Christopher Gifford petition, the Court abate him three pounds of his fine to the country, he paying 20^{li} unto Moses Rowley for the wound he gaue him on his head.

The constable of Barnstable his bill of cost alowed by the Court is one pound two shillings & six pence, to be p^d in silluer mony.

1685-6.

2 March.
HINCKLEY,
GOVERN.
PART II.

The town of Little Compton & villiages adjacent, being ordered by the Generall Court held att Plimouth in Juñ, 1685, to raise the sum of fifteen pounds for the encouragment of the preaching of the gossell, or to be otherwise disposed by the Court, as the law directs, for the good of said places, & wheras William Bradford, Esq^r, Tresurer, by warrant directed to Little Compton, ordeřd & required s^d towne to chuse raters & make rates for the same, together with the country rates, & the inhabitants or town of Little Compton hath, instead of yeilding obeidience to s^d warrant & order of Court, refused or neglected to chuse raters, or make rates for s^d sum of fifteen pounds; & att a town meeting in s^d Little Compton, July the 27th, 1685, as appears vnder their town clerks hand, they in contempt of the authority of the Generall Court, & authority here established, take vpon them to enforme the Court of Majestrats in October last, that they thinke itt conuenient to delay their duty & take what time they thinke meett to consider thereof, as appears by their saying, they would consider thereof & giue their answer to the next Generall Court; the Court of Asistants in October last sending a warrant to s^d towne of Little Compton, requiring them, if they still refused or neglected to raise s^d sum, that they should by themselues, or agents, apeer att his maj^{ties} Court to be held att Plimouth in this p^{sent} March, then & ther to answer for their contempt & neglect, & it apeering by the return of their constable on the warrant that he su^moned euery p^{son} in s^d town according to s^d warrant, & that by the constables return they had chosen agents, & alsoe it apeering vnder the hand of the town clarke, that a vote at a town meeting of them, February, 168⁵, that Dauid Lake & Henry Head were e^{osen} agents for the town to apeare at the next Court at Plimouth on their behalfe, which s^d Head & Lake apered, & p^{sent}ed a plea or excuse vnder the hand of the town clark, & s^d agents, p^{sent}ing exception & refusing to plead, because they were not brought in to answer, neither by p^{sent}ment nor indictment.

The Court answering them, there had been a due process of law, haueing been sent for by warrant therin signified what they were to answer for, & had been su^moned as the law directs, & haueing giuen them the opertunity of a tryall by their peers if they pleased, & time to consider thereof, they not accepting the same, the Court proceeded to consider of the case, & haueing heard their defence, find that the town of Little Compton, in contempt of his maj^{ties} authority, haue neglected their duty, which is agruated by their answer or return to the Court, wherin they rather complaine then answer, & write rather as eaqualls or neighbours, then as delinqu^{ts} or ofenders, & lay the town of Little Compton vnder a fine of twenty pound for s^d contempt & neglect.

*The settlement of Rob^t Parkers estate by the Court ordered to be recorded. 1685-6.

In refference to the settling of the estate of Rob^t Parker, late of Barnstable, deceased, between Patience, the relict of s^d Robert, & the children, wherein respect is had partly to the will of the s^d Rob^t, though said will was not perfected by him whilst he was in a capacity to make itt, & partly to an agreement made between the s^d relict & the children which were of age.

2 March.
HINCKLEY,
GOVERN^r.
PART II.
[*51.]

Imprimiss. It is ordered, that Patience, the said relict, (after all just debts are paid out of said estate,) shall haue one third part of all the psonall estate att her own free dispose for euer, & the vse of the house & lands which the s^d Robert liued on at his decease, together with the vse of about two acres of salt marish att the island, which part of s^d island, & is bounded at the southeast corner by a redd oake marked, & thence ranged northerly by another redd oake marked, to a stake which stands by a little creeke, and bounded by said creeke, down to the great creeke, & bounded westerly by a ditch, & thence from a stake ranging easterly, by a white oake tree marked, to the s^d redd oake corner tree, during her naturall life, together with such other part of the psonall estate as the Court shall see cause to order towards her bringing vp the small children.

2^v. It is agreed & ordered, that Samuell Parker, eldest son of s^d Rob^t, shall haue the house & lands belonging to the farme he liueth on, to him, his heires & assignes, for euer, excepting the two acres of salt marish att the island aforementioned, which is to be for the other children, after their mother, the s^d Patience, decease, & excepting the vse only of three or four acres of marish att Scorton, dureng the terme of seuen years next after the date hereof, to bee improued by the said relict towards the bringing vp of the small children, & then to reuert to the said Samuell, his heires & assignes, for euer; and the s^d Samuell Parker is also to pay sixteen pounds in currant pay towards the portions of his sisters, Mary Jenkines & Jane Parker.

3^v. Itt is agreed & ordered, that John Jenkines, in right of s^d Mary, his wife, shall haue twelue pounds in currant pay, or tenn pounds in mony, out of s^d sixteen pounds to be paid by the s^d Samuell, to make vp what s^d Jenkines hath allready receued the sum of twenty pounds, which is in full for his & his s^d wiues part of s^d estate.

4^v. It is also ordered & agreed, that Jane, second daughter of s^d Rob^t, shall haue twenty pound in currant pay, in full of her part of s^d estate, sixteen pounds thereof to be paid her out of the s^d estate by the s^d Patience, & four pounds, the residue of s^d twenty, to be paid her brother, the s^d Samuell, being the remainder of the sixteen pounds aforementioned which he was to pay out of his estate.

1685-6.

2 March.
HINCKLEY,
GOVERN.
PART II.

5^v. Ordered & agreed, that the remainder of the s^d estate, both reall & psonall, shall bee deuided as the Court shall order, between the eight children which the s^d Rob^t had by the s^d Patience, viz, the five sons, Thomas, Daniell, Joseph, Benjamine, & Elisha, & the three daughters, Hannah, Sarah, & Alice.

Att a Court of Assistants held the 2^d of March, 1688, the Court confirmed the foresaid agreement of the parties, adust, concerned therein, & the order of the Gouvernor & M^r Lothrop, impowered by the Court therevnto, & the Court doth now further order, that the five sons the s^d Rob^t had by the s^d Patience shall haue each of them thirty pounds a peice, in the lands & other estate, wherein the lands come shorte, & the three daughters twenty pounds a peice out of the moucables, & the residue to the widdow for bringing vp the same small children.

Plimouth, May 10th, 1686. Whereas M^r John Bourn, late of Marshfeild, deceased, left the greatest part of his goods & chattells in the possession of Allice, his wife, without any other disposure thereof by his last will & testament, makeing her sole executrix of his s^d last will, who is since also deceased, intestate, without any disposure of said estate, & necessitie requireing p^sent administration thereon.

Power of administration is therefore hereby granted vnto Thomas Bourn, only son of the said John & Allice, his wife, to administer on the s^d estate protempore.

WILLIAM BRADFORD, Dep^v Gouer^r.

JOHN ALDEN, Asistant.

Attest, NATH^{LL} CLARKE, Secretary.

[*53]

**Att the Generall Court att Plimouth, June, 1686.*

P^RSENTED for freemen.

Tanton,	{ Robert Crossman, Samuell Hall, Samuell Phillips,	} sworn.
Swanzey,	Hezekiah Luther,	} sworn.
Plimouth,	{ Josiah Morton, Isaac Lobden,	
Duxbury,	Josiah Wormeall,	

Thomas Hinckley, Esquire, was chosen Gouer^r, & William Bradford, Esquire, Deputy Gouer^r, & sworne. 1686.

Mr John Alden,
John Freeman,
Daniell Smith,
Barnabas Lothrop,
John Thatcher,
John Walley, } chosen Asistants, & sworne.

June.
[HINCKLEY,
GOVERNOR.]
PART II.

Chosen William Bradford, Esq^r, Treasurer, & sworne.

The Comissioners are the Gouer^r, & y^e Deputy Gouer^r; & the next in nomination was Major Walley.

[In the handwriting of Mr. Samuel Sprague.]

Sam^l Sprague, chosen Secretary to the Generall } & sworne,
Court, }
and Record^r of y^e Court of Assistants.

[In the handwriting of Secretary Clarke.]

*The Names of the Town Officers.

[*54.]

Deputies.	Celect Men.	Constables.
Plimouth, { Lei ^{tt} Morton, Joseph Waren.	{ Lei ^{tt} Morton, Serj ^{tt} Harlow, Joseph Warren, Sen ^r .	{ Jo ^a Churchell.
Duxbury, { Ensign Jn ^o Tracy, Francis Barker.	{ Benj ^a Bartlett, Insig ^h Jn ^o Tracy, & Frācis Barker.	
Scittuate, { M ^r Jn ^o Cushen, Sm ^{ll} Clapp.	{ M ^r Jn ^o Cushen, Sam ^{ll} Clapp, Jerimiah Hatch.	{ M ^r John Allen, William Berstow.
Sandwich, { Thō Tupper, Stephen Skiffe.	{ W ^m Swift, Sen ^r , Thō Tu ^{per} , & Stephen Skiff.	
Tanton, { Le ^{tt} Gor ^g Mascee, Insign Thō Lenord.	{ Le ^{tt} Geor ^g Mace, Iñ Thō Lenord, Walter Dean, W ^m Haruey, Jn ^o Hall.	{ James Lenord, Joseph Tilden.

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[HINCKLEY,
GOVERNOR.]
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Yarmouth,	{ Leiu ^{tt} Seeres, Jerimiah House.	{ Edmond Hawes, Jo ^s House, Jo ⁿ Miller, Jerimiah House, Silase Seeres.	
Barnstable,	{ Cap ^t Lathropp, In ^s Shuball Dimack.	{ Cap ^t Lothrop, Le ^{tt} Jn ^o Howland, In ^s Shuball Dimack.	
Rehoboth,	{ Lei ^{tt} Peck, Gillbert Brookes.	{ Cap ^t Hunt, Lei ^{tt} Peck, Gilbert Brookes, Jn ^o Peck, & William Sabine.	
Eastham,	{ Cap ^t Jon ^s Sparrow, Marke Snow.	{ Cap ^t Sparrow, Marke Snow, John Doan.	{ Celectmen.
Bridgwater,	Lei ^{tt} Thō Howard.	{ Dēcon Jn ^o Willis, Sam ^{ll} Edson, Sen ^r , Le ^{tt} Tho ^s Howard.	
Marshfeild,	{ Lei ^{tt} Isaac Litle, Serj: Sam ^{ll} Sprague.	{ Cap ^t Nath ^{ll} Thomas, Serj Nath ^{ll} Winslow, Serj Sam ^{ll} Sprague.	
Midlebury,	M ^r Jn ^o Tompson.	{ Jn ^o Tompson, Jn ^o Nelson, Isaacke Howland.	{ John Miller.
Swanzey,	Serg ^{tt} Hugh Cole	{ Jn ^o Allen, Jn ^o Brown, Hugh Cole, Nickcolas Tanner, & Obadiah Bowen.	
Bristol,	{ M ^r Burton, M ^r Jn ^o Rogers.	{ Cap ^t Ben: Church, Jn ^o Rogers, Thō Waker.	
Litle Compt,	Edward Richmond.	{ Edw ^d Richmond, M ^r W ^m Peabody, M ^r Joseph Church.	
Dartmouth,	Jn ^o Cooke.	{ Jon ^s Delano, Seth Pope, Josep ^t Tripp.	{ James Sisson.

Free Town,	Jobe Winslow.	{	Thō Terry,
			Thō King,
			Jobe Winslow.
Estham,	{	Capt Jona ^t Sparrow,	Cap ^t Sparrow,
			Marke Snow,
			& Jn ^o Doane.

1686.
 June.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

[In the handwriting of Secretary Sprague.]

June, 1686. Samuel Dunham tooke oath in Court to serve in the office of under marshall & goal keeper for Plimouth colony.

*The Court hath granted liberty to Margarett Muffee, of Scituate, to re-taile strong liquores in the town of Scituate, afores^d, to such as buy itt & carry itt out of door, or from her house, & nott drinke itt there, & likewise that she shall nott sell such liquores by less quantities then one gallond, & be carefull whome shee sells itt too.

[*56.]

Select Men sworn.

Plimouth,	{	L ^t Morton,
		M ^r Joseph Warren,
		Serj ^t W ^m Harlow.
Dartmouth,	{	Joseph Trip,
		Seth Pope.
Scituate,	{	John Cushion,
		Saff ⁿ Clap.
Duxsbury,	{	En ^s John Tracy,
		Francis Barker.
Sandwitch,		Thomas Tupper.
Marshfeild,	{	Serj ^{tt} Sam ^l Sprague,
		M ^r Nath Winslow.
Rehoboth,	{	L ^t Pecke,
		Gilbert Brooks.

Constables sworn.

Dartmouth,	James Sisson.	
Bridgwater,	Thomas Washbourn.	
Freetown,	Ben: Chase.	
Scituate,	{	John Allen,
		W ^m Berstow.
Rehoboth,	John Ormsby.	
Marshfeild,	Saff ⁿ Little.	
Middleborough,	John Miller.	

1686.

June.
HINCKLEY,
Gov^r.
PART II.

These next written, of Scippican, were propound at June Court, 1686, to take up their freedom, viz: —

Aaron Barlow,
Joseph Dotey,
John Wing,

Samuel Hammond,
Jacob Bumpus,
Samuel White.

Voted.

It is agreed upon that the rates that are to be made for raising of money for to defray the charges arising in the colony for this present year, shall be made by or according to the rules set downe in our old law in the printed booke.

4 June.

New Plimouth, June y^e 4th, 1686. Att the Court of Assistants, Sam^l Luther, of Swansey, appearing in and proffering to prosecute Henry Neal, according as s^d Luther was bound to doe at July Court next, but s^d Neal haveing made his escape, the x order, that y^e said Luther, upon warn- ing given him by a magistrate, appear at next July Court to prosecute as afores^d, if s^d Neal can be taken and then brought to a tryall; but if otherwise, then s^d Luther is at s^d Court to have his bond delivered up to him.

1 June.

[*57.]

*June 1st, 1686. At the Generall Court Cap^t John Jacob appeared in Court in behalfe of himselfe & y^e owners of three quarters of y^e land at Accord Pond, & demanded something due from y^e colony as there division of money rec^d for conquered lands, & allsoe owned that there was about fourty five shillings or more due from them to y^e colony for rates, & offered to accept of y^e s^d rate as full satisfaction of there demand of y^e colony on y^e account afores^d, & y^t all accounts should be & accounted ballanced to this day. And y^e Court agreed to or accepted y^e same.

W^m Perry being ingaged to y^e tresu^r y^e sum of five pounds that was dew for a fine from Henry Perry, y^e Court, in consideration of y^e breaking out of y^e wounds of said W^m Perry some time since, & paine he hath endured, see cause to remitt y^e said five pounds in being by him accepted for full satisfac- tion to this time, & he likewise promises not to demand any thing more of y^e colony vnlesse his wounds break out againe, & y^t he will not expect any thing for any small breaking out or farther paine he may sustaine.

Ordered, that Barnabas Lothrop, Esq^r, Cap^t Joseph Lothrop, Cap^t Spar- row, & L^t Isaac Little be a comitte to take y^e treasu^r accounts.

Agreed, that Theophilus Witherly have five pounds paid him out of y^e rates this year, which y^e Court give him, notwithstanding he had discharged y^e Court, they considering his necessity.

Agreed, that John Pugsly have fourty shillings paid him out of y^e rates this yeare.

1686.

Wheras the y^e Court, in June, 1685, granted to W^m Witherly ten pounds, to be p^d five pounds this yeare & five next, in case a discharg^e could not be found, it is now agreed, that he should be paid seaven pounds ten shillings, mony, this yeare, in case he give y^e country a full discharge, & L^t Macey, whom he had ordered to appeare & act for him, att^{or} for y^e same in his behalfe, & in x x x x x

4 June.
[HINCKLEY,
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The original is
worn out.

*June 4th, 1686. In reference to a petition presented to the Generall Court by M^r John Saffin, of Boston, concerning some lands said to be purchased by Cap^t Willett near Titticut, so called, the Court order, that the records of the Court shall be carefully serched for the finding the deed relating to s^d purchase.

[*58.]

In answer to a petition presented to the Court of Assistants by y^e agents of the propriators of the lands called the Majors Purchase,—

Ordered by the Court of Assistants, that M^r Thomas Palmer, of Scituate, Ensigne Thomas Leonard, of Taunton, and Stephen Skeff, of Sandwich, shall, as a co^mity, by appointment of this Court, haue power to run a line and set bounds, and act and doe according as the law directs in such case between the lands of the town of Plimouth and lands called the Majors Purchase, and to be done by s^d co^mity at any such time as they shall appoint betwixt this day and the first day of September next, and to make return of their acting to the Court of Assistants in October next.

Upon the request of the inhabitants of Scippican, alias Rochester, to become a township, and have the previledges of a town, the Court granted theire desires in y^t respect, & the like granted to Suckanesset inhabitants.

M^r John Brown approved as cap^t of the Town of Swansey, Timothy Brooks leiv^t, James Cole ensigne.

Of Little Compton. M^r Edward Richmond approved for leiu^t, and M^r Joseph Church ensigne.

Seth Pope is appointed by the Court to be leiv^{tt} of Dartmouth.

And M^r Thomas Terrey approved leiu^t of Freetown.

Cap^t Thomas, M^r Cushing, & Leiu^t Morton chosen associates for Plimouth county for the following year.

& M^r Byfield, M^r Pabody, & Ensigne Leonard for the county of Bristoll.

1686. *New Plimouth. At a Court of Assistants held for our Sovereigne
Lord the King y^e 4th of June, 1686.*

4 June.

[HINCKLEY,
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WHEREAS John Glover, of Barnstable, in this colony of New Pl^x, cooper, did petition his majesties Court of Assistants, held at Plimouth, the sea x day of March last past, that he might have a divorce from Mary Glo x, his wife, by reason of her false and treacherous dealing in her violating the marriage covenant by entertaining some other man or men into bed fellowship x her, and did by her filthines and basenes infect him, her said husband, with that filthy & noysome disease called the pox, to his great sorrow and paine, ruine of his estate, and hazard of his life. The said Mary, his wife, having had x alsoe of his intention to sue out a bill of divorce from her for s^d cause, and x the Court then hearing the pleas and examining the testimonies, & x sent in by each of them to s^d Court. But the Court, not being fully advised x time, left it to farther consideration till this next Court, & accordingly x Glover in his own person appeared and prayed the Court to do x x x. The Court therefore, on their farther & due consideration x x and x x x declares a separation & divorce of y^e s^d John x x x x his x x x John Glover hath herewith a totall freedom x x x x.

[*60.] *At the Court of Assistants, June 4th, 1686, James, an Indian of Naussett, being convicted before the Court for stealing a hogg from Jacob Cooke, (by Indian his own confession,) is sentenced to pay to Jacob Cooke 20^s money, or twenty four days worke, and to pay ten shillings to Mark, an Indian, haveing been prosecuted and put to charges concerning it, and s^d James to be publicly whipt.

And Lusty Tom, an Indian, is sentenced to pay & suffer the like, if upon tryall before M^r John Freeman, he shall be adjudged guilty of the s^d fact with s^d James.

June 4th. In reference to a controvercy between M^r Nathaniel Clarke, and Dorathy, his wife, the Court order that s^d Dorathy deliver vp to the dispose of the Court all the money, rings, & treasure that she hath now acknowledged she hath taken without the leave of s^d Clarke, her husband, and to be performed by her some time betwixt this time and to morrow, eight of the clock in the morning.

Postscript, Ju-
ly 9th, 1686.

Postscript. Which was in part performed, viz^t, the money brought in at s^d time, & ordeřd p^r y^e Court to be disposed, viz^t, 150 pounds to Cap^t Nath^l Thomas, due to him vpon bond, and the residue to Leiu^t Ephraim Morton, till farther order; but y^e s^d rings & treasure was brought into Court p^r her y^e 9th of July, 1686.

To the Honoured Govern^r and Magistrates assembled in Court, June 2, 1686. 1686.

The Humble Petition of Dorathy Clarke.

I am sorely afflicted that I have this sad occasion to petition to God & you, for in that M^r Nathaniel Clarke hath not performed the duty of a husband to me, for he is misformed, and is always unable to perform the act of generation. And therefore your petitioner humbly prayeth that I may be divorced from him, for our lives are very uncomfortable in the sight of God.

Soe I rest your humble petitioner,

DORATHY CLARKE.

4 June.
[HINCKLEY,
GOVERNOR.]
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Exhibited in
Court June y^r
4th, 1686.
New Plymouth,
June y^r 4th,
1686.

Att his majesties Court of Assistants, M^{rs} Dorathy Clarke complaining to the Court that M^r Nathaniel Clarke, her husband, (by reason of some deformity or infirmity of body, as she saith,) is incapable to performe the conjugall duty of an husband towards her, and petitioned to be divorced from him ; but the said Nathanael affirming the contrary, the Court haue ordered, that his body be viewed by some persons skilfull and judicious, and therefore doe request M^r John Cutler, M^r Thomas Oakes, and M^r William Avery, phisicians, or any two of them, at the request and charges of the s^d Nathanael, shewing himself vnto them, that they would give their judgment of him concerning that particular in writing, under their hands to be produced at the next Court.

p^r order of Court.

June 4th, 1686. M^r Edward Richmond, convict before the Court for furnishing an Indian with some rum or strong liquors, was sentanced to pay five pounds fine to the colony.

**Att the Court of Assistants held at Plimouth, July y^r 6th, 1686.*

[*61.]

M^{RIS} DORATHY CLARKE, appeared in Court & prosecuted her petition & complaint on the other side mentioned, and the Court did not see cause to graunt a divorce as she desired.

The following writing was recorded p^r order of Court.

July y^r 10th, 1686. Whereas M^{rs} Dorathy Clarke hath exhibited a complaint unto the Court against her husband, Nathanael Clarke, in order to a

1686.
 6 July.
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divorce, and prosecuted the same att his ma^{ties} Courts held at Plimouth in June & July, 1686, and she not having made out her charge, as may appear by Court records, that soe they still remaine husband and wife. There being such an uncomfortable difference between the said Clarke and his wife, and fearing least they should ruine each other in their estates, have mutually agreed to a settlement in that respect untill the law otherways determine or they agree themselves. The conditions of the agreement betweene themselves are these following, viz': That the new house is in the s^d Nath Clarkes possession as his and his wives estate, she having liberty to live in part of the s^d house to the quantity of half if she please, and he, the s^d Clarke, to have all the estate that he brought with him to be d^d up to him, s^d Clarke, excepting what he hath disposed to any other person besides his s^d wife, or layd out in cloathing for himself. And she, the s^d Dorathy Clarke, to have all the estate that she brought with her, excepting what hath been spent and disposed of by her or said Clarke, & one hhd of rum in Clarkes hands for the finishing of the new house, and three barrells of cyder for his own drinking, or at his dispose. The s^d Nath^l Clarke is not to be charged with any obligation, bond, or debt, &c, that she, the s^d Dorathy, hath already or shall make × contract, and to save harmles the s^d Clarke from the matters of administration of the estate of her late husband, Edw̄ Gray, and that she deliver vp to the s^d Clarke his bond given to her before marriage. And the s^d Dorathy is not to be charged with any obligation, bond, or debt, that he, the s^d Clarke, hath already, or shall make, or contract. To the true performance of the conditions abovementioned, Leiutenant Ephraim Morton, of Plimouth, appeared before the Court, and ingaged for himself, his heirs, & executors, in the peanall sum of five hundred pounds currant money of New England, that the said Dorathy shall performe on her part in all respects the conditions herein expressed. And to the performance of the conditions above mentioned, M^r Barnabas Lothrop, Sen^r, of Barnstable, appeared before the Court and ingaged for himself, his heires, & executors, in the peanall sum of five hundred pounds currant money of New England, that the s^d Nath Clarke shall performe on his part, in all respects, the conditions above mentioned, and the s^d Clarke is to deliver vp the book of accounts, & the deed of lands that did belong to said Dorathy, his wife.

The persons above named, herein concerned, owned this above written to be their act and deed before the Court, July the 10th, 1686.

As attests SAMUEL SPRAGUE.

— M^r Clarke engaged to Leiu^t Morton, within named, to give him a counter bond sufficient to save him harmless concerning y^e premises. Before y^e Court.

Attest. SAM^L SPRAGUE.

1686.

June.
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*New Plimouth, Acts and Orders made at the Generall Court in June, 1686.

[*62.]

1. Ordered by this Court and the authority thereof, that at the end of this sessions of the Generall Court, the laws that have been lately printed, and having been ordered sometime since to be published in the severall towns, shall be of force and put in execution, having respect to such additions and alterations as shall be made by this Court.

2. Ordered, that the magistrates and associates that are to keepe Court in the severall countyes meet, in their severall county towns, upon the third Tuesday in this instant June, and that the magistrates then present give the oath to the severall associates. Three or more appearing, having taken their oaths, shall be a Court, and shall then chuse their officers, and settle such matters as are necessary in their severall Courts, and act and doe in all matters as may come before them that lyes in the power of a County Court, trying of actions at these next Courts onely excepted, who shall, together with the deputies of the severall towns of the county, or the major part of them, agree and conclude about a prison, where there is any to be built, and determine the charge & agree about the proportions the severall towns shall pay towards it.

3. Ordered, that the grand jury men who are chosen for this next year appear at their severall county towns upon the third Tuesday of this instant, to take their oaths and receive their charge, and that the severall towns shall make up what is wanting, and send according to this following order :—

Plimouth, three ; Duxborough, two ; Scituate, four ; Marshfield, three ; Bridgewater, two ; Middleborough, one.

Barnstable, three ; Yarmouth, three ; Sandwich, three ; Eastham, three ; Moñamoyet, one ; Succonesset, one ; Sippecan, one.

Bristol, three ; Taunton, three ; Rehoboth, three ; Dartmouth, two ; Swansey, two ; Little Compton, one ; Freetowne, one.

4. Ordered, &c, that the first Tuesday in July next be a Court of Assistants or tryalls ; and actions may therein be tryed, and all cases depending issued, and all such causes or actions that have been heard or tryed at any Court of Assistants or magistrates formerly, and the persons concerned see cause to review their actions shall doe the same at a Court of Assistants ; any thing in any law to the contrary notwithstanding.

1686.

June.

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5. Ordered, that at such time as the major part of the freemen of Plimouth county shall desire it, the County Court for Plimouth shall be kept at such place in the county as the said freemen shall agree on.

6. Ordered, that in civill actions no one magistrate shall have power to try the case out of such town where the plaintiff and defendand both liveth, any thing in any law to the contrary notwithstanding.

[*63.]

*Ordered, that in such countys as there is not a sufficient number of magistrates there shall be annually chosen by the Generall Court so many associates as they shall see need of, who shall sit in and act in the County Courts as the magistrates may, and have the power of magistrates in their respective countys : it is ordered, that such associates soe chosen shall take the same oath the magistrates doe, having respect to the difference of their place and power.

Wheras there are sundry tracts of lands held by divers persons in comon as the proprietors thereof, and there may be occasions for a meeting of the severall proprietors for to divide lands or make orders among themselves that may be for their good, —

It is therefore ordered, that when such purchasers, or a considerable part of such purchasers, shall desire the same of any magistrate, they makeing appear some considerable occasion for such a meeting, s^d magistrate shall give order to warn a purchasers meeting, and appoint the time and place. And what orders shall be leagally made among themselves, or by the major part of them, shall be valid and binding. And such a meeting shall be accounted lawfully warned, if the said order procured for that end be sett up publickly, and endeavoured to be kept up publickly at the house where such meeting is to be, twenty days before the time of such meeting ; and if any of the particulars, or sundry of them, have any just cause of complaint or suit against the rest, it shall be sufficient in law to bring their complaint to a hearing, or suit, or action, to a tryal, to attach any of the undevided lands of such purchasers, and the constable to sumons some of the purchasers, for themselves and in behalf of the rest, to answer the same ; and alsoe the complainers to post up such sumons twenty days before the time of hearing such complaint or tryall, at such place where there last purchasers meeting was held.

Agreed on by the General Court, that there be no general training or regimentall muster in this year, 1686.

Ordered, &c, that in each millitary company a comittee be chosen by the company, consisting of so many men as added to the commission officers of such company will make the number five, who shall have power with the comission officers to judge delinqueints, determine & dispose of fines for the good of the company, and to inflict millitary punishment vpon offenders according to law, as occasion may require.

*John Barlow acknowledgeth to owe to our souereign lord th King the suff of 10 pound sterling.

1686.

July 9th, 1686. The condition, &c, that whereas the above bounden John Barlow, haveing been convict in Court for lacivious carriages towards Mary, the wife of Nehemiah Bessey : now, if the s^d John Barlow shall be of good behaviour to his said majesty and all his leige people, and espeasially towards the s^d Mary, and not frequent her company, vntill the next Court of Assistants to be holden at New Plimouth on the first Tuesday in October next, & personally appear at s^d Court to answer such matters & things as may then be objected against him ; that then, &c.

9 July.
[HINCKLEY,
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[*64.]

This recognizans taken in Court.

As attests

SAM^L SPRAGUE, Secretary.

S^d John Barlow, convict for lascivious cariages towards & with Mary, y^e wife of Nehemiah Bessey, fined 40 shillings & fees of Court, and bound to his good behaviour.

& Mary Bessey fined 20 shillings & fees of Court.

To y^e Constable of Scippican, alias Rochester, greet.

Whereas Aaron Barlow hath entertained one Daniel Smith, forreigner, in his nesessity, this Court orders, that the s^d Smith do pay y^e s^d Aaron Barlow his reasonable charges therein, & so soone as said Barlow is sattisfied as aforesaid, that then you warne y^e s^d Dan^l Smith forthwith to depart your town & this goverment, as he will answer the contrary for his contempt. Fail not, as, &c.

p^r order of Court,

Attest,

SAM^L SPRAGUE, Recorder.

The Court ordered the constable of Eastham, by warrant sent to him, to attach Jacobus Loper, and cary him before a magistrate to find sureties for his good behaviour & appearance at y^e next Court.

*Att the Court of Assistants held for his Maj^{ty} at New Plimouth, [*65.]
the 6th Day of July, 1686.

WERE sumoned to serve on a jury.

These sumoned to serve on y^e jury, viz^t :

Leiu^t Joseph Howland,

Thomas Cushman,

1686.

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John Bradford,
John Bryant, Jun^r,
Caleb Cooke,
Samuel Lucas,
Edward Dotey, Sen^r,
Edward Southworth, find 10^s.
William Brewster,
John Sprague,
Samuel Hunt,
Edward Fobes,
Joseph Hayward, Sen^r.
John Jones, Sen^r,
Hopestill Besbey,
Jonathan Eames, find 10^s.
James Hamlen,
Shearjashub Bourn, find 10^s.
John Gibs, find 10^s.

And these underwritten served.

- | | |
|--|---------------|
| 1. Leiu ^t Joseph Howland, | } all sworne. |
| 2. †Thomas Cushman, † | |
| 3. John Bradford, | |
| 4. John Bryant, Jun ^r , | |
| 5. Caleb Cooke, | |
| 6. Samuel Lucas, | |
| 7. Edward Dotey, Sen ^r , | |
| 8. William Brewster, | |
| 9. John Sprague, | |
| 10. Edward Fobes, | |
| 11. Joseph Hayward, | |
| 12. Hopestill Besbey,
James Hamlen, | |

The names of y^e jury who served at y^e aboves^d Court in all y^e actions.

Leiu^t Joseph Howland, foreman.
John Bradford,
John Bryant, Jun^r,
Caleb Cooke,
Samuel Lucas,

Edward Dotey,
 William Brewster,
 John Sprague,
 Edward Fobes,
 Joseph Hayward,
 Hopestill Besbey,
 James Hamlen.

1686.

6 July.

[HINCKLEY,
GOVERNOR.]

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**At his Majesties Court of Assistants held at Plimouth, July y^e 6th, [*66.]
 1686.*

SAMUEL HALL, of Yarmouth, complaineth against William Nickarson, *Nonsuited.*
 of Yarmouth, afores^d, in an action of debt, to the damage of twelve
 pounds, silver money, for y^t he, the s^d Nickarson, doth neglect or refuse to
 pay unto y^e s^d Samuel Hall, or his order, the just suff^t of six pounds in cur-
 rant silver money of New England, due unto him, the s^d Hall, from s^d Nick-
 arson, as may more fully appear by one instrument given under the hand and
 seal of s^d Nickarson, bearing date the 25th day of October, 1685.

2. Thomas Fallen, Jun^r, of Yarmouth, complaineth against William *Nonsuited.*
 Nickerson, late of Yarmouth, in an action of debt to the damage of eight
 pounds, for y^e non-payment of four pounds twelve shillings and six pence, as
 will more at large appear due to the said Follen, from the s^d Nickerson, by
 speacialties under the s^d Nickerson his hand, bearing date first of December,
 1684.

3. Ebenezer Ford, residing at a place called Foords Farm, within the *Nonsuited.*
 colony of New Plimouth, complaineth against James Foord, now or late of
 the same place, in an action of debt to the damage of twenty eight pounds in
 money, for his nonpayment of a debt of fourteene pounds four shillings and
 seven pence, due from the said James Foord, to the said Ebenezer, for money,
 worke, and sundry goods, which y^e s^d James hath received of the said
 Ebenezer, at severall times since the begiⁿing of October, which was in the
 year 1681, as by the said Ebenezer his booke he saith he will make appear.

4. Thomas Joslen, resident near Namecot, plaintiff, against Jonathan *Y^e jury find for*
 Blackman, of Little Compton, defendant. In an action of the case for debt & *y^e plaintiff 40^{sh}*
 damage, five pounds sterling money of New England, for denying & refusing *silver mony,*
 to pay y^e s^d Joslen the suff^t of fifty shillings, due for a horse y^t the said *debt, 6^d dam-*
age, & y^e cost
of y^e suit.

1686.

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Blackman bought & received of the s^d Joslen some time in December, in the year 1685, which forceth s^d Joslen to bring this his action, &c. The cost allowed by y^e Court is one pound ten shillings.

5. Thomas Waid & Timothy White, both of Scituate, plaintiffs, against Cap^t John Williams, of Scituate, afores^d, defendant, in an action of review, &c.

Y^e jury find for the plaintiff, if the act of y^e co^mittee stands good in law, 18^l 3^s 6^d, silver money, damage, & y^e cost of the suit.

If not, we find for y^e defendant the cost of y^e suit. The Court, not being yet advised, have demurred on this case till y^e next Court of Assistants.

At which Court the question was resolved in the negative, October, 1685, & forty four shillings cost allowed to y^e defendant.

Cap^t Thomas owned in Court, in y^e plea, y^t the co^mittee run the line of M^r Hatherlys 400 acres, about 4 degrees within square.

The mony de-
posited is 7^l
17^s 3^d.

July y^e 6th, 1686. Josiah Morton, called Master Bayliff, by vertue of a warrant co^mitted to him from a magistrate, haveing seized divers barrels of mackrill on Cape Cod shoar, as forfeited p^r law to this colony, in order to a tryall at this Court, and the case being brought before y^e Court, the s^d Court have seen reason to demurr on that matter till they are farther advised about it, with intent to issue the same at y^e next Court of Assistants, and therefore have ordered the produce of s^d mackrill to be secured in the hands of M^r William Clarke, to whome it is co^mitted till the case be decided, or farther order taken concerning it.

July 6th, 1686. The Court have deputed, impowered, and requested, & hereby doe request & impow^r M^r Ichabod Wiswall, Leiu^t Isaac Little, and Anthony Eames, as a co^mittee, according to the best light they can receive from records or testimony, to reng, measure, plat, & bound a tract of land in Scituate, called M^r Hatherlys 400 acres, & to make report to y^e next Court of Assistants of their actings in the primises, & Cap^taine John Williams to defray the charge thereof.

[*68.]

*6. Isaac Howland, of Middleborough, plaintiff, against Thomas Joslen, within the constablerick of Little Compton, defendant. In an action of debt to the damage of fourteen pounds, currant money of New England, for the non payment of seven pounds, in money, due to the s^d Isaac Howland, by covenant or contract, sometime in February last, for a yoak of oxen, then sold & delivered, which money y^e said Joslen unjustly detaineth. Thomas Joslin, afores^d, appeared in Court & acknowledged a judgment against himself, viz^t, his person & estate of seven pounds, money, & such cost as the Court shall allow in s^d action. July 6th, 1686. 1 : 4 : 9 allowed p^r y^e Court in cost.

7. Cap^t John Williams, of Scituate, plaintiff, against Cap^t John Brigs, Nathanaell Tilden, & others, claimers & pretended proprietors with the plaintiff of Conihasset undevided lands. Nonsuited, and forty two shillings allowed in cost to the defendants.

1686.

6 July.
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8. Cap^t John Williams, of Scituate, plaintiff, against Sam^l Holbrooke, of Scituate, defendant. Y^e jury find for y^e defendant y^e cost of y^e suit. The cost allowed by the Court is nine shillings six pence.

9. Cap^t John Williams, of Scituate, plaintiff, against John Holbrooke, of Scituate, defendant. Jury find for the plaintiff 11^{sd}, silver money, debt due by bill & cost of the suit. The cost allowed by the Court in this action is thirty shillings.

Nathaniel Church, late constable of Scituate, having been at considerable trouble & charges to apprehend & bring to prison Nathaniel Rawlings & Robert Doughty, the Court orders, that ten shillings be paid to him, s^d Church, by y^e Treasurer, & other ten shillings delivered to him out of the estate of s^d Rawlings and Doughty, or out of y^e estate of either of them, if it can be found.

*Att a Court of Assistants held at New Plimouth, the first Tuesday in July, 1686.

[*69.]

M^{rs} Elizabeth Vial, relict of M^r John Vial, deceased, appearing at his majesties Court held at Plimouth y^e first Tuesday in June, 1686, producing an instrument s^d to be the will of her late husband, and offering a probate of the same. But M^r John Vial, eldest son of s^d M^r John Vial, deceased, in behalf of himself, and others of his brothers and sisters, entered a caution with the Court, and gave some reasons for it, and made his request to the Court that the probate of s^d will might be suspended to this Court. Said M^{rs} Elizabeth Vial at this Court appeared, and urged that s^d will might be proved; and Cap^t Anthony Checkley, as attorney, and in behalf of s^d M^r John Vial, eldest son of the abovesaid John Vyal, deceased, as alsoe others of the children of s^d deceased, appeared and produced his reasons, and gave in sundry testimonys to make appear the will to be uncertaine, unreasonable, &c, and therefore desired it might not be allowed, but made null by this Court. This Court having seen the s^d will, and heard what was said, and considered what produced by both party's, and finding much uncertainty in said will in most parts thereof, whereby the mind of the testator cannot well be understood, and considering that by reason of the alteration of the estate since s^d will was first made, there is nothing really given to the children he had by his first wife, doe therefore not admitt the probate thereof, but judge it voyd.

1686.
 July.
 [HINCKLEY,
 GOVERNOR.]
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Yett in the disposall and setting of y^e estate do judge meet that there be respect had as much as may be to the mind of the deceased in the writing presented as his will. Entered by

SAM^l SPRAGUE, Record^r.

At the Court of Assistants held for our Sovereigne Lord the King at New Plimouth, y^e first Tuesday in Octobr, 1686.

CAP^t NATH^l THOMAS in the behalfe of M^{rs} Elizabeth Viall, appeared in Court, and requested (a review or) that the Court would graunt a rehearing of the matter relating to the will of M^r John Vial, deceased, and offered pleas for the probate of s^d will, and for the reversing of the judgment of Court given in s^d case in July last.

And the Court have granted s^d request, and admitt a rehearing of s^d case at y^e next Court of Assistants, and do therefore order, that timely notice be thereof given to Cap^t Anthony Checkley and John Vial, of Boston, who are therein concerned, that they may be present at s^d next Court to hear w^t may then be alleaged or objected by s^d Cap^t Thomas, and make answer thereto if they see cause.

[*70.] John Jones & Jonathan Eames at y ^e next Court of As ^s rendered their excuse to the Courts sat- isfaction, & their fine was remitted, Octo- ber, 1686.	*July, 1686. Edward Southworth for not serving on } the petty jury at July Court, 1686, fined } 00 : 10 : 00 John Jones, Sen ^r , for the same, fined 00 : 10 : 00 Jonathan Eames, for the same, fined 00 : 10 : 00 Sheargashub Bourn, for y ^e same, fined 00 : 10 : 00 & John Gibs, for the same, fined 00 : 10 : 00 William Mayo, of Eastham, convict in Court for cursing, fined five shillings, or to sitt in the stocks two hours and pay fees of Court.
---	--

William Mayo, convict for being overtaken wth drink, fined five shillings, or sitt in the stocks two hours & pay fees of Court.

P^d 3^{ms} in full & fees. Nath^l Warren, of Middlebury, convict for breach of his ma^{ties} peace, fined three shillings 4^d pence & fees of Court.

P^c 3^{ms} & fees. Joseph Merey, convict for breaking the peace, fined three shillings 4 pence & fees of Court.

Henry Joslen, convict in Court for breach of the peace, & the agravating circumstances of it, fined six shillings & eight pence & fees of Court.

John Barlow, convict for lascivious cariages towards & wth Mary, the wife of Nehemiah Bessey, fined forty shillings & fees of Court, and stand bound to his good behaviour till the next Court of Assistants.

1686.

6 July.

[HINCKLEY
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And the said Mary Bessey for her uncivill cariages to & with s^d John Barlow, being thereof convict in Court, fined twenty shillings & fees of Court.

Rob^t Godfrey, and Hannah, his wife, convict in Court for fornication before ma^riage, but after contract, as thay pleaded, fined five pounds and fees of Court.

*At the Court of Assistants held for our sovereigne lord the King at New
Plimouth, on the first Tuesday of October, 1686.

[*71.]

Sum^oned to serve on the petty jury the persons next following, viz^t: —

Stephen Skeff,
‡Cap^t John Williams,‡
William Barrell,
John Jones,
Jonathan Eames,
David Alden,
William Swift,
Benjamin Foster,
John Dunham,
‡John Bryant, Jun^r,‡x
Elkanah Cushman,
‡William Shirliff,‡x
William Fobes,
Nathaniel Hall,
‡Samuel Lucas,‡x
Josiah Morton.

Sworne and served in all actions
and cases tryed by jury at s^d Court.

The third day of November, 1686, appointed p^r y^e Court to be celebrated by all the inhabitants of this colony in thanksgiving, &c.

In answer to a petition presented to this Court p^r William Wetherell, of Taunton, the s^d Court have ordered that a fine of five pounds in the hands of Robert Godfrey, of s^d Taunton, be given and delivered to the petitioner, and that the Treasurer of the colony give order for the payment of the same to s^d Wetherell.

1686.

October.
[HINCKLEY,
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PART II.

Memorand: a
copy of Mr
Seaberry's in-
ventory.

[*72.]

Whereas, by the order of Court bearing date y^e 4th of June, 1686, a committee was appointed to run the line and fix bounds between the lands of the town of Plymouth & the lands called the Majors Purchase, who having, as they say, performed the same and made report of their acting therein to this Court, and some objection being made by the agents of Plymouth against s^d acting, the Court did not see reason to accept thereof at present, but have demurred on that matter till the next Court of Assistants, and in the meane time do advise both parties to see if they can agree between themselves, ^ reference to y^e p^mises.

*October Court, 1686. John Williams, of Scituate, plain^t, upon an appeale against Thomas Waid, defendant. The jury find for the plain^t five pounds seventeene shillings, damage, & y^e cost of the suite. Y^e cost allowed p^r y^e Court is 4³ 7^s 3^d.

Cap^t John Williams, of Scituate, plaintiff, in an action of review against Sam^l Holbrooke, of Scituate, defendant. Ye jury say, we find for the defendant the cost of the suit. The cost allowed by the Court is eleven shillings & six pence.

John Dotey, of Plymouth, plain^t, against John Bradford, of s^d Plymouth, defendant. The action barrd because it ought first to have been tryed at a County Court.

And nine shillings cost allowed p^r y^e Court to y^e defendant.

Memorandum. Y^e first Tuesday of October, 1686. Daniell Wilcocks, Sen^r, of Pankoteest, acknowledgeth to owe to our soveraigne lord the King, &c, the sum of five hundred pounds sterling, to be levyed on his person, lands, goods, or chattels.

The condition, &c, that whereas y^e above bound Wilcox stands presented for purchasing of lands of an Indian, within this government, contrary to y^e laws thereof; if, therefore, the s^d Daniell Wilcock shall & doe personally appear at the Court of Assistants, to be holden at Plymouth on the first Tuesday in Aprill next, to answer his s^d presentment, and abide & perform the judgment & sentence of s^d Court, and not depart therefrom without licence, that then, &c.

This recognizance taken before y^e Court. As attests

SAM^L SPRAGUE, Recorder.

Nathaniell Parker, for his profane speeches & abusive cariage to Edward Jenkens, having been convict before the Court, sentenced to pay a fine of ten shillings & fees of Court.

Octob^r, 1686. Abell Burt, and Grace, his wife, being under bonds for appearance at this Court, to answer their presentment, and being three times called in Court, & not appearing nor answering, the Court declared s^d bond of ten pounds to be forfeited, but afterwards ordered, that if s^d Burt shall pay the sum of five pounds money to the colony Treasurer, that it shall be accepted in full of satisfaction from s^d Burt respecting the premises.

1686.

October.
[HINCKLEY,
GOVERNOR.]
PART II.

In reference to a petition presented to this Court by M^{rs} Dorathy Clark relating to a difference betweene her husband and herself, the Court declare that they do not see reason to graunt her desires in s^d petition.

*Att a Court of Assistants held at Plimouth on the first Tuesday in Octob^r, 1686.

[*73.]

Whereas William Clark, of Plimouth, came personally into this Court, & declared that whereas he had given information, May 24th, 1686, to the honrd William Bradford, Treasurer & Deputie Govern^r, that there were lately, viz^t, about said time sundry barrells of mackrill caught with sains at Cape Cod, contrary to order of Court in that case provided, whereby the s^d Bradford made a water bayliff, according to order of Court in that case alsoe provided, with a warrant directed to him to make seizure of all such mackrill as p^r s^d warrant on file more at large appeareth, with s^d officers return indorsed thereon, and a warrant sent to the constable of Eastham, to give notice that such as owned the s^d mackrill might appear at his majesties Court of Assistants, to be held in July last past, to defend their interest; the s^d Court then for weighty reasons suspended any proceeds in that case at that Court, & referred the matter to tryall at this present October Court, wherein s^d Clark in open Court informed as aboves^d, and desired liberty of this Court to prosecute his information, which was granted unto him, and then appeared in Court Cap^t Jonathan Sparrow, of Eastham, as attorney for Sam^l Smith & John Mayo, of s^d Eastham, to defend their interest in s^d mackrill, & amongst other matters pleaded in barr of the proceeding of any action at this Court, not having sufficient warning according to law to answer the same, &c, — this Court, therefore, graunt time till next Court of Assistants to be held at Plimouth the first Tuesday in Aprill next, that such due proces according to law might be had for tryall of s^d case as the matter may require.

[In an unknown handwriting.]

*At Octob^r Court, 1686. Jacobus Loper & Lidia Young, having been presented by the grand jury (at June Court last) for uncivill cariages to or with each other, as p^r the s^d presentment on file more at large appeareth, at this Court appeared to answer their s^d presentment, and s^d Loaper traversed

[*74.]

1686. his presentment, & put himself upon tryall by a petty jury, who found him not guilty, & so he & s^d Lidia were released.

October.

[HINCKLEY,
GOVERNOR.]

PART II.

[In the handwriting of Secretary Sprague.]

Know all men by these presents, that I, Dorathy Clarke, of Plimouth, am holden & firmly obliged unto Liv^t Ephraim Morton, of said Plimouth, in the penall suffi of five hundred pounds, currant money of New England, to the true payment whereof, I, the said Dorathy Clarke, do bind my self, my heires, executors, & administrators, unto him, the s^d Ephraim Morton, his heirs, executors, & administrators, firmly by these presents, sealed with my seal, dated the eighth day of October, 1686.

The condition of this obligation is such, that whereas the said Ephraim Morton stands bound in the penall suffi of five hundred pounds, currant money of New England upon publick record in Plimouth Court records, dated July, 1686, that the said Dorathy shall performe on her part, in all respects, the conditions of an agreement then made between her and Nathaniel Clarke, her husband, then recorded in the s^d Court records. If, therefore, the said Dorathy Clarke, her heirs, executors, or administrators shall save harmless & keep indemnified the s^d Ephraim Morton, his heirs, executors, & administrators from all manner of charge, trouble, or damage that may accrue to him, the s^d Ephraim Morton, his heires, executors, or administrators, by reason of y^e s^d engagement or bond aforesaid upon record, that then this obligation to be voyd and of none effect; otherwise to stand in full force and vertue.

DORATHY CLARKE.

Seal.

Signed, sealed, & delivered, in presence of vs,
Christopher Almey,
Nathaniel Thomas.

Dorathy Clarke, within mentioned in the bond above written, coming before me the 15th of October, 1686, did freely own & acknowledge the bond and obligation above written to be her free act and deed.

WILLIAM BRADFORD, Dep^t Govern^r.

Entered & recorded,

P SAM^l SPRAGUE, Record^r.

**At their Majesties Generall Court of Election held at Plimouth, 1689.
for the Colony of New Plimouth, the first Tuesday of June,
An^o Domⁱ 1689.*

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[*75.]

THOMAS HINCKLEY, ESQ^r, chosen Govern^r, & sworne.

William Bradford, Esq^r, chosen Deputy Govern^r, & sworne.

John Freeman,	}	Esq ^r , chosen Assistants.
Daniel Smith,		
Barnabas Lothrop,		
John Thacher,		
John Walley,		
John Cushing,		

Barnabas Lothrop, Esq^r, did not accept of the office of an Assistant.

All the rest above named accepted & tooke oath in Court.

William Bradford, Esq^r, chosen Treasurer, and sworne.

Sam^l Sprague, chosen Secretary, & sworne.

William Bassitt, chosen Chief Marshall, & sworne.

The Court appointed Will^m Bradford, Esq^r, Deputy Gou^r, to administer y^e oath to the Govern^r.

The Deputies of the severall Towns were the persons following, viz^t : —

John Bradford,	}	. . . . . of Plimouth.
Isaac Cushman,		
Edward Southworth,	}	. . . . . of Duxbury.
Seth Arnold,		
Joseph Silvester,	}	. . . . . of Scituate.
Jeremiah Hatch,		
Stephen Skeff,	}	. . . . . of Sandwich.
Thomas Tupper,		
Capt ^t Thomas Leonard,	}	. . . . . of Taunton.
Nath ^l Williams,		
Nicholas Peck,	}	. . . . . of Rehoboth.
Samuel Peck,		
Shewball Dimmeck,	} of Barnstable.
John Goram,		
John Miller,	} of Yarmouth.
Jeremiah Howes,		

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Nath ^l Winslow,	}	of Marshfield.
John Barker,			
Cap ^t Jonathan Sparrow,	}	of Eastham.
Mark Snow,			
William Brett,		. . . . .	of Bridgewater.
Timothy Brookes,	}	. . . . .	of Swansea.
William Hayward,			
Cap ^t Seth Pope,	}	. . . . .	of Dartmouth.
Jonathan Dillano,			
Isaac Howland,		. . . . .	of Middlebury.
John Rogers,	}	. . . . .	of Bristol.
Jabiz Howland,			
Henry Head,		. . . . .	of Little Compton.
Thomas Terrey,		. . . . .	of Freetown.

The names of the Select Men of each Town who are approved p y^e Court.

Serj ^t William Harlow,	}	of Plimouth.
Joseph Bartlett,			
Nath ^l Southworth,			
Leiu ^t Jonathan Alden,	}	of Duxborough.
En ^s John Tracey,			
John Wadsworth,			
Sam ^l Clapp,	}	of Scituate,
James Briggs,			
Thomas Ginkens,			
Thomas Tupper,	}	of Sandwich.
William Bassitt,			
Shirjashub Bourn,			
Cap ^t Thomas Leonard,	}	of Taunton.
William Harvey,			
Henry Hodges,			
Nathaniell Williams,	}	of Taunton.
James Leonard, Jun ^r ,			
*Leiu ^t Nicholas Peck,			
John Peck,	}	Rehoboth.
Gilbert Brookes,			
Thomas Cooper, & Will ^m Carpenter,			

Capt Joseph Lothrop,	}	. . . . . of Barnstable.
John Howland,		
Leiu ^t Lewes,	}	. . . . . of Yarmouth.
John Miller,		
Jeremiah Howes,	}	. . . . . of Marshfield.
Leiu ^t Seares,		
Nath ⁿ Winslow,	}	. . . . . of Eastham.
Josiah Snow,		
Jonathan Bangs,	}	. . . . . Bridgewater.
John Done,		
Mark Snow,	}	. . . . . Swansey.
^ ^		
^ ^	}	. . . . . of Dartmouth.
Seth Pope,		
Jonathan Dillano,	}	. . . . . of Middlebury.
James Sisson,		
Sam ^l Wood,	}	. . . . . of Bristol.
Joseph Vahan,		
Nath ⁿ Warren,	}	. . . . . of Little Compton.
M ^r Stephen Burton,		
John Rogers,	}	. . . . . of Freetown.
William Throope,		
Capt Edward Richmond,	}	. . . . . of Freetown.
x †Leiu ^t Tho ^s Way ^t , †		
x †Robert Brownell, †	}	. . . . . of Freetown.
Thomas Terrey,		
Job Winslow,	}	. . . . . of Freetown.
x †John Reed, †		

1689.
 June.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

New Plimouth, June 7th, 1689. Nathanael Clarke, of Plimouth, appeared before this Court and acknowledged himself (as principle) to owe & stand bound p^r recognizance unto our soveraigne lord & lady, the King & Queen of England, &c, in the penall suff^t of two hundred pounds sterling, and William Clarke and James Clarke, Seni^r, both of Plimouth, afors^d, each of them as sureties, in the suff^t of one hundred pounds sterling, &c, to be levied on each of their lands, goods, & chattels.

The condition of this recognizance is such, that, whereas the above bounden

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Nath^l Clarke is, by sundry of the inhabitants of the town of Plimouth, declared to be a publicke enemy to (and disturber of the peace of) this colony, &c.

Now, if the s^d Nathanael Clarke shall be of good behaviour towards our s^d lord and lady, and all their liege people, and especially towards the inhabitants of s^d town, and make his personall appearance at the next Court of Assistants, to be holden at Plimouth aforesaid, on the first Tuesday in October next, to answer to such matters and things as on their said ma^{ties} behalf, shall then & there be objected against him, & not depart said Court without licence; that then, &c.

The above recognizance taken before the Generall Court, June y^e 7th, 1689.

As attests SAM^L SPRAGUE, Sec^r.

Nath^l Clarke, aboves^d, made his appearance at s^d Court of Assistants, & was released of his bond aboves^d.

Attest, SAM^L SPRAGUE, Record^r.

7 June.

June 7th, 1689. This Court granted to John Murdo 40 feet in length of land fronting on the street, against William Shurtliffs, & to reach or extend in depth to Bonums land, for & in consideration of 3 pounds, money, which s^d Murdo yⁿ p^d to the Treasurer, who is to give s^d Murdo a deed for the same.

At y^e County Court held at Barnstable, October y^e 15, 1689, Samuel Hamond, Sam^l White, Aaron Barlow, and John Wing, all of Rochester, took the oath of a freeman.

Attest, JOSEPH LOTHROP, Clerk.

Transcribed & here entered,

P SAM^L SPRAGUE, Secretary.

4 June.
[*77.]

**At their Ma^{ties} Generall Court of Election held at Plimouth, for the Colony of New Plimouth, on the first Tuesday in June, 1689.*

WHEREAS, through the great changes divine Providence hath ordered out, both in England and in this countrey, we, the loyall subjects of the crown of England, are left in an unsetled estate, destitute of gove^r-

ment, and exposed to the ill consequents thereof; and having heretofore enjoyed a quiet settlement of government in this their ma^{ties} colony of New Plimouth for more than threescore and six years without any interruption; having also been by the late Kings of England from time to time, by their royall letters, graciously owned and acknowledged therein, whereby notwithstanding our late unjust interruption and suspension therefrom by the illegall arbitrary power of S^r Edmond Andros, now ceased, the Generall Court held here in the name of their present ma^{ties}, William and Mary, King and Queen of England, &c, together with the encouragement given by their said ma^{ties} gracious declarations, and in humble confidence of their s^d ma^{ties} good liking, doe, therefore, hereby resume and declare their reassuming of their said former way of government, according to such wholesome constitutions, rules, and orders as were here in force in June, 1686, our title therto being warranted by prescription and otherwise as aforesaid, and expect a redy submission thereunto by all their ma^{ties} good subjects of this colony, untill their ma^{ties} or this Court shall otherwise order.

And that all our Courts be hereafter held, and all warrants directed, and officers sworne, in the name of their ma^{ties}, William and Mary, King and Queen of England, &c.

The Generall Court request the honourable Govern^r, Thomas Hinckley, Esq^r, in behalf of s^d Court and colony of New Plimouth, to make their adress to their ma^{ties}, the King and Queen of England, &c, for the reestablishment of their former enjoyed liberties and priviledges, both sacred and civill.

And also to endeavour the regaining of our publique seal if it may be, and if otherwise, to procure a new one, and this colony to defray the charge of it.

Ordered by the Generall Court, that in such towns where the select men are not accepted, or are not yet chosen, that such towns make a new choyce out of the freemen of such town, and the persons so chosen to appear before some magistrate, and take the oath usually administered in such case.

Ordered, that the constables of the year 1686 be accountable to the Treasurer for the countrey rates comitted to them, and that the inhabitants of the towns that paid not the rates of s^d year to the constables pay them, or for neglect they make distress for the same, or so much thereof as is unpaid.

And for as much as there were rates made in the severall counties in the late government for payment of wolves heads and other county debts, or-

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[HINCKLEY,
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4 June.
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[*78.]

dered, that the severall constables accompt with the late sheriffs or county treasurers, and what is unpaid to pay in to them. And if any rates unpaid to the constable, he to demand the same, & for refusing or neglecting to pay the same, they to make distress.

*Also ordered, that the sheriffs or county treasurers of the severall counties under the late govern^t give in an accompt of all moneys received and paid belonging to the king or county, to such committee as this Court shall appoint to receive and adjust the same.

The Court have appointed John Walley, Esq^r, Leiu^t Ephraim Morton, John Bradford, Isaac Cushman, and John Barker, or any three of them, to make enquiry concerning any goods or estate of the colonies that may be in the hands of any persons, and to require and take account of such persons concerning the premisses, and give accompt thereof to the Court; also to accompt with the Treasurer and the late county sheriffs, or county treasurers, with respect to rates or fines, money or other estate, any ways belonging to the king, or countrey, or county. And s^d countrey Treasurer, county sheriffs, and county Treasurers are ordered and required to accompt with s^d com^{it}tee accordingly.

Ordered by this Court and the authority thereof, that the chief commanders of each regiment as was in the year 1686, before the late alteration of government, be continued in their severall places, and have the same power they had by their severall com^{is}sions at that time, and are so to continue untill this Court doth otherwise order.

As also that the captains, leiu^t, and ensignes, or so many of them as are living, that were in com^{is}sion in the year 1686, before the alteration of the government, be also continued in their severall places, and have the same power they had by their severall com^{is}sions at that time, and are so to continue untill this Court shall further order; and in the mean time, such towns as had not then officers com^{is}sionated at that time, or where any officers are since dead, for a supply of all such towns, they are, in the severall towns, to make choice according to law of such officers as are or shall be wanting, and to present them to the Generall Court for approbation by the first opportunity. And forasmuch as the towns of Marshfield & Swansey have manifested some dislike to their captains, the Court therefore orders, that the companies of those towns be com^{an}ded by the leiu^t and ensignes of their severall towns untill the next Generall Court.

Ordered by the Generall Court, that the originall charter of this colony made to William Bradford, his heirs and associates, be committed to publique record.

June 7th : 89. Ordered, that the 27th instant be observed & kept as 1689.
 a publique day of thanksgiving throughout this colony.

By order of the Generall Court of New Plimouth.

SAM^L SPRAGUE, Secretary.

7 June.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

*At a Generall Court holden for their Ma^{ties} at New Plimouth, August 14th, 1689. 14 August. [*79.]

BEFORE Thomas Hinckley, Esq^r, Govern^r, John Thacher,
 William Bradford, Esq^r, Deputy Govern^r, John Walley, &
 John Freeman, John Cushing, Esq^r,
 Assistants.

THE deputies that appeared & attended at s^d Court were these under-
 written, viz^t: —

John Bradford,	}	. . . . . of Plimouth.
Isaac Cushman,		
Edward Southworth,	}	. . . . . of Duxborough.
Seth Arnold,		
Joseph Silvester,	}	. . . . . of Scituate.
Samuel Clapp,		
Stephen Skeff,	}	. . . . . of Sandwich.
William Bassitt,		
Thomas Leonard,	}	. . . . . of Taunton.
John Hall,		
Samuel Peck,	}	. . . . . of Rehoboth.
Thomas Cooper,		
John Gorum,		. . . . . of Barnstable.
Silas Seares,	}	. . . . . of Yarmouth.
John Miller,		
Isaac Little,	}	. . . . . of Marshfield.
Nath ^l Winslow,		
Mark Snow,	} of Eastham.
John Done,		
Thomas Haward,	} of Bridgewater.
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William Hayward,	} of Swansea.
Hugh Cole,		
Seth Pope,		of Dartmouth.
Isaac Howland,		of Middleborough.
M ^r N. Bifield,	}	. . . . . of Bristol.
M ^r John Saffin,		
Joseph Burge,		of Rochester.

Absent that were chosen : Barnabas Lothrop, Esq^r, John Miller, Hugh Cole, Jonathan Dillano, Capt Nath^l Byfield ; none appearing for Little Compton or Freetown.

Decem^r 25. H. Head, of L. Compton.
Th^o Terrey, of Freetown.

Thomas Hinckley, John Walley, Esq^r, were chosen comission^r for the remaining part of this following year.

M^r Nath^l Byfield, Capt Jonathan Sparrow, & Leiu^t Isaac Little chosen to be of the councill of war.

In refference to the motion made by the honourable Councill & Generall Convention of our friends & neighbours at Boston, for our advice & assistance in repelling & suppressing the barbarous heathen, that have comitted many barbarous murders and outrages at the easteren parts on the subjects of the crown of England, this Generall Court declare their concurrence therein according to our weak capacity, and do committ the management thereof to Thomas Hinckley and John Walley, Esq^r, their comission^r, chosen for that end, both for the inquiry into the grounds of s^d war, for farther satisfaction, & to order all other suitable means & actions as they shall see cause, with the advice and concurrence of such as may be comissionated thereunto by our friends and ancient confederates of the Massachusetts and Coñecticut, or by any other of their ma^{ties} colonies that may be concerned therein, as may through Gods blessing conduce to the comon good & safety of the whole against the comon enimie, according to such instructions as are by the Court given to them.

S^d instructions follow, viz^t :—

1. That our s^d comission^r make diligent inquiry into the grounds of s^d war, and accordingly sattsifie themselves therewith.
2. That they take care that we be not overcharged beyond our proportion for the carrying on s^d war.

3. That, if it be consonant to justice and reason, we may not be involved in the charges formerly contracted about s^d Indians or other publique affaires.

4. That such due encouragement may be given to souldiers, that if it may be there may be enough rayseed to go volluntarily, without pressing, such encouragement to be six shillings p^r weeke, money or monies value, * for each private souldier, and eight or ten pound p^r head to our company, or souldiers, for every fighting man of the enemy, whose scalp shall be brought in to such person or officer as shall be appointed to take notice or knowledge thereof, and also to have all the persons as they shall take & captivate, and all portable plunder divided amongst them. And if any souldier of ours shall be maimed in s^d war, and thereby disabled to maintaine themselves, he or they to be provided for, relieved, & maintained in such capacity as he or they lived in before concerned in s^d war, and also to have victuals & a^munition allowed while upon the expedition.

5. That in regard the other colonies are better stored with provision and a^munition then our selves, they may disburse on the publique faith, to be repaid in time convenient.

6. That our proportion of souldiers wages, or what shall, in the close, remaine due both to English and Indians in these parts, may be paid by us here at home, to prevent charge of transportation & other loss.

7. That care be forthwith taken to engage the Mowhawke Indians with us against our said enimies by sending some meet person to them with a present, and to treat with them in order there to.

It is ordered by this Court and the authority thereof, that all the Indians in this colony keepe within their severall precincts, or the bounds of the townships wherein they at present reside, and pas not out by night or day without a certificate from a magistrate, or select man of the town, or comission officer, on the paine of imprisonment, according to the discession of the town councill of the town where such Indian or Indians are taken & apprehended.

Ordered, that all Indians comīng from other colonies or parts of this countrey, and not having passes, be secured, by any, either English or Indians, & brought before the next magistrate, or next chief millitary officer, to be examined and proceeded with as there may be reason.

Ordered by this Court and the authority therof, that if any person, English or Indian, apprehend and bring before authority any man that is an Indian enemy, he shall have ten pounds for a reward if he bring him alive, & five pounds if killed, provided it be evident it be an enimie Indian.

Ordered by the authority aforesaid, that such person, English or Indian,

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as shall first make discovery to any officer, military or civill, of any dangerous & considerable plott or conspiracy of the Indians or others against the English, so as the danger may be prevented & the conspirators, or any considerable part of them, may be apprehended, such Indian, if a servant, shall be freed, and his master have rationally satisfaction ; if an Englishman or free Indian, he shall have ten pounds reward.

Ordered by this Court and the authority thereof, that the magistrates dwelling in the severall counties meet at their severall county towns upon the first Wednesday of September next, at which time and place the severall towns are to take care that their constables and grand-jury men be warned to appear at the county towns of their severall counties, to be then approved and sworne, at which time the said magistrates are impowered to settle all such officers as are proper for the counties, and swear them as the law directs, and may then graunt administrations and take the probate of wills ; alsoe, at the time and place aforesaid, all inkeepers & retailers of wines, strong liquors, beere, cyder, &c, within the severall counties, are required to appear & renew their licences, and that none after said time presume to keepe a publique house of entertainment & retaile wine, liquors, beere, cyder, &c, untill they have obtained or renewed their licences, on penalty as the law directs. It is also ordered, that the magistrates of each county, according to their best discession, do appoint & set such suffs to be paid by each person as renews or takes up a licence, as to them shall be accounted reasonable, to be proportioned as near as they can after the rate of fifty pounds for the publick houses of the whole colony, and no licence to be granted untill there be paid half of each his proportion, the other half to be paid at the expiration of the year.

[*81.]

*It is alsoe ordered, that such constables as are already sworne are allowed and impowered to act in their severall places as if they had been presented to the county Courts as the law directs.

Alsoe ordered, that the millitary officers of each town forthwith use their endeavour to encourage English & Indians to a vulluntary going out in this present expedition under comānd of Cap^t Church, and such persons to list and give an account thereof to said cap^t or other officer. And if for the Indian souldiers, they or the select men, or any inhabitant, supply them with any thing for their present necessity & encouragement, it shall be allowed or paid to them by the Treasurer out of the next rate.

It is ordered by this Court and the authority thereof, that each towne or village in this colony that have not officers, or that are not compleat with officers, that they with all convenient speed have a meeting to make choice of officers as the law directs, the time to be appointed by the respective

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majors or chief millitary officer in each towne, or where no millitary officer, to be appointed by the select men, or the major part of them, and their respective choice to be returned to the councill of war, and if their choice appear regular, that they be by them allowed and comissionated. And as for the towns of Marshfield and Swansey, that they be under the comānd of the leiu^{ts} and ensignes (of their respective towns) that they had in the year 1686, untill the Court take farther order therein, and that the souldiers of each towne are required to yield obedience to them upon paine of such fines & punishments as are by law provided.

It is ordered by this Court and the authority thereof, that the deputies and select men, or the major part of them, in each town do forthwith, upon sight hereof, in such way as to them seems most suitable, use their interest with the inhabitants of the severall towns to advance & lend for the colonies use so much money as they shall be willing too, not to be less for each town than the proportion herewith sent, or agreed on by the Court, which money so lent or advanced shall be allowed them out of the next rate; and if any lay downe more, it shall be repaid them by the Treasurer out of the first rate; which suff^r or suff^{rs} so rayseed or advanced is to be forthwith sent and paid to Thomas Hinckley and John Walley, Esq^{rs}, commission^{rs} for the colony, or whome they shall appoint; s^d money to be paid and disposed by s^d comission^{rs} or council of war, for such use onely as the present necessity of the colonies service calls for with respect to this present expedition, which cannot be caried on without laying out of present money.

Each town's proportion is as followeth, viz^t: —

	l	s	d		l	s	d
Plimouth,	5	0	0	Dartmouth,	3	10	0
Duxborough,	2	10	0	Middleborough,	1	0	0
Bridgwater,	3	0	0	Monamoy,	0	10	0
Scituate,	8	0	0	Little Compton,	2	10	0
Sandwich,	5	0	0	Freetowne,	0	10	0
Taunton,	6	0	0	Bristol,	4	0	0
Yarmouth,	4	0	0	Rochester,	0	10	0
Barnstable,	5	0	0	Succonesset,	1	0	0
Marshfield,	4	0	0				
Rehoboth,	4	10	0		13	10	0
Eastham,	4	0	0		54	0	0
Swansey,	3	0	0	Suff ^r totall,	67	10	0
	54	0	0				

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*It is ordered by this Court, that the proportion for men and armes for each towne for this present expedition shall be as followeth : each man to be provided with a well fixt gun, sword, or hatchet, a horne or cartouch box, suitable aṃmunition, & a snapsack.

	Men.	Armes.		Men.	Armes.		Men.	Ar.
Plimouth, . .	4	3	Barnstable, . .	4	3	Bristol, . .	3	2
Scituate, . .	6	5	Eastham, . .	4	3	Taunton, . .	4	4
Marshfield, . .	3	3	Sandwich, . .	3	3	Rehoboth, . .	4	3
Duxborough, . .	2	2	Yarmouth, . .	3	3	Dartmouth, . .	3	2
Bridgewater, . .	3	2	Rochester, . .	1	1	Swansey, . .	3	2
Middleborough, . .	1	1	Monamoy, . .	1	1	Freetown, . .	1	1
			Succonessett, . .	1	1	Little Compton, . .	2	2

It is ordered by this Court and the authority thereof, that if there do not appear a competent number of English souldiers in each town of this colony, to go vollunteers under the conduct of Cap^t Church, or some other officer, as shall be by the councill of war appointed to go out upon the present expedition, to suppress the heathen that are enimies within any part of this countrey, that then such a number shall be pressed as shall be by the councill of war agreed upon in the severall townes where vollunteers enough do not appear. And if any person or persons shall be pressed for the future, by the advice of the town councill, or major part of them, to go out or be employed for the suppressing our said enimies, and shall refuse to goe upon such service after pressed, that every such person shall be fined four pound in money, forthwith to be paid unto s^d town councill, or such one of them as they shall appoint to receive the same, or otherwise to be committed to prison by the authority of the town councill, or a magistrate, and to be imprisoned within the county where they do belong, or shall be pressed, and there to continue untill such fine shall be paid, and all such fines to be for the use of the towne where such souldier is pressed, to be improved by the discession of the town councill for the fartherence of the present war.

Samuel Dunham was by the said Court appointed under marshall & prison keeper.

The Generall Court afores^d appoint th 28th of this instant August to be observed and kept throughout this colony by all the inhabitants, as a publike day of humilliation.

And adjourned to the first Wednesday of October next, 12 of y^e clock.

P order of s^d Court.

SAM^l SPRAGUE, Secretary.

New Plimouth, October 2^d. At the aboves^d adjournment Barnabas Lothrop, Esq^r, being in June last chosen to the office of Assistant, now accepted of s^d office, and is sworn in Court.

Attest, SAM^L SPRAGUE, Sec^r.

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**At their Ma^{ties} Generall Court held by Adjournm^t at Plimouth, the first Wednesday of October, 1689.*

2 October.
[*83.]

BEFORE Tho: Hinckley, Esq^r, Govern^r, John Thacher, Esq^r,
William Bradford, Esq^r, Deputy Govern^r, John Walley, Esq^r, and
Daniell Smith, Esq^r, John Cushing, Esq^r,
Barnabas Lothrop, Esq^r,

Assistants.

With the Deputies before named in this booke, most of them present, enacted as followeth : —

WHEREAS by an act of this Court bearing date August 14th, 1689, the magistrates of the severall counteys were ordered to meet at their severall county towns, upon the first Wednesday of September then next following, and by s^d act were authorized to settle county officers, and act and doe as in said act is at large expressed, and forasmuch as the magistrates of the county of Bristoll were by Providence disabled to attend and meet at that time, it is therefore ordered by the said Court held here by adjournm^t, the first Wednesday of October abovesaid, that the magistrates of the county of Bristoll aforesaid meet at their s^d county town on the second Thursday of this instant October and hereby have full power then & there to do and act in all respects as by the s^d recited act is mentioned; and all persons who by s^d act are concerned are hereby required to appear at and attend s^d meeting.

At which time the magistrates of s^d county are hereby ordered and impowered to take effectuall care & course, that the late condemned prisoner at Bristoll be secured till farther order shall be given concerning him.

Capt Thomas Leonard is authorized by this Court to solemnize marriages in the town of Taunton till farther order from this Court.

John Cooke is authorized by this Court to solemnize marriages in the town of Dartmouth till this Court shall otherwise order.

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M^r John Willis, Sen^r, is authorized by this Court to solemnize marriages in the town of Bridgewater untill this Court shall otherwise order.

M^r Joseph Church is authorized by this Court to solemnize marriages in the town of Little Compton untill this Court shall otherwise order.

M^r Jonathan Alden chosen capt^t, M^r John Tracey leiu^t, and M^r Francis Barker ensigne, of the military company of Duxbury.

The said choice is approved of by this Court, and y^e persons ordered to be comissionated.

M^r Thomas Hayward, M^r John Haward, and Sam^l Packard chosen capt^t, leiu^t, and ensigne of the military company of Bridgewater. The s^d choice is approved by this Court, and ordered to be comissionated; that is to say, the said Thomas Hayward capt^t, John Haward leiu^t, & Samuel Packard ensigne.

M^r Joseph Silvester chosen captaine, and Israel Chittenden ensigne, of the millitary company of Scituate. The Court app^oved of said choice, and ordered that they be comissionated.

Jonathan Hatch, Jun^r, chosen ensigne of the military company of Succonesset, is approved by this Court, & order that he be comissionated.

[*84.] *October y^e 2^d, 1689. Capt^t Jonathan Sparrow chosen capt^t, and Joseph Snow leiu^t, and Jonathan Bangs ensigne, of the millitary company of Eastham. The said choice is approved by this Court, who order that they be comissionated accordingly.

M^r William Clarke, having formerly hired the fishing at the Cape, & his lease not yet expired, came personally into this Court, and openly quitted his claime thereto for the future, & desired the Court to release him therefrom, which was then granted, he satisfying what is justly due to this colony for the time past.

The Court order, that the Treasurer of this colony use such lawfull means as to him shall seeme meet for the recovery of what is due from M^r William Clarke to this colony respecting the Cape fishing, and to receive y^e same for the use of this colony.

Ordered by this Court, that the law in our printed booke, page 31, prohibiting saning for mackrill at Cape Cod be henceforth made void and of no force.

Ordered by the authority aforesaid, that the magistrates of the county of Barnstable, or any two of them, be a comittee to dispose and manage the Cape fishing as p^r order of Court directed, and to impower such officers as are necessary under them to looke after the same.

It is ordered by the authority afores^d, that the severall acts and orders of

Court about fishing at Cape Cod, in our old printed law booke, page 38 & 39, viz', so much or so many of them as are noted to be revived in the margent of s^d booke, begiñing at number 4 & ending at N: 5, 'are all of them revived and made, and hereby declared to be of full force, untill this Court shall otherwise order.

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It is ordered by this Court, that the majors of the severall regiments forthwith take care to procure a perfect list of all the males in their respective regiments, of what rank or quality soever, from the age of sixteene to sixty yeares, and to deliver the same to one of the comissioners of this colony, at or before the fourteenth day of this instant October, by them to be caryed to Boston in order to proportion the charge of the present warr.

Ordered by this Court, that the sum of fifty pounds be this year given to the magistrates of this colony to defray their charge & expences, and to be proportioned amongst them in mañer following; that is to say, —

	l	s	d
To the Governour,	20	0	0
To the Deputie Gov ^r ,	07	0	0
To the Assistants, equally to be divided amongst them,	23	0	0

And to be paid out of the excise money from the ordinarys, and out of the fines, amerciaments, and debts due to the colony.

And alsoe the whole proffit of fishing at the Cape for this year to be divided after the proportion abovesaid.

	l	s	d
Agreed that the comissioners shall have	10	0	0
Agreed that the Treasurer shall have four shillings out of every pound that he shall receive or gather, for this present year.			
Agreed that the Secretary shall have	10	0	0
And the chief marshal	06	0	0
And the under marshal, or prison keeper,	05	0	0

M^r Stephen Skeff is authorized by this Court to sollemnize marriages in the town of Sandwich untill this Court shall otherwise order.

*October y^e 2^d, 1689. Ordered by this Court, that whosoever shall informe against any person for retailing any kind of strong drink without licence, and prosecute his s^d information to effect, such informer shall have one moiety, or half of the fine, that such retailer shall be according to law sentenced to pay. And if any shall informe and prosecute, as afores^d, against any inkeeper for the breach of any law of this colony that concerns inholders, he shall likewise have one half of the fine.

[*85.]

Ordered, that Sam^l Sprague, Secr^t and Clerk of the county of Plimouth,

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repair to Capt Nath^l Thomas, Sen^r, who was clerk of the county Court in the year 1686, and alsoe to his son Nathaniel Thomas, Jun^r, who was clerk of the said Court in the time of the late gove^rment, to demand & receive of them all such books, records, and papers, that are in their custody or were comitted to them as clerks afores^d; and s^d Nath^l Thomas, Sen^r, and Nath^l Thomas, Jun^r, are desired and enjoyned hereby to deliver the same to s^d Sam^l Sprague, who by order of this Court is to give a receipt for the same, & to secure them for the service of the countrey or county, as there is or may be occasion.

Ordered, that towards the bearing of the charge of the present warr, there be forthwith levyed and rayseed by the select men or raters of each town and village in this colony the suffis hereafter set downe and agreed on by this Court, viz^t : —

	l	s	d		l	s	d		l	s	d
Plimouth, .	60	00	00	Barnstable, .	60	00	0	Bristol, . . .	35	0	0
Duxbury, .	25	00	00	Sandwich, .	60	00	0	Taunton, . . .	60	0	0
Scituate, .	88	00	00	Yarmouth, .	41	00	0	Rehoboth, . .	48	0	0
Marshfield, .	45	00	00	Eastham, .	46	00	0	Swansey, . . .	40	0	0
Bridgewater, .	28	00	00	Rochester, .	8	00	0	Little Compton, .	35	0	0
Middlebury, .	14	00	00	Monamoy, .	7	0	0	Freetowne, . .	8	0	0
Foordes Farmes, .	2	00	0	Dartmouth, .	40	0	0				

The severall suffis to be paid to the constables of each towne and village at or before the 25th day of November next, the same to be paid by the constables in each town & village to such as the Generall Court shall appoint; the severall suffis to be paid one third in money, one third in grain, Indian corne at two shillings p^r bushell, rye two shillings and six pence p^r bushell, barley two shillings p^r bushell, wheat four shillings p^r bushell, the other third in biefe at ten shillings p^r C, and porke at two pence p^r pound; the charge of transportation, after it is delivered p^r order aboard any vessel, to be allowed by the publike. It is alsoe agreed that this proportion be onely for this rate, and that there be a way found with all convenient speed for a vallation of the estates of the colony in order to the making of a just proportion, which when found out and determined, each town to be allowed or advanced accordingly; or, if any for the corne or provision part pay that which for price and specie satisfie any souldiers that went in the service, it shall be accepted, and there shall be care taken that the souldiers, English and Indians, be paid by the counties where they lived, or were rayseed, and care taken as much as may be in the whole, to prevent transportation. Farther agreed, that any person that

for the corne part or provision part of this rate will pay money, shall have one sixth part abated.

P^r order of the Generall Court.

SAM^l SPRAGUE, Secretary.

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*October y^e 2^d, 1689. Ordered by the Court that the select men of each town take care forthwith to take a vallation of the estates of each town and village, according to the prises hereafter mentioned, viz^t :—

[*86.]

	u	s	d
Every ox, at	02	10	0
Every cowe,	01	10	0
Every steere & heiffer of 3 year old,	01	10	0
Every two year old, at	01	00	0
Every yearling, at	00	15	0
Every horse & mare, at	02	00	0
Every two year old colte, at	01	00	0
Every yearling colte,	00	10	0
Every swine of a year old & upwards, at	00	06	0
Sheep of a year old and upward by y ^e score,	05	00	0
Land in tillage, every acre,	00	5	0
Meadow and English pasture, every acre, at	00	5	0
Vessels and trading estate not more then half price.			

Faculties and personall abillities at will and doome ; the like where any neglect or refuse to give in a just account of their ratable estate.

*Att a Generall Court held for their Ma^{ties} at New Plymouth the 25th December.
25th Day of December, 1689.*

BEFORE Thomas Hinckley, Esq ^r , Govern ^r ,	John Thacher,
William Bradford, Esq ^r , Deputy Govern ^r ,	John Walley,
John Freeman,	John Cushing, Esq ^r ,
Daniel Smith,	
Assistants.	

BARNABAS LOTHROP, Esq^r, absent.
M^r John Thacher, M^r Stephen Skeff, Isaac Cushman, John Goram,
Silace Sears, John Miller, William Howard, Seth Pope, M^r Nath^l Byfield,

1689. M^r John Saffin, fined 20 shillings a peace for not appearing & attending
 25 December. s^d Court, or disorderly departing therefrom. December 25th, 1689. At a
 [HINCKLEY, Generall Court the above said fines remitted, it being the first offence
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The Names of the Deputies of the severall Towns that appeared at
 s^d Court.

John Bradford,	} of Plimouth.
Isaac Cushman,		
Edward Southworth,	}	. . . . . of Duxbury.
Seth Arnold,		
Cap ^t Joseph Silvester,	}	. . . . . of Scituate.
Sam ^l Clapp,		
Stephen Skeff,	}	. . . . . of Sandwich.
Cap ^t William Bassitt,		
Cap ^t Thomas Leonard,	}	. . . . . of Taunton.
John Hall,		
Samuel Peck,	}	. . . . . of Rehoboth.
Thomas Cooper,		
John Goaram,		of Barnstable.
John Miller,		of Yarmouth.
Isaac Little,	}	. . . . . of Marshfield.
Nath ^l Winslow,		
Cap ^t Jonathan Sparrow,	}	. . . . . of Eastham.
John Done,		
Cap ^t Thomas Haward,	}	. . . . . of Bridgewater.
William Brett,		
Seth Pope,	}	. . . . . of Dartmouth.
Jonathan Dillano,		
Isaac Howland,		of Middleborough.
M ^r John Saffin,		of Bristol.
Henry Head,		of Little Compton.
Thomas Terrey,		of Freetowne.
John Robinson,		of Succonessett.

[*87.] *December 25th, 1689. Whereas, by an act of the Generall Court bearing date Octob^r y^e 2^d, 1689, it is ordered that the select men of each town take care forthwith to take a vallation of the estate of each town and village, according to the prises on the other side mentioned.

And be it farther enacted by this Court and the authority thereof, and it is enacted, that if any person or persons in any town within this colony shall be found either to conceal, or to refuse or neglect to give in, all or any part of his or their rateable estate as aforesaid, forthwith, according to order, to the men chosen to make rates in the respective towns where they live, every such person or persons so concealing, refusing, or neglecting, as aforesaid, being thereof convicted before one or more magistrates, shall pay treble rates for all such estate according to the rule before mentioned, one third part thereof to be paid to the colony, one third part to the informer, and one third part to the town wherein such estate lyeth. And the rateable estate of every town in the colony so computed, according to the method and rules aforesaid, shall by each town be brought to the next Gen^d Court at Plymouth, that so every town may be justly assesed according to their due proportion throughout the colony.

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Comission Officers.

Timothy Brookes, captaine; James Cole, lieutenant; Robert Samford, ensigne, for the town of Swansey; aproved by the Generall Court, May 20th, 1690, & ordered to be commissioned.

Edward Richmond, captaine; William Southworth, leiv^t; Robert Browning, ensigne, for Little Compton, then aproved by s^d Court, & ordered to be commissioned.

Thomas Tabor, captaine; Jonathan Dillano, leiv^t; James Tripp, ensigne, for the town of Dartmouth; aproved by s^d Court, and ordered to be commissioned.

*At their ma^{tes} Gen^d Court holden at Plymouth, the 25th day of Decemb^r, 1689. [*88.]

Wheras, by our many provocations, we, by the just hand of Him who is the wise Disposer of all things, are fallen into perrillous times by reason of the depredations of the French on this countrey, together with the rebellious insurrections and cruel massacres the barbarous heathen, abetted alsoe by the French, whereby great mischief hath already ensued, and much more may be justly feared and expected, — it doth, therefore, much concern us to take some most speedy and effectuall course to defend ourselves by putting the millicia into good order, and making such other provision needfull in such imergencies.

Be it therefore enacted by this Court, &c, that all such as were military officers, and that had beene allowed or comissioned by this Court in or before the yeare 1686, or that have been orderly chosen and allowed since their

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ma^{ties} accession to the throne and the late revolution of the government, and have not received commissions since, — that all such officers and commanders with all possible speede have commissions sent them, empowering them to act in the severall places and commands they were chosen too, or had been allowed in the said commissions, to be sent to the chief commander in each regiment, by them to be delivered to those they are directed too. And if any person shall not accept said commission and take the oath of alleagiance to their ma^{ties}, that then the chief officer require the town forthwith to make a new choice according to law, and to make their return to the Gen^l Court or councill of war, who are hereby authorized to allow and commissionate them or any others that may hereafter be chosen and presented to them in the absence of the Gen^l Court.

Ordered, that all such towns or villages as shall by this Court, or the commanders of the regiments, be sent to and required to choose officers or officer for the compleating their millitary company, and shall refuse or neglect the doing thereof and the making the return of their doings above twenty days after they have notice thereof by the person required and appointed for that end, shall for such refusall or neglect be lyable to the fine and forfeiture of fifty pounds for the colonies use; such town, or towns, or village, being convict thereof before a councill of warr, the said suff^r by such officer as they appoint to be levyed upon one or more of the inhabitants of s^d town, or towns, or village, as s^d officer shall be directed by the councill of warr; such persons, upon application to this Court, shall have order to levy such suff^r or suff^rs, and all meet damages upon the inhabitants and rateable estates belonging to such town, or towns, or village, and if the officer, millitary or civill, that is sent to give notice to the inhabitants and souldiers to choose any officer or officers as aforesaid, and shall x the speedy doing thereof, shall pay five pound fine, to be paid to the commander of the regiment for the millitary service of the county; such officer being convict thereof at a councill of warr or county Court, and if the fault be in the officer, the commander to send an other order to the same person, or any other, as he shall see cause, who are to performe the same under the penality before mentioned;

[*89^b.] *if the neglect be the towns, then this county Court or the councill of warr to appoint and commissionate officers to such towns and places as are needfull.

Ordered, that the town of Taunton have liberty to be two companies and chuse officers accordingly, provided they can agree to divide by the ground; otherwise, that they forthwith come to an orderly choice for a captⁿ and other officers, if needed, and make a return of their choice to the major of the

regiment, that he may by the first opportunity get them allowed and commissioned.

1689.

John Cushing, Esq^r, John Hall, Seth Pope, & Henry Head, for their disorderly departing from this Gen^l Court, fined each of them 20 shillings.

25 December.
[HINCKLEY.
GOVERNOR.]
PART II.

All released except M^r Cushing. May 20th, 1690.

**At a Generall Court holden at Plymouth October y^e 2^d, 1689.*

2 October.
[*90.]

ORDERED by the Court, that the select men of each town take care forthwith to take a valuation of the estate of each town & village according to the prises hereafter mentioned, viz: —

	u . s . d
Every ox or steer of 4 year old & upwards, at	2 : 10 : 0
Every cow,	1 : 10 : 0
Every heifer and steere of three year old,	1 : 10 : 0
Every two year old,	1 : 0 : 0
Every yearling,	0 : 15 : 0
Every horse and mare,	2 : 0 : 0
Every yearling colt,	0 : 10 : 0
Every two year old colt,	1 : 0 : 0
Every swine of a year old and upwards,	0 : 6 : 0
Sheep of a year old and upward by the score,	5 : 0 : 0
Land in tillage, every acre,	0 : 5 : 0
Meadow & English pasture, every acre, at	0 : 5 : 0

Vessels and trading estate not more than half price; faculties and personal abilities at will and doome, the like where any neglect or refuse to give in a just account of their rateable estate.

All their Ma^{ty} Generall Court holden att Plymouth the 25th Day of December, An^o Domini 1689.

25 December.

AND be it farther enacted by this Court and the authority thereof, and it is enacted, that if any person or persons in any town within this colony shall be found either to conceal, or to refuse or neglect to give in, all

1689. or any part of his or their rateable estate as abovesaid, forthwith, according to order, to the men chosen to make rates in the respective towns where they live, every such person or persons so concealing, refusing, or neglecting as aforesaid, being thereof convicted before one or more magistrates, shall pay treble rates for all such estate, according to the rules above mentioned, one third part thereof to be paid to the colony, one third part to the informer, and one third part thereof to the town wherein such estate lyeth. And the rateable estate of every town in the colony, so computed according to the method and rules aforesaid, shall by each town be brought to the next Generall Court at Plimouth, that so every town may be justly assessed according to their due proportion throughout the colony.

25 December.
[HINCHEY,
GOVERNOR.]
PART II.

Whereas the towns of Bristol, Dartmouth, Swansey, and Eastham have refused or neglected to make their rates for the charge of y^e warr, according to the order of the Generall Court, which we have reason to think hath been occasioned by the insinuations and misinformations of some ill men that are disaffected to the government, who have with utmost dilligence been endeavouring to disquiet the minds and disturb the peace of their neighbours, weakning the hands of them that are in authority, the effect whereof would be to render us uncapable to offend our enemies or defend our selves; being willing to believe it hath been neglected for the reasons before mentioned, and [*91.] *not out of contempt of authority, and hoping they are convinced of their error, and s^eing the necessity of the present warr calls for it, together with the example of all other towns, and sense of duty, will put them upon complying with the orders now directed to them.

Wherefore be it ordered and enacted, that if the rates of any or all of the towns before mentioned be not made and given to the constable or constables of the respective towns before the 15th day of January next, such town for such neglect to pay twenty pound fine for the use of the colony, and being convict thereof before a county Court, said sum to be levied on one or more of the inhabitants of such town or towns, and said sum or sums, upon application to the county Court, with meet damages, to be ordered to be levied on the inhabitants & rateable estate of s^d town or towns, & if s^d rates be not made and delivered to the constable or constables by the aforesaid time, then two magistrates to appoint raters in such town as neglects to chuse them; and such raters as shall after this be chosen by the town or appointed by the magistrates are seasonably to attend said service on penalty of five pounds, to be paid for the use of the colony.

Ordered, that such as shall be orderly chosen raters in any town for the making of rates for the countrey, county, or town, and shall refuse or not

accept the same, or neglect to make any of s^d rates in due time, shall pay the sum of five pounds for the use of the town, being convict thereof by a county Court, or two magistrates, and upon his or their refusing or not accepting, the town or towns to choose others in their roome under the like penalty, and soe untill each town have made up their number, and the respective towns to give reasonable satisfaction to their raters from time to time for their making rates.

Ordered, that if any town or village, when orderly required, shall neglect or refuse to chuse raters, or not chuse them seasonably, and being thereof convict before a county Court, shall be lyable to the fine of fifty pounds, which suffi, by order of s^d Court, may be levyed upon any one or more of the inhabitants of such town as the s^d Court shall direct, who, upon application to s^d Court, shall have order to levy s^d suffi or suffis with all meet damages upon the inhabitants and rateable estate of s^d town or towns. And if any town or towns refuse or neglect to chuse raters as afores^d, the county Court or any two magistrates to appoint raters, who are seasonably to make the rates under such penalty as is ordered for those that are chosen by the towns.

Whereas, at the Generall Court of Election in June, 1689, it was ordered by s^d Court, that the constables in the year 1686 be accountable to the Treasurer for the countrey rates comitted to them to gather before the late change, and that the inhabitants of the severall towns that paid not their rates of s^d year to the constables pay them, or for neglect they make distress for the same, or so much thereof as is unpaid; which yet, notwithstanding, is neglected to be done, to the damage of such as were to receive their parts thereof, besides the unreasonableness of some being eased or excused from their paying their just dues when others have long since payed their parts thereof, this *Court doe therefore order, that a warrant be directed from the Treasurer, or other magistrate, to the constables of such respective towns as were constables in the year 1686, forthwith to gather the rates of all such delinquents, and on their or any of their refusing or neglect to pay their parts as aforesaid, that then the said constable of such place call in the assistance of the present constable of such place, to make distress on the goods or estate, or, in defect thereof, the person of such refuser or neglecter as p^r former law is in that case provided, under the penalty of such old constable his or their payment of the full of such suffis due and unpay^d as aforesaid, to be recovered by suit or distraint on his or their estate by the Treasurer, as is in that case p^r law provided. And the like order for what is due to the counties and towns respecting county and town rates.

1689.

25 December.
[HINCKLEY,
GOVERNOR.]
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[*92.]

1689.

25 December.

[HINCKLEY,
GOVERNOR.]

PART II.

John Thacher, }
 John Walley, } Esq^r,
 M^r John Saffin,
 Cap^t Jonathan Sparrow,
 M^r Stephen Skeff, &
 Leiu^t Isaac Little,

Chosen and appointed by this Court as a committee to take and adjust the accounts and charges of the warr relating to the late expedition against the Indians, and to make report thereof to this Court, to the end that souldiers & others concerned may have their wages and dues paid with all convenient speed.

Ordered, that the town councils of each town in the county of Plimouth pay and allow the suffs according to the accounts made up and allowed by the committee of this Court, and the remainder by them to be secured to pay the debts of the countrey, as the Generall Court or comissioners of the colony shall direct, and that the guns that can not be found be allowed for out of the money part, and that what is due for fitting out souldiers, and other disbursments, and souldiers wages, what remains to be paid, one third in money, the other in such pay and at such prises as the rate is paid in. This rule to be observed throughout the colony, and every constable to pay the same or not worse specie than he receiv.

Ordered by this Court, that such horses as have been improved in the late expedition by any officers or foote souldiers of ours without the order of this Court or a magistrate, the respective owners of s^d horses may be paid or sattisfied by the persons that procured or used them, and not charged to the account of this colony.

[*93.] It is ordered by this Court, & c, that there be a committee chosen in each county to settle the charges of the warr and disbursments in their respective counties, and to adjust the accounts of all officers and souldiers that have been in the service, & to order payment to all officers, souldiers, & other persons that have disbursed for the warr in such ways as may be most suitable & convenient for them, and most advantageous to the colony; in all disbursments, as much as in them lyeth, to go by the same rules to take a speціаль care that all the guns that belong to the publike be either found out & secured for them they pertain too, or else that they be paid for by the souldiers that had them or have imbezzled them. *And in adjusting and settleing s^d accounts, as they have oppertunity to inform themselves w^t they may from the comissioners of the colonies, Major Church & Cap^t Bassit, and what is left after the souldiers & debts are paid as aforesaid, the remainder to be secured by the severall committees for the payment of the countrey debts at Boston, or elsewhere, according to the orders of the Generall Court, or direction of the comissioners of the colony. And that the said committees do give in their accounts to y^e comissioners of the colony with all convenient speed, and by

them to be presented to the Generall Court, with other accounts and transactions of theirs respecting the warr in time convenient.

1689.

Cap ^t John Thacher,	}	Appointed the com ^{it} tee for y ^e county of Barnstable.
Cap ^t Jonathan Sparrow,		
M ^r John Goram,		
M ^r John Saffin,	}	The com ^{it} tee for the county of Bristol.
Cap ^t Thomas Leonard,		
M ^r Joseph Church,		

25 December.
[HINCKLEY,
GOVERNOR.]
PART II.

Ordered, that the secretary and the chief marshall shall have half their salary, -viz^t, the sec^r 5^l, and s^d marshall 3^l, paid to them out of the present rate, in such specie as the s^d rate is to be paid in.

And that 50 shillings, part of the 5^l allowed to the jail keeper, be forth^wh paid to him by the constable of Plimouth out of s^d rate.

Ordered by this Court, that all such persons in this colony who live or reside out of the bounds of any of our towns shall be under the constablerick of the nearest of our towns whereunto they so live or reside.

The Court have authorized John Willis, Sen^r, to su^mons wittnesses before him, and to administer oaths in the town of Bridgwater, to inform the grand inquest as they shall desire, and as there may be occasion.

Ordered, that Major Church shall have ten pounds allowed him (besides what he hath received from the Bay) more than his wages by the weeke, and that his weekly wages as major in y^e late expedition be 40 shillings, and that Major Church shall have 5^l cash, and Cap^t Bassitt 3^l cash, part of what is due to them from the colony, paid to them by the constables of Plimouth out of the last rate.

That Leiu^t William Southworth have 25 shillings p^r weeke for his service in the warr.

That Cap^t Edmonds have 20^s p^r weeke for his service.

That Leiu^t Smith have 20^s p^r weeke for his service.

That John Stetson have 15^s p^r weeke for his service, & being helpfull to y^e com^{is}sary.

That each English serjeant have 12^s p^r week; each corporall, 9^s p^r weeke; and that Benjamin Bantum, y^e clerk, have 9^s p^r weeke.

That each Indian cap^t have 12^s, & each leiu^t 9^s p^r weeke.

And that Cap^t John Hunter have nine shillings p^r weeke for his service in the expedition aforesaid.

That Cap^t Bassitt have 30^s p^r weeke as cap^t, and 5^{shill} p^r weeke for his assistance to the com^{is}sary.

1689.
 25 December.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

Whereas divers acts & orders have been lately made by the Gen^l Court prohibiting any person from selling by retail any kind of strong drink without licence, it is therefore now farther ordered, and by this Court declared, that whosoever shall without licence sell & deliver a less quantity, at one time, to any person or persons, than 5 gallons of wine, brandy, rum, or strong liquors, &c, or less than a quarter cask of cyder, every such seller is by law deemed, judged, & accounted a retailer, & as such to be proceeded against as the law directs.

P^r order of afores^d Court,

SAM^l SPRAGUE, Sec^r.

1690.

20 May.
 [*94.]

**At a Generall Court held at Plimouth, May y^e 20^a, 1690.*

ENACTED as followeth : —

1. Whereas the weighty concerns of this colony called for and required the present convention of this Court, and for as much as, p^r former orders and law of this colony, a County Court is to be holden this presend day, (being the third Tuesday of s^d May,) at Bristol, for the county of Bristol, which by reason of this convention can not this day be there held, —

This Court do therefore declare, and it is hereby declared, that the said county Court is adjourned unto Tuesday the 27th instant; and all persons concerned, whether parties in any case civil or criminal, witnesses, grand and petty jury men, and constables, are to attend s^d Court at the adjournment aboves^d, and all attachments, sumōnses, proccess, & proceedings, and all obligations, to be and remain good to said adjournment, as if the ordinary time of s^d county Court had beene attended, and all sureties to stand obliged for their principals to s^d time, and to be forthcoming six days after judgment given at s^d adjournm^t.

2. Ordered, that the new grand jurors and constables of the severall towns in the county of Plimouth appear before the magistrates of s^d county, at s^d county town, on the fourth day of June next, to receive their charge and take the oath usually administered in such case.

3. Ordered, that the words (next after the Court of Election,) in our printed law book, title Constables, page 14th, line 5th of y^e first numb^r, be henceforth readd & construed (next before the Court of Election.)

4. Ordered, that the clerk of the county of Barnstable forthwith send

warrants to the now constables of the severall towns in s^d county to warn the new grand jurors & constables of each town to appear at their county town, before the magistrates of s^d county, at such time as s^d magistrates shall appoint to receive their charge and take the oath usually administered in such case.

1690.

20 May.
[HINCKLEY,
GOVERNOR.]
PART II.

5. Ordered by this Court, that the proprietors and purchasers of lands who held the same in comon shall henceforth have liberty and are impowered to chuse a clerk for s^d proprietors, who being sworne, his book shall be accounted an authentick record.

6. Whereas there is 16 or 18 bushells of wheat, part of the last rate, in the hands of the constables of Scituate, — ordered, that the same be paid to Capt John Jacob, of Hingham, or to whome he shall appoint to receive the same, in consideration of his qürtering or billeting souldiers for this colony the last year.

7. Ordered, that Major John Walley have ten pounds cash allowed to him at or before June court next, as compensation for his voyage and expence in the colonies behalfe, and service to and at New Yorke, and to be paid to him out of the money in the constables hands of the last rate.

8. Whereas there have been and are several uncomfortable differences in the town of Taunton, respecting their millitary company, especially relating to the officers thereof, and severall ways have been propounded and tryed for the reconciling and healing thereof, all which have proved inefectuall to accomplish the same, and there having beene severall choices of officers among them, against all which there have been *objections made as to the leagallity thereof, it is therefore ordered by this Court and y^e authority thereof, that the souldiers and inhabitants of the town of Taunton meet on the 2^d day of June next at ten of y^e clock, the souldiers compleat in their armes, and that they make a choice of military officers according to law, and that their choyce be returned to the next Gen^l Court, and that the whole company be under the comānd of Leiv^t Macey as chief, and Ensigne Leonard under the major in the mean time; and M^r Smith and Major Walley, one or both, are desired to be there to see a fair choice. And this notwithstanding any former act of the General Court, or order of the council of warr. And if there have been any druffis, coulers, or halberts provided by vertue of the order of the council of warr, they being delivered for the towns usc, the town to pay for the same.

[*95.]

Ordered by this Court and the authority thereof, that there by sixty men forthwith raysed in the colony to be sent by water to Albany, or elſwhere, to joyne with the forces of New Yorke, Massachusets, or Coñecticot, &c, for the

1690. defence of s^d places or other service of their ma^{ties} against the co^mon enemy ;
 the men to be rayed in each town according to the proportions hereafter set
 down, viz^t : —

20 May.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

Plymouth,	5	Barnstable,	5
Duxborough,	3	Sandwich,	4
Scituate,	6	Yarmouth,	4
Marshfield,	3	Eastham,	4
Bridgewater,	3	Rochester,	1
Middleborough,	1	Monamoy,	1
	<u>21</u>	Succoneasset,	1
			<u>20</u>

Bristol,	3
Taunton,	5
Rehoboth,	4
Dartmouth,	3
Swansey,	3
Little Compton,	2
Freetowne,	1
	<u>21</u>

Ordered by this Court and the authority thereof, that the proportions of men now agreed on to be rayed for their ma^{ties} service be impressed in the severall towns by warrant under the hands of the town council, or the major part of them, and where there is no town council, by warrant from the select men of such town or towns, or the major part of them, and where there is no town council nor select men, to be impressed by warrant from the major of the regiment : s^d town councils, select men, or majors are hereby ordered and required to impress, or cause to be impressed, the severall proportions of men upon Wednesday next, and not before, and that the whole be ready on or before the second day of June next to attend such service as then shall be required of them.

Ordered, that the town councils, select men, and majors take care that such as are impressed by their order be each one fitted with a good, well fixt musquet, or other sufficient armes, sword or hatchet, horne or catouch box, and not less than three charges of powder and shot, for each man ; also, that they provide and take care seasonably to send and put on board the vessel provided to cary the souldiers, two pound and half of powder, and 12 pound of suitable bullets for each man sent out, unless otherwise ordered in the

mean time. Alsoe to take care that the powder be sent so as it may not be bruised or otherwise damnified.

*Ordered, that the town council, select men, or major part of each, or majors of the regiment, are hereby impowered and required by warrant to impress men and horses as may be necessary to cary am̄nition; also at such other things for arming, cloathing, or fitting out each souldier for this present expedition as may be needfull where they cannot otherways be procured.

Ordered, that all constables, serjeants, corporals, or other persons, that the warrants from the town council, select men, & majors are or shall be directed too, in matters they are impowered relating to this present expedition, are hereby required to execute the same, and to be aiding and assisting as there may be occasion.

Ordered, that the town council, all or either of them, endeavour forthwith to procure from the inhabitants of the severall towns so much money as to make up 20 shillings for every man ordered to be sent from each town, and whatsoever any inhabitant shall disburse or lend on that account, or that shall be impressed for fitting out the souldiers, shall be repaid by the countrey, or discounted out of the next rate; said money to be brought to next June Court, to be disposed as s^d Court shall order.

Ordered, by this Court, that all such as are or shall be impressed for the countreys service against the com̄on enemy, and shall refuse or neglect the service, they are to pay as a fine the sum̄ of four pounds in money, or for not paying the same by warrant from the town council, select men, or major, which gave the warrants forth, such person or persons to be imprisoned untill the fine be paid, and others to be impressed in their roome, which fines shall by the town council be improved for buying armes & amunition for a stock for the town unles they s̄ cause to dispose any part thereof, for the fitting or encouragement of such as shall be impressed in their stead, unless such person or persons shall appeal to the council of warr, and give security to answer the same, and to abide by their determination.

Ordered, that Major John Walley do impress, or otherways provide a sutable vessel to transport the souldiers if there be occasion, and to impress or hire seamen to sail and navigate said vessel; also to take care that the souldiers be billeted or quartered until they are imbarqued; also, that he provide provision sutable to cary said souldiers to New Yorke or el̄where, as may be ordered; s^d vessel and men to be ready by the 5th day of June next; and all constables and other officers are hereby ordered and required to

1690.

20 May.
[HINCKLEY,
GOVERNOR.]
PART II.
[*96.]

1690.
 29 May.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

be aiding and assisting as there may be occasion, and to execute such warrants as they may receive from said John Walley for the performance of what premised.

Ordered, that the constables of Barnstable and Bristol county repair to their severall county towns upon Tuesday next, the 29th of this instant May, then and there to make up the accounts of their rates they were to collect for the counties use, with the comittees of their severall counties that were appointed by this Court to adjust the accounts of souldiers wages, and other disbursments, and to order payment of the same; also to pay to said comittees or order the ballances of their accounts.

[*97.] *And the severall comittees are hereby ordered and impowered to meet at the time and place aforesaid to make up the accounts of the several constables, to receive the ballances thereof, and upon full payments orderly made, to give discharges on the countreys behalf, and said committes to sel for money any grain or provision they or y^e constables have in their hands of the countreys, and what moneys they have or shall have of the countreys to bring in to June Court to be disposed as the Generall Court shall see cause.

Ordered, that the constables of the county of Plimouth that have not made up & ballanced their accounts with the town councils of their respective towns do, at or before the 29th of this instant May, doe the same; and such as have or do ballance their accounts by payments orderly made, they are to give discharges to such constables on the countreys behalf: the town council are also to take care that what grain or other provision of the countreys is in their or the constables hands be forthwith sold for money for the most it will yield; also to take care that what moneys they have or shall have in their hands of the countreys, be brought in at June court next, to be disposed as the General Court shall order.

Whereas Captain Peter Hunt and the rest of the comission officers at Rehoboth have signified to this Court their desire to lay down their places as commission officers, this Court takes the same into consideration, but defers the determination to the next Gen^l Court that is now at hand, and all officers and souldiers of s^d town are hereby required and strictly commanded to yield obedience to their officers in the mean time. And whereas this Court hath been informed of malicious speeches and cariages of some of s^d company at a late training, this Court doth require the comānder of the regiment to bind over the principal of s^d offenders to answer for the same at the next council of warr of which their shall be notice, unless they give sufficient and publique

satisfaction in the mean time to the major of the regiment & comission officers of the company. 1690.

p^r order of the General Court,
SAM^L SPRAGUE, Secretary.

20 May.
[HINCKLEY,
GOVERNOR.]
PART II.

*An Account of the Wolves kild in the severall Towns in the last and this year, viz^t. [*98.]

- John Hathaway, of Dartmouth, one
- James Warren, of Plimouth, one
- John Bryant, Jun^r, of Plimouth, one
- Isaack King, of Plimouth, one
- William Shirliff, of Plimouth, one
- John Russel, of Duxborough, one
- Henry Hodges, of Taunton, one
- { Joseph Leonard, of Taunton, one
- { killed by an Indian.
- Richard Stephens, of Taunton, one
- Thomas Briggs, Sen^r, of Taunton, one
- Nicholas White, Jun^r, of Taunton, one
- Joseph Dogget, of Rehoboth, one
- ‡Jacob, Indian, about Rehoboth, ‡
- { William Carpenter, of Rehoboth, one
- { kild by an Indian.

*In answer to the petition of Humphery Johnson now presented to this Gen^l Court, s^d Court adjudge it improper for them to concern themselves wth the matters contained in said petition, but that if the petitioner find himself agreeded he may seek redress at such Court as hath proper cognizance of such matters or causes. [*99.]

- Cap^t Nath^l Thomas, } chosen Associates for the county of Plimouth.
- Leiv^t Ephraim Morton, }
- Cap^t Thomas Howard, }
- Cap^t Jonathan Sparrow, } for y^e county of Barnstable.
- M^r Stephen Skeff, }
- M^r George Macey, }
- M^r Joseph Church, } for the county of Bristoll.
- Cap^t Seth Pope, }

1690. *At a Court of Assistants held at Plimouth the first Tuesday of
 Aprill, 1690.

1 April.

[HINCKLEY,
GOVERNOR.]

PART II.

[*101.]

BEFORE Thō Hinckley, Gov^r,

William Bradford, Depu^{ty} Go^r,

Barnabas Lothrop,

John Thacher, &

John Cushing,

Assistants.

THE said Court being given to understand by the select men of the town of Duxborough, that two of the inhabitants of their said towne, viz^t, Henry Clarke and Thirsten Clarke, by reason of their age, indiscretion, & weakness of understanding, are uncapable of making necessary provision for their own support, sustainence, and livelyhoode, notwithstanding they have an estate in lands sufficient, as is judged, to suply their necessity during their lives, but are for the reasons afores^d in an incapacity to dispose of or manage the same, — the Court do therefore order, that John Dotey, of Plimouth, their nephew, having promised this Court to take the most prudent care he may, or can, according to his best discretion and direction of s^d select men to provide for their supply, support, succour, & relief, and once every year to render a just and true account to the select men for the time being of s^d town, who are hereby ordered to take, receive, and keepe the same, of all the charges and expence that he shall necessary be exposed unto in refference to y^e premises; that he, the said John Dotey, shall have full satisfaction made him out of the lands of s^d impotent persons for all such charges and expences being allowed p^r said select men as aforesaid; and that s^d lands are and shall be responsible for repayment of the same; and that if s^d lands shall be exposed to sale, said Dotey to have the same, or first proffer thereof, provided he will give and allow as much therefore as any other cheapman that may appear to buy the same: and s^d Dotey is hereby impowered and authorized to dispose of s^d lands at present by lease or improvement, otherways as to him shall seeme meet for the ends aforesaid.

p^r order of the said Court,

SAM^l SPRAGUE, Recorder.

The Court appoint the last of this instant Aprill to be kept and observed as a solemn day of fast & humiliation by all the inhabitants of this colony.

The names of y^e grand jurors that were sworne & served at s^d Court are,

Ephraim Little,
 Hopestill Besbey,
 John Cushing, Jun^r,
 Robert Whitcombe,
 Elisha Turner,
 John Simons,
 Japheth Turner,

John Haward,
 Sam^l Washbourn,
 John Murdo,
 John Dotey,
 John Sturtevant,
 Nath^l Southworth.

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*New Plimouth, April y^e 2^d, 1690.

[*102.]

By the President & Council of War.

Ordered, that a watch be forthwith kept and maintained in every town & village of this colony of so many persons as the town council in each town or village shall appoint.

And that in such towns where the said town council shall judge it needfull, princplely and especially in all sea port towns & places, that some persons be appointed to ward in the day time as s^d council shall direct.

Ordered, that the comission officers of every millitary company in this colony cause a speedy search to be made in their severall respective towns, to see and know how persons are provided wth armes and amunition & to proceed in that matter as y^e law directs.

Ordered, that upon any suddaine exigence, or assault of an enemy upon any of the towns or plantations of this colony, that the chief millitary officer or officers of the adjacent town or towns, without delay, taking with him or them such part of his or their company as he or they shall judge needfull, with the advice of his town council, where it may seasonably be had; and repaire to the place assaulted to the speedy relief of such assaulted or distressed place.

In order to a present settlement of the militia of the town of Taunton, and for composing the uncomfortable differences that have been and yet continue there,—in respect to their chief millitary officers it is ordered by this council, that M^r George Macey is approved, allowed to be, and sustaine, the office of a captaine in said towne, and such souldiers of s^d towne as desire the same forthwith to list themselves under his command and be obedient to him as their captaine.

M^r Thomas Leonard is likewise approved of p^r this council, and allowed to be & sustaine the office of a captaine in said towne, & such souldiers as desire the same forthwith to list themselves under his command, & be obedient to him as their captaine.

And every of the souldiers of s^d towne or place are hereby ordered and

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required forthwith to list themselves under the command of one of s^d captaines; and being listed as aforesaid, the s^d company, with such of the aged inhabitants or others of s^d town, who by law are allowed to chuse officers, are hereby allowed & have liberty to choose officers under their s^d captains in their respective companies, and so to continue untill the Generall Court or councill of warr shall otherwise order, and that coullers, drums, and halberts for each company be provided & paid for by all the rateable inhabitants of said town.

[*103.] *And the councill advise the said captains not to call both companies together for ordinary traynings on one day, but to appoint their days of trayning at distinct times or days.

Ordered, that the town councill and select men of the town of Plimouth, with all convenient speed, cause cariages to be made for the great guns in s^d town, and that all s^d guns be speedily mounted or put on said cariages, and brought into the towne, & planted where they may be most serviceable, advantageous, & convenient for the anoyance of an enemy & defence of the towne.

p^r order of s^d councill,

SAM^L SPRAGUE, Secretary.

20 May. New Plimouth, May 20th, 1690. Voted by the Generall Court, that half y^e charge thereof be borne by the colony, & y^e other half by the town.

John Hamond approved of p^r the council to be leiv^t of the military company of y^e town of Rochester, & Joseph Dotey, ensigne.

By the councill of war at Plimouth, Octob^r y^e 9th, 1690. Thomas Tomson, of Middleborough, being (p^r order of the major part of the town councill of s^d Middleborough) impressed for the service of their ma^{ties} at Canada, and refusing to attend that service, is sentenced to pay a fine of four pounds in money to said town councill for the use of s^d town, or be imprisoned till the same be paid, with fees, &c.

James Soul, of Middleborough, for the same, is sentenced as above-said.

By the councill of war at Plimouth, Novemb^r y^e 6th, 1690. Joseph Halley, Jun^r, of Sandwich, being, p^r order of the town councill of s^d Sandwich, impressed for the service of their ma^{ties} against y^e Indian enemy eastward, & in regard of his ill deportment after pressed, & not appearing at the time & place appointed, is sentenced to pay a fine of 4 pound

money. But in regard it appears to this council that he was not well when the souldiers were to march, the council remit half s^d fine, ordering that he pay to the town council, for y^e use of said town, y^e su^m of 40^s in money, & fees, &c.

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Feb^r 11th, 1690. Voted, that y^e county Court order y^e payment for laying out y^e highway through Middleborough, &c.

This Court adjourn to Tuesday, 3^d of March next.

Attest, SAM^l SPRAGUE, Sec^r.

**At y^e Generall Court of Election held at Plymouth June 3^d, 1690.*

3 June.
[*104.]

THOMAS HINCKLEY, ESQ^r, was chosen Gov^r, & sworn.

Will^m Bradford, Esq^r, D: Gov^r, & sworne.

John Freeman,

Daniel Smith,

Barnabas Lothrop,

John Thacher,

John Walley, &

John Cushing,

} Esq^{rs}. Sworne all but Major Freeman.

were chosen Asistants.

Thomas Hinckley, Esq^r, & Majore Walley, chosen Commissioners.

Mr Smith the next in nomination.

William Bradford, Esq^r, chosen Treasurer.

Sam^l Sprague, chosen Secretary, & sworne.

Were admitted Freemen.

Edmond Freeman,

John Paine,

Nicholas Snow, and

Joshua Hopkins,

Mr Rowland Cotton,

Sam^l Prence,

John Perrey,

} of Eastham.

} of Sandwich.

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Uriah Leonard,	} of Taunton.
John Tisdall,		
Peter Blackman,	} of Rochester.
John Hamond,		
Moses Barlow,	}	. . . . . of Plimouth.
Sam ^l Sturtevant,		
Sam ^l Fuller,	}	. . . . . of Plimouth.
John Murdo,		
Ephraim Cole,	}	. . . . . of Bridgewater.
Thō Clarke,		
Robert Bartlett,	}	. . . . . of Bridgewater.
Sam ^l Packer,		

The Names of the Deputies of the severall Towns.

John Bradford,	}	. . . . . for Plimouth.
Isaac Cushman,		
John Wadsworth,	}	. . . . . for Duxbury.
David Alden,		
Cap ^t Joseph Silvester,	}	. . . . . for Scituate.
Sam ^l Clapp,		
M ^r Stephen Skeff,	}	. . . . . for Sandwich.
Sheirjashub Bourne,		
Cap ^t Thomas Leonard,	}	. . . . . for Taunton.
William Harvey,		
Christopher Sanders,	}	. . . . . for Rehoboth.
Gilbert Brookes,		
Cap ^t Joseph Lothrop,	}	. . . . . for Barnstable.
John Goram,		
John Miller,	}	. . . . . for Yarmouth.
Leiv ^t Silas Seares,		
Cap ^t Nath ^l Thomas,	}	. . . . . for Marshfield.
Leiv ^t Isaac Little,		
Cap ^t Jonathan Sparrow,	}	. . . . . for Eastham.
Thomas Paine,		
William Brett,		for Bridgewater.
Cap ^t Seth Pope,		for Dartmouth.
Isaac Howland,		for Middlebury.
Leiv ^t James Cole,	}	. . . . . for Swansea.
Thomas Wood,		

Mr Stephen Burton, }
 Jabiz Howland, } for Bristol.
 Mr Joseph Church, for Little Compton.
 Samuel Gardiner, for Freetowne.
 Aaron Barlow, for Rochester.
 John Robinson, for Succonesset.

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*The Names of the Select Men of y^e severall Towns in y^e Colony.

[*105.]

Plimouth, { Leiv^t E. Morton,
 Serj: W. Harlow,
 Thō Faunce.
 Scituate, { Jeremiah Hatch,
 Thō King, Jun^r,
 Israel Chittenden.
 Duxbury, { Benj: Bartlet,
 John Trasey, Sen^r,
 John Wadsworth.
 Sandwich, { Mr Skeff,
 Shirjashub Bourne,
 Will^m Basset.
 Barnstable, { Capt^t Lothrop,
 Leiv^t Howland,
 Leiv^t Lewes.
 Taunton, { William Harvey,
 Capt^t Leonard,
 Nath^l Williams,
 Henry Hodges,
 James Leonard, Jun^r.
 Yarmouth, { John Miller,
 Silas Seares,
 Jeremiah Howes.
 Rehoboth, { Leiv^t Nicholas Peck,
 Thō Cooper,
 Mr Christō Sanders,
 John Fitch,
 Jonathan Fuller.
 Marshfield, { Ephraim Little,
 John Foster,
 Joseph Waterman.

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Bridgwater,	{ Capt Thō Hayward, Leivt John Hayward, Mr John Willis, John Field, John King x
Bristol,	{ Mr Stephen Burton, Jabiz Howland, John Rogers.
Eastham,	{ Thomas Pain, Senr, Mark Snow, John Done, Senr, Jabiz Snow, Benj: Higgins.
Dartmouth,	{ Thō Taber, Jonathan Dillano, Joseph Trip.
Swansey,	^
Middlebury,	{ Joseph Vaghan, Ebenezer Tinkam, Obadiah Eedey.
Freetown,	{ Thō Terry, Saml Gardiner, Saml Howland.
Little Compton,	{ Capt Ed Richmond, Henry Head, D: W:
Rochester,	{ Aaron Barlow, Saml Hamond, Saml White.
Succoneset,	^

Barnabas Lothrop, Esq^r, } Appointed a comittee to receive and take
John Walley, Esq^r, and } account of the late comittees of y^e counties of
Capt Nath^l Thomas, } Barnstable and Bristoll, and of y^e town coun-
cills or constables in each towne of y^e county of Plimouth respecting y^e
money & provision rayseed for payment of souldiers & charge of y^e war in
y^e last rate.

Barnabas Lothrop, Esq^r, John Walley, Esq^r, Capt Thomas Leonard,
Capt Joseph Lothrop, & Leivt Isaac Little, appointed a comittee to receive

& take the account of the estates of the severall towns & villages in this colony, in order to a just proportioning of the severall towns, in order to the last rate and for future rates, & to make report to this Court for approbation.

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*Cap ^t Nath ^l Thomas,	}	chosen Associates for the county of Plimouth.
Leiv ^t Ephraim Morton,		
Cap ^t Thomas Haward,		
M ^r George Macey,	}	chosen Associates for the county of Bristol.
M ^r Joseph Church,		
Cap ^t Seth Pope,		
Cap ^t Jonathan Sparrow,	}	chosen Associates for the county of Barnstable.
M ^r Stephen Skeff,		
Barnabas Lothrop,	} Esq ^r ,	} Are appointed a co ^m ittee to receive
John Walley,		
and Cap ^t Nath ^l Thomas,		} and take account of the late co ^m ittees
		} of the counties of Barnstable and Bristoll,
		} and of the town councils or constables in each town of the county of
		} Plimouth, respecting the money & provision rayseed for payment of souldiers
		} & charge of the warr in the last rate.

Barnabas Lothrop,	} Esq ^r ,	} Are appointed a co ^m ittee to receive
John Walley,		
Cap ^t Thomas Leonard,		} and take the account of the estate of the
Cap ^t Joseph Lothrop,		} severall towns and villages in this colony,
and Liv ^t Isaac Little,		} in order to a just proportioning of the
		} severall towns, in order to the last rate
		} and for future rates, and to make report to this Court for approbation &
		} confirmation.

In answer to the petition of Humphery Johnson, now presented to this Gen^l Court, s^d Court adjudge it improper for them to concern themselves with the matters contained in said petition, but that if the petitioner find himself agreeved he may seeke redress at such Court as hath proper cognizance of such matters or causes.

June 7th, 1690. In answer to the remonstrance of Major William Bradford, Esq^r, making claime to right of soyle and unto the priviledges and royalties of Cape Codd, and what is els expressed and contained in the deed from the councill of Plimouth, etc, —

This Court resolve that they are in the possession and have good and lawfull title unto all the said soyle, priviledges, and royalties mentioned in the said deed, other than what hath beene granted and reserved heretofore to particular psons and townships according to the laws of this colony; yet, nevertheless, if any p^ticular psons or townships for the farther confirmation

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the original are
lost.]

or strengthening of their titles, sē cause to take deeds of release from the said Major Bradford, they have their liberty so to doe.

That whereas there are divers persons come into this colony and settled themselves upon the lands belonging to this colony at Cape Codd without leave or order so to do, and do there continue, cutting down the wood there reserved for the benefit of such as shall be admitted orderly to come thither to fish, and doing other damages to this colony, as well as live in a disorderly manner there, — this Court do therefore order the county Treasurer forthwith to cause said people so coming and living at or upon the countrey x x x x be prosecuted for s^d trespas and remov x x x x also to lett and dispose the cas x x x x the publike and to x x x x account.

Ordered by this Court that x x x x comission officers of the x x x x here desire of being freed x x x x order that x x x x company x x x x shall be x x x x x x x x x x.

[*107.]

*And the now comission officers are required to continue in their s^d offices, and act according to their comissions untill others shall be comissionated in their stead as afores^d, and s^d company to continue their obedience to them as formerly.

7 June.

Memorandum: An agreement between the Generall Court held here at Plimouth this 7th of June, 1690, and Major William Bradford, Esq^r, for the issuing all contests, demands, suits, and debates, whatsoever, between the s^d Gen^l Court or colony and the said major respecting his claime or demands of any interest, right, or title to any lands heretofore bought of the Indians for the countrey lying at the cape, with all priviledges and royalties thereto belonging, or that may arise and accrue on or by the same, and also to any of the lands sold by the order of the said Generall Court to any persons whatsoever, viz^t, that the said Major Bradford shall be allowed and paid by the said Generall Court, or their order, the sum of fifty and five pounds of money. And the said Major William Bradford shall and will signe, seal, and deliver sufficient leagall releases and confirmation of all the said lands, royalties, and appurtenances thereunto belonging, unto the said Generall Court, or their order, and to such others to whome the said lands, or any of them do belong and appertaine.

The above written agreement was voted by the s^d Generall Court on the day of the date thereof, and owned and approved by said Court on behalf of the colony. And the abovenamed William Bradford, Esq^r, coming personally into the Court the day aboves^d, did on his part owne and acknowledge the said agreem^t.

Attest,

SAM^l SPRAGUE, Secretary.

1690. at Duxborough, or 12½ bushels of wheat at Plimouth, for the remainer of his sallirey the last year.

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June 5th, 1690. Money received from the constables and councils of the severall towns of the arreares of the last rate : —

	n	s	d
From Middleborough constables,	10	2	0
From Bridgewater, town councill,	3	0	0
From Duxborough,	2	15	0
From Yarmouth,	0	15	8
From Monamoy,	1	1	0
From Eastham,	1	7	0
From Marshfield,	2	18	4

The money borrowed and advanced on the severall towns to fitt out the souldiers for Albany & brought to this Court : —

	n	s	d
From Eastham, p ^r Cap ^t Sparrow,	3	19	0
From Middleborough, by Isaac Howland,	0	10	0
From Bridgewater, by William Brett,	2	17	0

Whereas there was a comitte, and after that the countrey Treasurer was ordered to take in the accounts of former officers relating to any monies or other estate of the countrey or counties in their hands, but nothing as yet done by either relating thereto, —

It is therefore ordered by this Court, that each county Treasurer, with all convenient speed, require the sherriffs, county Treasurers that was for each county, or constables of each town, that were in the year 1686, 1687, 1688, to give in their accounts of what they have in their hands belonging to the King or county; and upon makeing up and ballancing s^d accounts, the present county Treasurers, or either of them, are to give them discharges, and upon their refusing or neglecting to give in their accounts, and paying the ballance, they, and either of them, are impowered, in the countreys behalf, to sue such persons, or any of them, and to do all that in law is proper for the receiving, recovering, & obtaining of the same, excepting at present the matters of the rates ordered to be gathered by the constables for the country in the time of S^r Edmond Andros.

[*109.] *Whereas there is a law in our printed booke, that all debts shall be paid in specie, according to contract, yet, notwithstanding the said law, where judgment hath been given in Court for debt, and damage, and costs, in money, the marshall or constable, to whome writt of execution hath been directed, hath oftentimes taken goods and cattel, to the great damage of the

parties to whome money was due & contracted for, — for prevention whereof this Court doth order, that it shall be in the liberty of every person for whome judgment shall be given for money, to have a writt of execution directed to the constable or marshall, to levy the same, either on the estate or on the person to be comitted to prison till money be paid accordingly, at the choice of the plaintiff.

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Whereas there is a law provided, that all persons that had contracted debts before the session of that Court when s^d law was made should sue or bring his action for the same in three years, or be for ever barred his action, if the debt due either by book or accompt, but there having been an interruption by the alteration of goverment that the time may be expired, and many have not received their just right, —

This Court doth therefore order, that any that have contracted any debt, which is now due either by book or account, shall have liberty to sue, or bring his action for the same, any time within twelve months next ensuing, any order or law of this Court to the contrary notwithstanding.

Ordered, that in Plimouth county there be three Associates, or county magistrates — one at Plimouth, one at Marshfield, and one at Bridgewater.

And that in the county of Barnstable their be two Associates, or county magistrates — one at Sandwich, & one at Eastham.

And that in the county of Bristoll there be three Associates, or county magistrates — one at Taunton, one at Little Compton, and one at Dartmouth.

Ordered by this Court, that after this year the Associates, or county magistrates, be chosen by the freemen of the severall counties.

Cap^t Nath^l Thomas, Liev^t Ephraim Morton, Cap^t Thomas Haward, chosen Associates, or county magistrates, this present year, for the county of Plimouth.

M^r Stephen Skeff, Cap^t Jonathan Sparrow, chosen Associates, or county magistrates, this present year, for the county of Barnstable.

M^r George Macey, M^r Joseph Church, Cap^t Seth Pope, chosen Associates, or county magistrates, this present year, for the county of Bristoll.

Ordered, that the severall Associates, or county magistrates, meet at their severall county towns, to be sworne, at such time as they shall be warned by order from the magistrates of the severall counties. At which time they are to hear and determine according to law any criminals, and do any other thing within the power of a county Court except trying of actions. And the magistrates to take care that all criminals be warned × × ently obliged to appear and answer for their crimes respectively.

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[*110.]

*Ordered, that every of s^d Associates, or county magistrates, have the power of a magistrate within their respective counties.

Having had information from the Hon^{ble} Simon Bradstreet, Gov^r of the Massachusetts, in the name of the councill, of their present expedition to Canady and places adjacent, and of their raysing considerable forces for the service of their ma^{ties} against the co^mon enemy in those parts, they having also signified that they desire and expect somewhat from this and the other goverment, this Court having considered thereof, in compliance therewith, have concluded to raise and send forth 200 souldiers, if need be, of English and Indians, to joyne with the Massachusetts and other confederated forces for their ma^{ties} service as afores^d; and that there may be sutable care timely to impress, supply, and send forth our souldiers.

It is ordered by this Court and the authority thereof, that Major Walley forthwth go to Boston, to enquire the time the souldiers should be ready, the encouragem^t and termes they propose to such as go, to know who is the co^mander in chief, to see whether we can be furnished with provision and a^munition upon such termes as we are capable, to propose and offer any thing to the gentlemen concerned that is necessary in the colonies behalf, & to make such propositions at Boston as are necessary; having thus informed himself, he is, by the messenger that is herewith ordered to go with him, with all speed to give information to the Gov^r and Major Bradford, who are forthwith to take care that order be sent to the severall towns, that the proportion of men for each town now agreed on be impressed or otherwayes provided, and that the town councils take care that each souldier be armed, cloathed, and otherways fitted with what is needfull, and to be ready with all speed, or as they shall be directed, for their march and imbarquing as there may be occasion; s^d souldiers to be impressed and supplied by such persons and in such a way as was ordered in the raysing of the last sixty men as by s^d Court order farther may appear.

Ordered, that each county Treasurer take care to receive of the severall constables of the county, or town counsils, what money they have of the counties; also, to receive the severall suffis of money promised by the severall persons of their counties; also, if there be any wheat or other pay of the countreies, if they have oppertunity to send it to Boston with speed, or otherwise to sell it for the most they can get, the severall suffi to be rayسد by the order of the last Gen^l Court for fitting out the souldiers then rayسد be also paid in to the severall Treasurers.

Ordered, that the deputies of each town forthwith use their utmost endeavours, wth such of their neighbours they judge are able, to procure for

the colonies vse what they are willing to lend, and that the same, with what is already promised, be forthwith sent in to the county Treasurer.

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It is hereby ordered and enacted, that whatever money advanced, or what is given to the colony for the fitting and furnishing of the souldiers for war, or what may be impressed orderly for this present service, it shall be paid out of the rates that shall be next made.

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Resolved, p^r the Gen^l Court, to raise 200 men, $\frac{1}{4}$ of them Indians, for the expedition to Canady, if our comissioners, on conference with the other x x x less number, and to fitt them out with victualls, provision, and other necessities, for the said expedition.

*Ordered, that for this present expedition for Canady, or places adjacent, that the souldiers already impressed be made up, the proportions for each town, as is hereafter set down.

[*111.]

Armes.		Men.	Armes.		Men.
4	viz ^t , Plymouth, . . .	13	4	Barnstable,	12
2	Duxborough, . . .	7	3	Sandwich,	10
2	Marshfield, . . .	7	3	Yarmouth,	10
5	Scituate,	16	3	Eastham,	10
2	Bridgewater, . . .	8	1	Succonessett,	2
1	Middleborough, . .	3	1	Manamoy,	2
			1	Rochester,	2
<hr/>			<hr/>		
16		54	16		48

Armes.		Men.
2	Bristol,	6
3	Swansey,	7
2	Little Compton,	4
3	Dartmouth,	8
4	Taunton,	14
3	Rehoboth,	10
1	Freetown,	2
<hr/>		<hr/>
18		51

Ordered by this Court, that in this present expedition there be rayed fifty Indians, 22 in the county of Barnstable, 22 in the county of Bristol, and six in the county of Plymouth. If such do not present as are to the satisfaction of one or more of the magistrates of the county, or the comānder of the company, that then, by warrant from a magistrate, such be impressed as are most fitt. And that Plymouth county take care to provide armes and

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other necessaries for eighteene men, Barnstable county for fiteene men, and Bristoll county for seventeene men.

Ordered, that the town councills take care for watchings, wardings, and scoutings, in each town, and that one third of the souldiers at a time come armed to meeting every Sabath day untill farther order, on penalty of two shillings fine for each orderly warned that neglects the same.

Ordered, that if there be occasion for the commissioners of the colony to meet with agents or comissioners from the other colonies and goverments, our said comissioners are hereby impowered to meet, treat, agree, and conclude upon any designe, and other things that relate to the same with the rest, that they judge may be for the service of their ma^{ties} and the comon good and safty of the countrey, they always taking care not to engage us in any charge that hath been allready contracted, wherein we were not consulted with or concerned in what they may agree to, to take care as much as they can y^t we are not beyond a just proportion either in men or charge.

The officers and souldiers now to be raysed to march at such time and rendezvous at such places as they shall receive orders from one or both of the comissioners of the colony, one or both of which are hereby impowered to grant warrants, to impress vessels, men, armes, amunition, or any other thing needed, and can be procured within the colony for this present expedition.

Ordered, that the money that is left of the last rate, the money that was or that has been raysed for fitting out of the last 60 men, the money that is x x x x by particular men, or what more may be procured of the severall x x [*112.] (if) the designes go on, be delivered to Major Walley x x x *and other necessaries for the present expedition, and what there is short of, and is by him procured on the countreys account, shall [be paid out of] our next rate, and s^d major to give an account to the next [General] Court of the money that shall be comitted to him, or any debt [due] on the countreys behalf.

Ordered by this Court, that all persons able to bear armes upon x attend the same under the comānd of the officers of the severall [towns on] penalty of 5^l, and that all housholders, by themselves or others meet [personally in] their stead, attend watching and warding when warned, on penalty of three shillings for each neglect, unles excused by the town councill.

Ordered, that if the officers now appointed for this expedition either do not accept or are prevented by the hand of God, or any should otherwise be wanting, that the Govern^r, with the consent of two magistrates, appoint and comissionate others, as there may be need.

Ordered, &c, that the persons which shall be appointed press masters to

impress souldiers for their ma^{tes} service shall have full power to impress any men appointed to be impressed for the town, which he or they shall be press masters for in any town in this colony.

1690.

5 June.
[HINCKLEY,
GOVERNOR.]
PART II.

Cap^t Joseph Silvester, M^r John Goram, chosen for captains for the present expedition.

Jabiz Snow, Sam^l Gallop, leiftenants ; Preserved Abel, or John Butterworth, Sam^l Lucos, ensignes.

Ordered by this Court, that the magistrates & deputies of the county of Plimouth forthwith make choice of a county Treasurer for s^d county for this present year.

Barnabas Lothrop, Esq^r,
Cap^t Nath^l Thomas,
Cap^t Jonathan Sparrow,
and Leiv^t Isaac Little, } or any three of them, are appointed a co-
mⁱttee to take, receive, and adjust the ac-
compts of the late countrey Treasurer.

Ordered by this Court, that 50^ld excise be this following year advanced and rayed upon the publique houses of entertainment and persons that shall be licenced to sell strong drink in this colony ; that is to say, 20^ld in the county of Plimouth, 13^ld in the county of Barnstable, and 17^ld in the county of Bristoll.

November 4th, 1690. The persons appointed by the Court to inspect and view the whales, pursuant to the Court order, on the other side mentioned, for their severall respective towns, are as followeth : for Plimouth, Thomas Faunce ; for Sandwich, M^r Stephen Skeff ; for Barnstable, Cap^t Joseph Lothrop ; for Yarmouth, Cap^t x x ; for Eastham, Major John Freeman ; for Monamoy, William Nickarson ; [for Succonessett,] Jonathan Hatch, Sen^r ; for Duxborough, John Wadsworth ; for x x, x ; for Scituate, Sam^l Clapp.

4 November.

*Rateable estate of the severall towns accepted by the Generall Court for to proportion the rates for the past & this present yearr, 1690. [*113.]

Plimouth County.		Barnstable County.	
	l ^d		l ^d
Plimouth,	2260	Barnstable,	3000
Scituate,	4360	Yarmouth,	2777
Marshfield,	1804	Sandwich,	2500
Duxborough,	1500	Eastham,	2506
Bridgwater,	1430	Rochester,	0367
Middleborough,	0582	Monamoy,	0505
		Surconessett,	0405

1690.

4 November.
[HINCKLEY,
GOVERNOR.]
PART II.

Bristol County.	
Bristol,	1049 ^{1d}
Taunton,	2689
Réhoboth,	2117
Dartmouth,	2200
Swansey,	1500
Little Compton,	2000
Freetown,	0249

At a Generall Court holden at Plimouth November 4th, 1690.

BEFORE Thomas Hinckley, Esq^r, Govern^r, Daniel Smith, and
William Bradford, Esq^r, Dep^t Gov^r, John Thacher, Esq^m,
John Freeman,
Assistants.

With the Deputies of the severall towns before named in this booke, most of them being present in Court.

ORDERED, that for the prevention of contests and suits by whale killers, —

1. This Court doth order, that all whales killed or wounded by any man & left at sea, s^d whale killers that killed or wounded s^d whale shall presently repaire to some prudent person whome the Court shall appoint, and there give in the wounds of s^d whale, the time & place when & where killed or wounded; and s^d person so appointed shall presently comitt it to record, and his record shall be allowed good testimony in law.

2. That all whales brought or cast on shore shall be viewed by the person so appointed, or his deputy, before they are cut or any way defaced after come or brought on shore, and s^d viewer shall take a particular record of the wounds of s^d whale, & time & place where & when brought on shore; & his record shall be good testimony in law, and s^d viewer shall take care for securing s^d fish for the owner.

3. That whatever person or persons shall cut up or deface any whale fish, by cutting, stabbing, or launcing, after come on shore or at sea, if a drift, unless of necessity to towe it to shore, before it hath been viewed by the person appointed thereto, and a record taken by him, shall lose their right to

said fish, & pay a fine of ten pounds to the county. And s^d viewers shall seize s^d fish for the owners use, or the effects thereof, and s^d viewer shall have power to make a deputy or deputies under his hand, and to have six shillings for [each] whale so viewed & recorded of the owners thereof.

1690.

4 November.
[HINCKLEY,
GOVERNOR.]
PART II.

4. That whosoever finds, takes, or cuts up any drift whale found on the stream, a mile from the shore, not appearing to be killed by any man, shall be the x first sieze and secure them, paying an hogshead of oyle to y^e county for every such whale.

S^e the names of the viewers on the other side this leaf.

Cap^t Nathaniel Thomas, [Leiv^t] Isaac Little, x x are appointed a comittee to take & adjust the accounts of what the colony is indebted to particular [persons] for mony lent, or other debts of the colony, x x x x x to y^e making a rate, for the speedy x x the same.

*Resolved and agreed on by the Generall Court, that 1350 pounds be forthwith raised, p^r rate, upon all the rateable inhabitants of the colony, for the payment of all known debts of the colony relating to the present war, and otherways, excepting the charges about armes for y^e expedition to Canada.

[*114.]

The one half of s^d suff^r to be paid in money, the other half in wheat at 4^s p^r bushel, barley at 2^s, rye at 2^s 9^d, Indian corne at 2^s 6^d p^r bushell, porke at 45 shillings p^r barrell, biefe at 28 shillings p^r barrell, butter in firkin or pott at 6^d p^r pound, in less quantity by pound 5^d; all s^d grain & provisions to be good & merchantable.

The Court order, that 50^s be paid by the proprietors of lands formerly granted M^r Hatherley at or near Accord Pond, viz^t, the three mile square, towards y^e payment of the s^d suff^r; and that three pounds be paid by the proprietors of the lands above Waymouth, viz^t, y^e lands called Foords Farmes and parts adjacent.

The Court allow to the Govern^r 24 pound for his extraordinary charges upon the colonies busines in comission & otherways, for this & y^e last year, 14^l 16^s whereof is already paid to him, and the residue, which is 9^l 4^s, is to be paid to him out of this rate.

The Court allow to Leiv^t Little for his trouble & charge in receiving and delivering the loan money for Canada expedition, &c, the suff^r of 40 shillings, to be paid out of this rate.

This Court order, that the Govern^r, Assistants, Secretary, and Chief Marshall shall have one third part of what is allowed and due to each of them, paid in money.

1690. 4 November. [HINCLELEY, GOVERNOR.] PART II.	Barnabas Lothrop, Esq ^r , M ^r Stephen Skeff, and Cap ^t William Bassett,	} Are appointed a comittee for the county of Barnstable.	
	John Cushing, Esq ^r , Leiv ^t Isaac Little, and Sam ^l Sprague,		} Are appointed a comitte for the county of Plimouth.
	Daniel Smith, Esq ^r , Cap ^t Thomas Leonard, and Sam ^l Gardiner,			} Are appointed a comittee for the county of Bristol.

The s^d comittees of each county are appointed to meet at their severall county towns upon the third Tuesday of this instant November, then and there to receive and prepare the accounts of the severall persons to whome the colony is indebted; which being performed, the whole comittees, viz^t, all the persons above named, are to meet at Plimouth on the first Tuesday of December next, who are hereby impowered to adjust and allow all such accounts of souldiers and others as to them shall seeme just and reasonable, and to order bills to the severall county Treasurers for the payment of y^e same to such as y^e colony is indebted unto.

And the said county Treasurers are hereby impowered to require & receive the said severall suffis that shall be levyed & rayseed upon the towns in their respective counties of the severall constables who shall colect and gather the same, and upon receipt thereof to give acquittances & other discharges to s^d constables.

The Court allow to each of s^d comittee 3^e p^r day for what time they shall necessarily be employed in the colonies concerns as aboves^d.

The Court give and allow to M^r Sam^l Arnold the suffi of twenty shillings.

The Court allow 4^d p^r meal to those that billeted souldiers.

[*115.] *The proportion of each town & village in the colony towards the afores^d suffi of 1350 pounds is as followeth:—

	l ^d	s	d		l ^d	s	d
Plimouth,	84	15	0	Barnstable,	112	10	0
Scituate,	163	10	0	Yarmouth,	104	02	9
Marshfield,	67	13	0	Sandwich,	93	15	0
Duxbury,	56	05	0	Eastham,	93	19	6
Bridgewater,	57	07	6	Rochester,	13	15	0
Middleborough,	21	16	6	Monamoy,	18	18	9
				Succonessett,	15	3	9
	<hr/>				<hr/>		
	451	7	0		452	4	9

	l d	s	d
Bristol,	39	: .6	: 9
Taunton,	100	: 16	: 9
Rehoboth, . . . . .	.79	: .7	: 9
Dartmouth, . . . . .	.82	: 10	: .
Swansey, . . . . .	.56	: .5	: .
Little Compton, . . . . .	.75	: . .	: .
Freetowne, . . . . .	.13	: .1	: 9
	446 : 8 : 0		

1690.

4 November.
[HINCKLEY,
GOVERNOR.]
PART II.

Cap^t Nath^l Thomas apointed in y^e county of Plimouth to receive & take care for conveyance of the contribution proposed for the relief of y^e town of Wells & parts adjacent.

Cap^t Joseph Lothrop, y^e like for the y^e county of Barnstable.
& Major Benjamin Church for y^e county of Bristol.

The Court apoint the 26th instant to be kept and observed as a publick day of thanksgiving throughout y^e colony.

**At a Generall Court held at Plimouth the first Thursday of December, 1690.* [*116.]

BEFORE Thomas Hinckley, Esq^r, Govern^r, and John Thacher, Esq^r,
William Bradford, Esq^r, Deputy Govern^r, Assistant.

Most of the Deputies next before named being present.

RESOLVED p^r this Generall Court to add to the rate agreed on by the last Generall Court the sum of 1350 pound for the payment of our souldiers in the late expeditions to Canada & eastward, to be also forthwith rayseed by rate upon all the rateable estate and inhabitants of this colony; the same to be paid in porke, biefte, butter, and corne, at the prises agreed on by the last Gen^l Court, or in cattell at money value, to be apprised by persons indifferently chosen by the parties that are to pay & receive the same, unless they shall agree of the price betweene themselves, and that the severall towns in this colony that were over rated y^e last year have so much deducted out of their now rate.

And that our souldiers wages, both eastward & at Canada expeditions, be paid alike in provisions or cattel.

1690.

December.
[HINCKLEY,
GOVERNOR.]
PART II.

Agreed on by the Generall Court, that what plunder was obtained by our souldiers, late under the conduct of Major Benjamin Church, in y^e last expedition eastward, shall equally belong to y^e English and Indian souldiers.

Barnabas Lothrop, Esquire,)
John Walley, Esq^r,) Are appointed and chosen a comittee for this
Cap^t Thomas Leonard,) colony, and are hereby impowered to receive,
Cap^t William Bassett,) take, and adjust the accounts of souldiers, and
Leiv^t Isaac Little,) all other persons to whome the colony is in-
M^r John Bradford,) debted, and s^d comittee are ordered to meet at
and Samuel Sprague,) Plimouth on the first Tuesday of January next ;
and they or any three of them, (viz^t,) one of
each county meeting, are impowered to act in refference to the premisses, and
to direct and order bills for payment of souldiers & others, y^t y^e colony is
indebted unto, and have power to adjourn their meeting from time to time, as
there may be occasion.

The s^d comittee, meeting at Plimouth y^e day & time aboves^d, have ad-
journed to Tuesday, y^e 20th of the same month.

January y^e 9th, 1688. The aboves^d comittee are by order of y^e Gen^l
Court at Plimouth, Feb^r 11th, 1688, are continued with the same power to
meet and adjourn as aboves^d.

The second Wednesday of January next is appointed by the Court to be
kept & observed as a publike day of humiliation & fast throughout y^e
colony.

1690-1. *At their Ma^{ty} Gen^l Court held at Plimouth the 11th of February,
1688.

11 February.
[*117.]

BEFORE Thomas Hinckley, Esq^r, Gov^r, John Thacher,
William Bradford, Esq^r, Dep^t Gov^r, John Walley,
Daniel Smith, John Cushing, Esq^r,
Barnabas Lothrop,

Assistants.

With y^e Deputies before mentioned in this booke, most of them present.

THE s^d Court graunt liberty to the inhabitants of the vilage of Monamoy
to chuse and send a deputy to the Generall Courts that shall here-
after be in this colony.

The towns of Yarmouth & Little Compton, & inhabitants of the vil-
lage of Monamoy, complaining to this Court that they are wronged in the
proportioning of the severall towns towards the payment of y^e present rate,
the Court, considering y^e premisses, remit to each of said towns the suff^m of
ten pounds, and to s^d village the suff^m of five pound, to be deducted out of
their suff^ms ordered by the last Generall Courts to be rayseed by rate.

1690-1.

11 February.
[HINCKLEY,
GOVERNOR.]
PART II.

In answer to the petition presented to this Court by Cap^t John Jacob in
behalf of himself and partners, the proprietors of the lands formerly granted
to M^r Hatherly at Accord Pond, he, s^d Jacob, alleaging that s^d proprietors
make no improvement of s^d land, but y^t it lyeth dormate, and prays that they
may not be rated or assessed in this colony to *to* the present levy; the Court
graunt his desires therein, and remit the suff^m of fifty shillings, ordered by the
last Gen^l Court to be paid p^r s^d proprietors.

The island called Mackatoy is annexed to y^e township of Dartmouth, p^r
order of this Court.

And the lands between Bridgewater & Waymouth, called Foords Farms,
& y^e parts adjacent, are hereby put under y^e constable rick of Bridgewater,
till this Court shall otherwise order.

Ordered by this Court, that whereas there hath been a jury apointed for
laying out an high way from or through y^e township of Middleborough
towards the bay, that the payment of s^d jury is referred to y^e order of Plim-
outh county Court.

At y^e county Court held at Barnstable, October 15th, 1689, Samuel
Hammond, Samuel White, Aaron Barlow, and John Wing, all of Rochester,
took y^e oath of a freeman.

Attest, JOSEPH LOTHROP, Clerk.

Entered, p^r SPRAGUE, Secretary.

At a County Court held at Barnstable, by Order of y^e Gen^l Court,
June 24th, 1690.

1690.

24 June.

THESSE men under named took y^e oath of a freeman:—

Israel Colc, Samuel Freeman, Jun^r, Thomas Smith, John Paine,
Isaac Pepper, Jonathan Higgins, Jun^r, Sam^l Smith, Sen^r, Samuel Mayo, Sen^r,
Nathanael Mayo, all of Eastham; Jesper Taylor, Sam^l Howes, & Joseph
Hull, of Yarmouth; William Nickerson, Hugh Stuert, William Michel, &

1690. Nicholas Eldred, of Monamoy; Jonathan Hatch, Sen^r, Moses Rowley, John
Genkins, John Weeks, Jonathan Hatch, Jun^r.

24 June.
[HINCKLEY,
GOVERNOR.]
PART II.

p^r JOSEPH LOTHROP,

Clerk of y^e County Court of Barnstable.

Entered, p^r SPRAGUE, Secretary.

[*118.]

*Whereas there was complaint made that some of the warrants that went out for calling the two last Gen^l Courts did not come seasonably to some of the towns, by reason whereof divers of the magistrates & deputies had not timely notice to attend said Courts, and for as much as at s^d Courts it was agreed that, for defraying the debts of the colony, there should be raysed the suff^t of 2700 pounds, in such proportion and specie as by record of s^d Courts may appear, making such allowance to some particular towns, as was to make good former orders of this Court, — there being now a Gen^l Court assembled and legally warned as p^r return of the several constables have been made to appear, — it is now agreed & ordered by this Court and y^e authority thereof, that the said suff^t of 2700^l, be forthwith raysed according to the proportions & species agreed on by s^d Courts, as p^r s^d records, reference thereto being had, may appear.

Whereas severall towns have neglected to choose raters, or several disputes & differences have hapened by reason of some choice made in particular in the towns of Scituate, Bristol, Swansey, Little Compton, Dartmouth, Rochester, or any other towns that have neglected the same, it is therefore ordered by this Court and the authority thereof, that the constable or constables of each of these towns forthwith warn the inhabitants of their severall towns to meet and choose their raters for each town, which raters are required forthwith to make the rates of their severall towns according to the proportions ordered by the said Courts, on the penalty as the law requires, & deliver the same with all speed to the constables of y^e several towns to collect, who are to doe the same forthwith, demanding the same in such specie and at such prises as s^d Courts hath ordered, and are to deliver or pay the same to such as the comitte^e of y^e colony or county Treasurer shall appoint; and if any person shall neglect or refuse to pay their proportion, the constable is hereby required to distrain for the same according to law. And where any refuse to pay or shew to the constable the value of their rates in specie, as is ordered by s^d Courts, he shall levy the same on their persons and ca^ry them to the county gaol, there to remain untill they have paid the same and necessary charges.

And it is hereby ordered, that if any town neglect to choose raters above the space of fourteen days, or raters chosen refuse the same, raters shall be

appointed by any two magistrates of the county, who are hereby impowered & required to make the same, on penalty as p^r law provided.

And the constable at each town to call for the votes of their raters, and to give notice to the persons chosen, & make a return of what is done in the premisses, with all speed, to the next magistrate, y^t he may take farther order therein as shall be necessary.

*This Gen^l Court having information from England that the colony of Plimouth had been joynd to the government of New Yorke, but the same was prevented by the Reverend M^r Mather, who gave an accompt to Govern^r Sclater how little service it would be to their ma^{ties}, and how great dissatisfaction & inconvenience it would be to the people; we are also informed that after that we were like to be annexed to Boston, but the same hindered by M^r Wiswall for the present; being also informed there is a possibility that we may obtain a charter for our selves if we speedily address to their ma^{ties} employ a suitable person to manage & rayse sufficient moneys to ca^ry the same an end; this Court thinking it their duty to informe the several inhabitants in the severall towns in this colony thereof, that they may not hereafter say they had no notice, and that they may make use of the present oppertunity as they may s^e it like to be for their benifit, — it is therefore ordered, that the magistrates or deputies in each town forthwith order the constables to warn the inhabitants of the towns to assemble, and give notice to them of the occasion, and that they there have the information above mentioned, that they may consider thereof, and draw up their minds therein, and that the same be signified to y^e adjournment of this Court; and in particular that it be known whether it be their minds we should sit still & fall into the hands of those that can catch us, without using means to procure that which may be for our good, or prevent that which may be our inconvenience, or if they will act, then to know what instruments they would improve, and what money they can rayse; and must also know that if a pattent can be procured, it will not take up less than 500^ld sterling, which will take nere 700^ld of our money.

This Gen^l Court adjourns to Tuesday, the 3^d of March next.

1690.

24 June.
[HINCKLEY,
GOVERNOR.]
PART II.

[*119.]

At the Adjournment of the afores^d Gen^l Court at Plimouth, March 1690-1.
y^e 3^d, 1691.

3 March.

CAP^t JOHN WILLIAMS appearing as a deputy for y^e town of Scituate, in the roome of Cap^t Joseph Silvester, deceased, and making it appear

1690-1. to s^d Court that he was chosen by s^d town, and declaring his acceptance, this Court accept and own him as a member thereof.

3 March.
[HINCKLEY,
GOVERNOR.]
PART II.

Ordered by this Court, y^t for this present year the constables of the severall towns in the county of Plimouth continue as such till the next Election Court, according to former usage, and that y^e constables and grand jurors for the following year be chosen before s^d Court, and warned to appear at Plimouth before the magistrates of s^d county, on the first Wednesday of June next, to take oath and receive their charge; any law of this colony to y^e contrary notwithstanding.

[*120.] *It is ordered and agreed, that the honour^d Gov^r, in behalf of the colony, return their hearty thanks to the Honorable S^r Henry Ashurst, & the Reverend M^r Increase Mather, & y^e Reverend M^r Ichabod Wiswall, for their care & service for y^e good of this colony. And thō the colony labour under many inconveniences, being small in number, low in estate, & great publique charges, by reason whereof are not capable to manifest their thankfulness sutable to the obligations that we have and may be layed under, yet doe desire the Hon^rable S^r Henry Ashurst to accept 50 guineas, and the Reverend M^r Mather & M^r Wiswall 25^ld a peece, and to desire & impower the Hon^rable S^r Henry Ashurst that he would be pleased to use his care & endeavour to procure a charter from the King for a distinct gove^rment for this colony, wth such regulations & enlargements as his majesty shall be pleased to graunt, and to send such power and instructions as are necessary; and that S^r Henry be pleased to advise with s^d M^r Mather & M^r Wiswall as he hath oppertunity and seeth cause in any thing that may relate to us, and that the said M^r Mather and M^r Wiswall be wrote unto, to give such informations to S^r Henry as they think may be any ways advantageous for us.

And in particular that we may be sufficiently impowered & required to s^e that the gospel be preached in the severall towns, & that care be taken for the maintainance of them that dispence the same.

It is alsoe ordered, that 100^l sterling, besides, be sent unto S^r Henry Ashurst, towards the charge of procuring a charter as aforesaid, & if he shall find it is like to be obtained, that he would please to informe us thereof, and w^t is like to be the farther charge, that we may take care therein as may be necessary.

Agred on by this Court, that the Govern^r, in behalf of the colony, send an address to their ma^{ties} for a new charter for governm^t; and that the Gov^r send to S^r Henry Ashurst a copy of our charter, and such other letters & papers as may be of use, and such other informations as may be necessary.

Ordered by the Court, &c, that whatsoever town or p^ticular psons shall

adventure to disburse any moneys for or towards the procuring us a patent from their ma^{ties} for this colony, according to this Courts address, ordered to be made to their said ma^{ties} for the enjoyment of our ancient civill & religious liberties, shall be reimbursed the same according to a just and equall proportion thereof, if God please to favour us to be in a due capacity for the same.

1690-1.

3 March.
[HINCKLEY,
GOVERNOR.]
PART II.

It is ordered by this Court, that what monies hath been or shall be obtained, by any of the deputies or others, towards the procuring of a patent, be paid unto the Govern^r & Major Walley, or their order. And the deputies of each town, with all possible speed, are to procure in their severall towns what monies they can for the end aforesaid, and that the same be brought & paid in at Plimouth, at or before the 17th instant; and they are desired with said money to procure good bills of exchange, for 200^l, currant money of England, and if no bills to be gotten of good drawers, then to send either the money or plate, if to be had on better termes, and the same to be done so as to be sent to England with all possible speed, to be disposed according to the order of this Court; but if upon good information they find that other merchandize will be more advantageous, that then they may lay out the money therein, according to their best discretion.

*Whereas it was enacted by the Gen^l Court at Plimouth, y^e 25th day of December last past, that such persons as should orderly be chosen raters in any town of this colony, & shall not accept the same, or neglect or refuse to make such rates as in said order mentioned, shall pay a fine of five pounds to the use of the town whereto they belong. [*121.]

Wherefore it is now farther ordered, that the one moiety of s^d fine shall be paid to the select men of such town for y^e use of the poore there, & the other moiety to the raters that shall be next chosen & shall make the s^d rates.

In answer to the petition of the inhabitants of Monamoy for enlargement of the bounds of their constablerick, it is granted by this Court that the constablerick of the village of Monamoy shall extend from the head of the Muddy Cove along the cart way to the Herring River, which is the bounds between s^d Monamoy and Yarmouth and Eastham for the present, till the Court see cause to alter it, onely the rates already made to be paid to the constables of Yarmouth; & they have power to collect & gather y^e same notwithstanding s^d graunt.

This Court allow & grant to y^e Gov^r and Maj^r Walley the sum of 5^l cash, to bear their charge & expences to Boston in order to their sending to England relating to a charter for this gove^rment.

Whereas complaint is made by sundry Indians that were souldier in y^e

1690-1. last expedition eastward, that they are wronged in not being allowed an equal part of y^e plunder then taken, as p^r Court order is allowed them, —

3 March.
[HINCKLEY,
GOVERNOR.]
PART II.

This Court graunt liberty to any & every of s^d Indians that find themselves agreed, that by reason of their poverty they shall be admitted to sue in forma pauperis for the same, before a magistrate or select Court, as they shall s^e cause.

The third Wednesday of Aprill next appointed by the Court to be kept & observed throughout this colony as a publique day of fast, &c.

1691.

2 June.

June 2^d, 1691. Account brought into Court at Plymouth of sundry wolves killed in y^e colony, p^r the severall psons under written.

Bridgewater,	{	Edward Michel, one killed by an Indian.
	{	One killed by Sam Musseria, Indian.
	{	Isaac Alden, one.
Rehoboth,	{	John Kallender, one kild by an Indian cald
	{	Joseph.
	{	By Indian Joseph, two.
	{	Serj: Thomas Read, one.
Duxborow,	{	James Thomas, one.
Swansey,	{	Sam ^l Bowen, one.
	{	Daniel Briggs, one.
	{	Thomas Briggs, one.
	{	M ^r Giles Gilbert, one.
Taunton,	{	Thomas Briggs, Sen ^r , one.
	{	Richard Stephens, 4.
	{	Joseph White, 2.

2 June.
[*122.]

*June 2^d, 1691. *At their Ma^{ty} Generall Court of Election held at Plimouth, [June 2, 1691.]*

BEFORE Thomas Hinckley, Esquire, Gov ^r ,	John Thacher,
Will ^m Bradford, Esq ^r , Dep ^t Gov ^r ,	John Walley, &
Daniell Smith,	John Cushing, Esq ^r ,
[Barnabas Lothrop,]	
	Assistants.

THESE underwritten were admitted freemen, &c.

Edward Richmond,	of Taunton.
John Holbrooke,	of Scituate.

Stephen Bryant, of Plymouth.
 Abiel Wood, of Middleborough.
 Gershom Hall, of Monamoyet.
 Constant Freeman, } of Eastham.
 Edward Bangs, }
 John Jones, Jun^r, } of Marshfield.
 Ebenezer Spooner, }
 Samuel Baker, } of Barnstable.
 & Jonathan Crocker, }

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The Deputies for the severall Towns returned, &c.

John Bradford, } for Plymouth.
 Isaac Cushman, }
 John Wadsworth, } for Duxborough.
 Edward Southworth, }
 Sam^l Clapp, } for Scituate.
 Benjamin Stetson, }
 Cap^t Thō Tupper, } for Sandwich.
 Elisha Bourne, }
 John Hall, } for Taunton.
 John Hathaway, }
 M^r Christopher Sanders, absent.
 John Woodcock, for Rehoboth.
 Cap^t John Goram, for Barnstable.
 John Miller, } for Yarmouth.
 Silas Seares, }
 Cap^t Nath^l Thomas, . . } for Marshfield.
 Leiv^t Isaac Little, absent, }
 Cap^t Jonathan Sparrow, } for Eastham.
 Thomas Pain, Jun^r, }
 Josiah Edson, for Bridgewater.
 Isaac Howland, for Middleborough.
 M^r Jn^o Saffin, absent, } for Bristol.
 William Throope, }
 Simon Rouse, for Little Compton.
 Aaron Darlow, for Rochester, absent.
 John Robinson, for Succonessett.
 Gershom Hall, for Monamoyet.

No deputies appearing for the towns of Dartmouth, Swansey, Little [Compton,] and Freetowne.

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Names of y^e Select Men of y^e several Towns.

Plym,	{	Serjeant Will ^m Harlow, Nath ^l Southworth, Thomas Faunce.
Duxborow,	{	Benjamin Bartlet, Sen ^r , Lev ^t John Tracey, Ensigne Francis Barker.
Scituate,	{	Sam ^l Clapp, Nath Tilden, Thomas Genkens.
Sandwich,	{	^ ^
Taunton,	{	^ ^
Rehoboth,	{	Liv ^t Nicholas Peck, M ^r Christop ^r Sanders, Jonathan Fuller, Serj: Thomas Read; William Carpenter.
Barnstable,	{	^ ^
Yarmouth,	{	^ ^
Marshfield,	{	^ ^

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*Thomas Hinckley, Esq^r, chosen Gov^r,
William Bradford, Esq^r, chosen Dep^t Gov^r, } and sworne.

John Freeman,
Daniel Smith,
Barnabas Lothrop, } Esq^r, chosen Assistants and sworne, all but
John Thacher, } Major Freeman, since sworn p^r y^e Gov^r at
John Walley, } Barnstable.
John Cushing, }

Thomas Hinckley,
and John Walley, } Esq^m, chosen Co^missioners,

& Daniel Smith, Esq^r, y^e next in nomination.

Samuel Sprague chosen Secretary, & sworne.

S^e y^e names of Select Men & Deputies on y^e other side of this leafe.

Ordered by the Gen^l Court, that the towns of Swansey, Freetown, Dartmouth, and Little Compton, be speedily sent unto to choose their deputies for each town, to be ready to attend the Gen^l Courts that shall or may be in this present year, and also that each of s^d towns send their agent to y^e next Gen^l Court to shew cause why they sent not their deputy or deputies to this present Court according to Court order, and why the fine should not be exacted of them.

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Ordered, that all such persons as have killed any wolf or wolves in this colony since y^e government of S^r Edmond Andros, and are not yet paid for y^e same according to Court order, shall be paid for the same out of the next rate that shall be here made, &c.

Ordered, that a watch be forthwith kept and maintained in each town & vilage of this colony, untill y^e first day of October next, consisting of so many persons in each town as the town council shall order.

And that a ward be set in y^e day time in such places & towns as said councill shall judge it needfull.

Ordered, that y^e co^mitte^e of this colony that were lately chosen and ordered to take & adjust y^e accounts of souldiers and others, to whome y^e colony is indebted, meet at the town of Bristoll on Tuesday y^e 16th instant, in order to perfecting s^d accompts & ordering payment, &c.

Ordered by this Court, that whereas William Ingraham, John Butterworth, & Obadiah Bowen were by two of our magistrates lately appointed and ordered to make a rate in y^e town of Swansey, for payment of souldiers & others to whome y^e colony is indebted, and whereas this Court is given to understand that little progress hath hitherto been made by s^d raters in that worke, this Court have therefore added to and joyned with them M^r Nicholas Tanner and William Haward, x x hereby order & require all s^d persons to attend s^d worke and sp^x x x x x according to y^e Gov^rs warrant, lately directed to the x x x x x to y^e premisses, on penalty as p^r law provided.

*Whereas it was agreed and ordered by y^e Generall Court sitting at Plimouth, the 4th Novemb^r, and first Thursday of Decemb^r last past, that there should be 2700 pounds raysed for their ma^{tes} service, towards defraying the publick charges, and paying y^e debts of y^e colony, as p^r s^d Court order may appear, — in pursuance whereof, y^e rates were ordered to be made in y^e severall towns, and to be co^mitted to y^e severall constables to colect and gather, severall whereof have not done or perfected the same x do account their year is out, and that they are not capable to x therein. For the better enabling and empowering y^e s^d constables to collect and receive y^e rates

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y^t yet remain unpaid, it is ordered by this Court, y^t y^e constables in y^e severall towns for this last year, to whome y^e rates have bin or shall be comitted, shall have allowed them untill the last of July next, to gather in & colect the same, or soe much thereof as remains unpaid ; during s^d time each constable to have as full power to demand, receive, and for non payment to distraine on y^e estate or persons of such as refuse or neglect to pay, as they had any time of their constableness, and all persons to be aiding to them, if required, as on penalty p^r law provided. And upon notice given to y^e new constables of their going to seize any estate, or y^e person of any, for non payment of their rate, they are to be present to endeavour to keepe y^e peace and to prevent riots or tumults.

The better to enable the constables in gathering in & distraining for s^d rates, it is ordered by this Court, that every constable have a warrant signed by the Governor, to impower each constable for receiving the rates and for distraining of y^e estate or persons of such as shall neglect or refuse to pay the same, as p^r order of this Court hath beene or shall be provided. It is also ordered, that if any constable seize the person of any for non payment of his or their rate, upon s^d constables giving under their hand to y^e goal keeper of the county that they have seized such person or persons according to y^e order of this Court, & also signifying under their hands how much such person [is] seized for, that shall be sufficient order & warrant for said goal keeper to receive such person or psons, & keepe them as prisoners untill they have discharged the same with charges and fees.

Whereas some have moved to this Court that y^e reason why many have not paid, is because of their being altogether uncapable to procure [meanes] to pay their money part of y^e rate, or y^e very particular species [that y^e] former orders of this Court requires, — the better to quiet and sattisfie such, it is ordered by this Court, that if any person tender y^e species or [any of] them mentioned in y^e former order of Court, or any other [such thing] y^t y^e constable [can] dispose of to sattisfie y^e-county Treasurer, or to pay any of the debts of y^e colony, the same shall be received ; those [that] pay in specie to pay at y^e price formerly ordered, & other pay [as before] at money price, onely for the money part to pay a sixth part [more to] make good y^e waste & loss in turning y^e same to money. This order to stand in force, any other or former order to y^e contrary notwithstanding.

[*125.] *It is also ordered, y^t if any person refuse to show any estate that the constable may seize, any estate that by law may be seized for any other debt, and cause the same to be prised according to law at money price, and to take a sixth part more than y^e money part of y^r rate comes to, bear loss & waste in turning y^e same to money as aforesaid.

It is also ordered, that if any person or persons shall neglect or refuse to pay their rate as p^r order of Court, or refuse to shew an estate, or y^e constable can not come at y^e estate of such person to seize and apprise as afores^d, then s^d constable shall seize such person or persons for their severall rates & deliver y^m to y^e county goaler, & attend the order of this Court concerning y^e same.

It is also ordered, that after y^e last of July next, soe much as y^e constables shall not have paid to, or accounted for, with y^e severall county Treasurers, they shall be lyable to pay out of their own estates as p^r law in that case provided.

Ordered by this Court, that whatsoever pay any of y^e county Treasu^r shall receive for y^e countrey, & cannot dispose y^e same in specie to answer the countreys debts, they shall turn y^e same into money with as little loss and damage as may be.

Wheras this Court having ordered, that y^e associates, or county magistrates, shall be chosen by y^e freemen in y^e respective counties, it is ordered, y^t y^e constable of each town forthwith warn y^e freemen of his town to appear at y^r county town, on y^e last Wednesday of this instant June, to choose county magistrates, or y^t they meet in their own town seasonably, before s^d time, and put in their votes or proxys, which are to be sealed up before y^e freemen & sent in to y^e county town on y^e said Wednesday, by such persons as they shall choose ; at which time y^e magistrates y^t live in y^e county shall appear and open said votes, and such as have most votes to be declared county magistrates for y^e ensuing year : three for y^e county of Plimouth, two for the county of Barnstable, & three for y^e county of Bristol, which magistrates shall, with all convenient speed, give said county magistrates their oaths, in which choice s^d freemen are to have speciall regard to choose in such towns where they are most wanted & may be capable to do most service.

Ordered, that every male person in this colony of sixteene years old & upward, of what rank or quallity soever, be always provided with four pound of bullets fit for the bore of his gun, and all other a^mmunition, armes, & accouterments, according to y^e law in our printed book.

*Whereas, on the motion of Barnabas Lothrop, Esq^r, in behalf of his sister, Elizabeth Williams, relating to her yearly maintainance formerly ordered by the Gen^l Court to be paid unto her by Cap^t John Williams, her husband, this Court resolve, that y^e tryall of that case doth now properly belong to a county Court.

At y^e request of Major William Bradford, that y^e Generall Court would grant him a tract of land in or about y^e town of Dartmouth, formerly taken in execution for a fine due to y^e colony from Zachariah Allin, this Court grant the colonies right to said land to y^e said Major Bradford, his heirs, &c.

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1691. *At their Ma^{ty} Generall Court held at Plimouth the first Tuesday of July, 1691.*

7 July.

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BEFORE Thomas Hinckley, Esq^r, Gov^r,
Willi^m Bradford, Esq^r, Dep^t Govern^r,
John Freeman,
Daniell Smith,
Barnabas Lothrop,
John Thacher,
John Walley, &
John Cushing,

Ass.

The Deputies y^t appeared & served at s^d Court were these following, viz^t: —

John Bradford,	Cap ^t J. L. Gorham,
Isaac Cushman,	John Miller,
John Wadsworth,	Cap ^t Thomas,
Edward Southworth,	Leiv ^t Little,
Sam ^l Clapp,	Cap ^t Sparrow,
Benjamin Stetson,	Thomas Pain, Jun ^r ,
Cap ^t Thomas Tupper,	Josiah Edson,
Elisha Bourne,	Isaac Howland,
John Hall,	William Throope,
John Hathaway,	Simon Rouse,
M ^r Christoph ^r Sanders,	Aaron Barlow,
John Woodcock,	John Robinson.

ORDERED, that y^e present letter drawn up & directed to his excellency, y^e Govern^r of New York, be forthwith sent to him as y^e mind of this Court.

Ordered, that a warrant be forthwith sent to y^e town of Dartmouth, to warn y^e inhabitants of y^e town to meet together to hear y^e orders of y^e Generall Court, as likewise to choose constables & other town officers according to former usage.

Wheras Cap^t Thomas, Leiv^t Morton, & Cap^t Hayward were chosen county magistrates, for y^e county of Plimouth;

Cap^t Sparrow and M^r Stephen Skeff, chosen for y^e county of Barnstable;

And Cap^t Leonard, M^r Joseph Church, & Cap^t Pope, chosen for y^e county of Bristoll;

And some freemen in some of y^e towns had not so particular opportunity for choice as might have been, yet y^e persons chosen in y^e severall counties, being generally well accepted by the towns, are approved by this Court, and

are hereby impowered, taking their oaths to act [in] y^e place of county magistrates for y^e ensuing year.

*In answer to y^e petition of y^e constables of Swansey, it is ordered by this Court, that y^e marshall of y^e county of Bristoll have a warrant directed to him to require and impower him to collect & gather in y^e rates of y^e town of Swansey, y^t are or should have been made for payment of souldiers & debts of y^e colony, and he to attend such orders of Court as are for constables in y^t case provided, & that he have meet allowance from y^e county Treasurer for so doing, & y^e charge afterwards to be layd where y^e fault hath been that hath occasioned y^e trouble.

Ordered by this Court, y^t y^e last Wednesday of this instant be kept & observed by all y^e inhabitants of this colony as a day of publique fasting and prayer, &c.

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